

Online Study Materials on  
**RESOLUTIONS, AGREEMENTS, CONFERENCES  
AND CONVENTIONS FOR WORLD PEACE**

**177**

**Resolutions Adopted on the Reports  
of the First Committee**

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**Appeal to the great Powers to renew their efforts to  
compose their differences and establish a lasting peace**

*Whereas* it is the essential purpose of the United Nations to maintain international peace and security and to that end it must co-ordinate its efforts to bring about by peaceful means the settlement of international disputes or situations which, might lead to a breach of the peace,

*Whereas* the United Nations should be a centre for harmonising the actions of nations in the attainment of this common, end,

*Whereas* the United Nations cannot fully attain its aims so long as the recent war remains in process of liquidation and so long as all the peace treaties have not been concluded and put into force,

*Whereas* the great Allied Powers, which bore the heaviest burden in the war and whose common sacrifice and effort were the prime cause of victory, bare reaffirmed, on many solemn occasions, their determination to maintain and strengthen in the peace that unity of purpose and of action which has made possible the victory of the United Nations,

*Whereas* the aforementioned Allied Powers, which undertook at the second 'Moscow Conference responsibility for drafting and concluding the peace treaties, have not been able, after three years of effort, to obtain the full realisation of their high mission by building a just and lasting peace,

*Whereas* the disagreement between the said Powers in a matter of vital importance to all the United Nations is at the present time the cause of the deepest anxiety among all the peoples of the world, and

*Whereas* the United Nations, in the performance of its most sacred mission, is bound to afford its assistance and co-operation in the settlement of a situation the continuation of which involves grave dangers for international peace,

*The General Assembly*

1. *Recalls* the declarations made at Yalta on 11 February 1945 by Churchill, Roosevelt and Stalin, in which the signatories,

“Reaffirm our faith in the principles of the Atlantic Charter, our pledge in the Declaration by the United Nations, and our determination to build in co-operation with other peace-loving nations a world order under law, dedicated to peace, security, freedom and the general well-being of all mankind”,

And proclaim that

1. “Only with continuing and growing co-operation and understanding among our three countries, and among all the peace-loving nations, can the highest aspiration of humanity be realised—a secure and lasting peace which will, in the words of the Atlantic Charter ‘Afford assurance that all the men in all the lands may live out their lives in freedom from fear and want’”;

2. *Endorses* these declarations and expresses its conviction that the great Allied Powers will, in their policies, conform to the spirit of the said declarations;

3. *Recommends* the Powers signatories to the Moscow Agreements of 24 December 1945, and the Powers which subsequently acceded thereto, to redouble their efforts, in a spirit of solidarity and mutual understanding, to secure in the briefest possible time the final settlement of the war and the conclusion of all the peace settlements;

4. *Recommends* the aforementioned Powers to associate with them, in the performance of such a noble task, the States which subscribed and adhered to the Washington Declaration of 1 January 1942.

—*Hundred and fifty-fourth plenary meeting, 3 November 1948.*

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# 178

## Resolution on the Establishment of a Nuclear-Weapon-Free Zone in Central Asia\*

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*The General Assembly,*

*Emphasising* the importance of internationally recognised agreements on the establishment of nuclear-weapon-free zones in various regions of the world,

*Recalling* paragraphs 60,61,62 and 64 of the Final Document of the Tenth Special Session of the General Assembly,<sup>1</sup> the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons<sup>2</sup> and paragraphs 5 and 6 of the decision entitled "Principles and objectives for nuclear non-proliferation and disarmament" in the Final Document of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,<sup>3</sup> concerning the establishment of nuclear-weapon-free zones,

*Recalling* the Almaty Declaration of the Heads of State of the Central Asian States of 28 February 1997<sup>4</sup> and the statement by the Ministers for Foreign Affairs of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan on the establishment of a nuclear-weapon-free zone in Central Asia,<sup>5</sup> signed at Tashkent on 15 September 1997,

*Reaffirming* the generally recognised role of the United Nations in promoting the establishment of nuclear-weapon-free zones,

*Convinced* that the establishment of nuclear-weapon-free zones in various regions of the world can contribute to the achievement of general and complete disarmament,

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\* Resolution 52/38 S adopted without a vote by the General Assembly on 9 December 1997.

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*Believing* that the establishment of nuclear-weapon-free zones in various regions, including Central Asia, will help to strengthen peace and stability at both the regional and the global levels and is in the interests of the security of the States in the Central Asian region,

*Welcoming* the offer of the Kyrgyzstan to hold a consultative meeting of experts on the establishment of a nuclear-weapon-free zone in Central Asia in Bishkek in 1998,

1. *Calls upon* all States to support the initiative aimed at the establishment of a nuclear-weapon-free zone in Central Asia;

2. *Requests* the Secretary-General, within existing resources, to provide assistance to the Central Asian countries in the preparation of the form and elements of an agreement on the establishment of a nuclear-weapon-free zone in Central Asia;

3. *Decides* to consider the question of the establishment of a nuclear-weapon-free zone in Central Asia at its fifty-third session under the agenda item "General and complete disarmament".

#### REFERENCES

1. Resolution S-10/2.
2. United Nations, *Treaty Series*, vol. 729, No. 10485.
3. NPT/CONF. 1995/32 (Part I), annex, decision 2.
4. A/52/112, annex.
5. A/52/390, annex. (Reproduced in this issue.)

## 179

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## Resolution on the Middle East Adopted by the 1995 NPT Review and Extension Conference\*

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*New York, 11 May 1995*

*The Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,*

*Reaffirming* the purpose and provisions of the Treaty on the Non-Proliferation of Nuclear Weapons,

*Recognising* that, pursuant to article VII of the Treaty, the establishment of nuclear-weapon-free zones contributes to strengthening the international non-proliferation regime,

*Recalling* that the Security Council, in its statement of 31 January 1992, affirmed that the proliferation of nuclear and all other weapons of mass destruction constituted a threat to international peace and security,

*Recalling also* General Assembly resolutions adopted by consensus supporting the establishment of a nuclear-weapon-free zone in the Middle East, the latest of which is resolution 49/71 of 15 December 1994,

*Recalling further* the relevant resolutions adopted by the General Conference of the International Atomic Energy Agency concerning the application of Agency safeguards in the Middle East, the latest of which is GC(XXXVIII)/RES/21 of 23 September 1994, and noting the danger of nuclear proliferation, especially in areas of tension,

*Bearing in mind* Security Council resolution 687 (1991) and in particular paragraph 14 thereof,

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\* NPT/CONF.1995/32/RES/I, contained in an annex to the Final Document of the 1995 Review and Extension Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF. 1995/32 (Part I)).

*Noting* Security Council resolution 984 (1995) and paragraph 8 of the decision on principles and objectives for nuclear non-proliferation and disarmament adopted by the Conference on 11 May 1995,

*Bearing in mind* the other decisions adopted by the Conference on 11 May 1995,

1. *Endorses* the aims and objectives of the Middle East peace process and recognises that efforts in this regard, as well as other efforts, contribute to, *inter alia*, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction;

2. *Notes with satisfaction* that, in its report (NPT/ CONF.1995/ MC.III/1), Main Committee III of the Conference recommended that the Conference "call on those remaining States not parties to the Treaty to accede to it, thereby accepting an international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and to accept International Atomic Energy Agency safeguards on all their nuclear activities";

3. *Notes with concern* the continued existence in the Middle East of unsafeguarded nuclear facilities, and reaffirms in this connection the recommendation contained in section VI, paragraph 3, of the report of Main Committee III urging those non-parties to the Treaty on the Non-Proliferation of Nuclear Weapons that operate unsafeguarded nuclear facilities to accept full-scope International Atomic Energy Agency safeguards;

4. *Reaffirms* the importance of the early realisation of universal adherence to the Treaty, and calls upon all States of the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope International Atomic Energy Agency safeguards;

5. *Calls upon* all States in the Middle East to take practical steps in appropriate forums aimed at making progress towards, *inter alia*, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective;

6. *Calls upon* all States party to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems.

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# 180

## Security Council Resolution 984 (1995) on Security Assurances\*

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*New York, 11 April 1995*

*The Security Council,*

*Convinced* that every effort must be made to avoid and avert the danger of nuclear war, to prevent the spread of nuclear weapons, to facilitate international cooperation in the peaceful uses of nuclear energy with particular emphasis on the needs of developing countries, and reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons to these efforts,

*Recognising* the legitimate interest of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive security assurances,

*Welcoming* the fact that more than 170 States have become Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and stressing the desirability of universal adherence to it,

*Reaffirming* the need for all States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to comply fully with all their obligations,

*Taking* into consideration the legitimate concern of non-nuclear-weapon States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, further appropriate measures be undertaken to safeguard their security,

*Considering* that the present resolution constitutes a step in this direction,

*Considering further* that, in accordance with the relevant provisions of the Charter of the United Nations, any aggression with the use of nuclear weapons would endanger international peace and security,

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\* Adopted unanimously at its 35 14th plenary meeting.

1. *Takes note* with appreciation of the statements made by each of the nuclear-weapon States (S/1995/261, S/1995/262, S/1995/263, S/1995/264, S/1995/265), in which they give security assurances against the use of nuclear weapons to non-nuclear-weapon States that are Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. *Recognises* the legitimate interest of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive assurances that the Security Council, and above all its nuclear-weapon State permanent members, will act immediately in accordance with the relevant provisions of the Charter of the United Nations, in the event that such States are the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used;

3. *Recognises further* that, in case of aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, any State may bring the matter immediately to the attention of the Security Council to enable the Council to take urgent action to provide assistance, in accordance with the Charter, to the State victim of an act of, or object of a threat of, such aggression; and recognises also that the nuclear-weapon State permanent members of the Security Council will bring the matter immediately to the attention of the Council and seek Council action to provide, in accordance with the Charter, the necessary assistance to the State victim;

4. *Notes* the means available to it for assisting such a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, including an investigation into the situation and appropriate measures to settle the dispute and restore international peace and security;

5. *Invites* Member States, individually or collectively, if any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons is a victim of an act of aggression with nuclear weapons, to take appropriate measures in response to a request from the victim for technical, medical, scientific or humanitarian assistance, and affirms its readiness to consider what measures are needed in this regard in the event of such an act of aggression;

6. *Expresses* its intention to recommend appropriate procedures, in response to any request from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression;

7. *Welcomes* the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of, or an object of a threat of, aggression in which nuclear weapons are used;

8. *Urges* all States, as provided for in Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, to pursue negotiations in good faith on effective measures relating to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control which remains a universal goal;

9. *Reaffirms* the inherent right, recognised under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security;

10. *Underlines* that the issues raised in this resolution remain of continuing concern to the Council.

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# 181

## General Assembly Resolution 47/39 on the Chemical Weapons Convention

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*New York, 30 November 1992\**

*The General Assembly,*

*Recalling* the long-standing determination of the international community to achieve the effective prohibition of the development, production, stockpiling and use of chemical weapons, and their destruction, as well as the continuing support for measures to uphold the authority of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,<sup>1</sup> as expressed by consensus in many previous resolutions,

*Recalling in particular* its resolution 46/35 C of 6 December 1991, in which the Assembly strongly urged the Conference on Disarmament, as a matter of the highest priority, to resolve outstanding issues so as to achieve a final agreement on a convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction during its 1992 session,

*Bearing in mind* the Final Declaration<sup>2</sup> of the Conference of States Parties to the 1925 Geneva Protocol and Other Interested States, held in Paris from 7 to 11 January 1989, in which participating States stressed their determination to prevent any recourse to chemical weapons by completely eliminating them,

*Determined* to make progress towards general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction,

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\* Adopted without a vote.

*Convinced*, therefore, of the urgent necessity of a total ban on chemical weapons, so as to abolish an entire category of weapons of mass destruction, and thus eliminate the risk to mankind of renewed use of these inhumane weapons,

*Welcoming* the draft Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction,<sup>3</sup> adopted by the Conference on Disarmament and contained in its report dated 3 September 1992, the result of many years of intensive negotiations, which constitutes a historic achievement in the field of arms control and disarmament,

*Convinced* that the Convention, particularly as adherence to it approaches universality, will contribute to the maintenance of international peace and improve the security of all States, and that it therefore merits the strong support of the entire international community,

*Convinced further* that the implementation of the Convention should promote expanded international trade, technological development and economic cooperation in the chemical sector, in order to enhance the economic and technological development of all States parties,

*Determined* to ensure the efficient and cost-effective implementation of the Convention,

*Recalling* the support for the prohibition of chemical weapons expressed in the declaration by representatives of the world's chemical industry at the Government-Industry Conference against Chemical Weapons, held at Canberra from 18 to 22 September 1989,<sup>4</sup>

*Bearing in mind* the relevant references to the Convention in the Final Documents of the Tenth Conference of Heads of State or Government of Non-Aligned Countries, held at Jakarta from 1 to 6 September 1992,

*Welcoming* the invitation of the President of the French Republic to participate in a ceremony to sign the Convention in Paris on 13 January 1993,

1. *Commends* the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, as contained in the report of the Conference on Disarmament dated 3 September 1992;

2. *Requests* the Secretary-General, as Depositary of the Convention, to open it for signature in Paris on 13 January 1993;

3. *Calls upon* all States to sign and, thereafter, according to their respective constitutional processes, to become parties to the Convention at the earliest possible date, thus contributing to its rapid entry into force and to the early achievement of universal adherence;

4. *Further calls upon* all States to ensure the effective implementation of this unprecedented, global, comprehensive and verifiable multilateral disarmament agreement, thereby enhancing cooperative multilateralism as a basis for international peace and security;

5. *Requests* the Secretary-General to provide such services as may be requested by the signatory States to initiate the work of the Preparatory Commission for the Organisation on the Prohibition of Chemical Weapons;

6. *Requests* the Secretary-General, as Depositary of the Convention, to report to the General Assembly at its forty-eighth session on the status of signatures and ratifications of the Convention.

#### REFERENCES

1. League of Nations, *Treaty Series*, vol. XCIV (1929), No. 2138.
2. A/44/88, annex.
3. *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 27 (A/47/27)*, appendix I.
4. See A/C. 1/44/4.

# 182

## General Assembly Resolution 46/36 (December 9, 1991)

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### GENERAL AND COMPLETE DISARMAMENT TRANSPARENCY IN ARMAMENTS

*The General Assembly,*

*Realising* that excessive and destabilising arms build-ups pose a threat to national, regional and international peace and security, particularly by aggravating tensions and conflict situations, giving rise to serious and urgent concerns,

*Noting with satisfaction* that the current international environment and recent agreements and measures in the field of arms limitation and disarmament make it a propitious time to work towards easing tensions and a just resolution of conflict situations, as well as more openness and transparency in military matters,

*Recalling* the consensus among Member States on implementing confidence- building measures, including transparency and exchange of relevant information on armaments, likely to reduce the occurrence of dangerous misperceptions about the intentions of States and to promote trust among States,

*Considering* that increased openness and transparency in the field of armaments could enhance confidence, ease tensions, strengthen regional and international peace and security and contribute to restraint in military production and the transfer of arms,

*Realising* the urgent need to resolve underlying conflicts, to diminish tensions and to accelerate efforts towards general and complete disarmament under strict and effective international control with a view to maintaining regional and international peace and

security in a world free from the scourge of war and the burden of armaments,

*Recalling* also that in paragraph 85 of the Final Document of the Tenth Special Session of the General Assembly it urged major arms supplier and recipient countries to consult on the limitation of all types of international transfer of conventional arms,

*Disturbed* by the destabilising and destructive effects of the illicit arms trade, particularly for the internal situation of affected States and the violation of human rights,

*Bearing in mind* that, in accordance with the Charter of the United Nations, Member States have undertaken to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, and that the reduction of world military expenditures could have a significant positive impact for the social and economic development of all peoples,

*Reaffirming* the important role of the United Nations in the field of disarmament and the commitment of Member States to take concrete steps in order to strengthen that role,

*Recalling* its resolution 43/75 I of 7 December 1988,

*Welcoming* the study submitted by the Secretary-General, pursuant to paragraph 5 of resolution 43/75 I and prepared with the assistance of governmental experts, on ways and means of promoting transparency in international transfers of conventional arms, as well as the problem of the illicit arms trade, taking into account views of Member States and other relevant information,

*Recognising* the major contribution of an enhanced level of transparency in armaments to confidence-building and security among States, and also recognising the urgent need to establish, under the auspices of the United Nations, as a first step in this direction, a universal and non-discriminatory register to include data on international arms transfers as well as other interrelated information provided to the Secretary-General,

*Stressing* the importance of greater transparency in the interest of promoting readiness to exercise restraint in accumulation of armaments,

*Considering* that the standardised reporting of international arms transfers together with the provision of other interrelated information to a United Nations register will constitute further important steps forward in the promotion of transparency in military matters and, as

such, will enhance the role and effectiveness of the United Nations in promoting arms limitation and disarmament, as well as in maintaining international peace and security;

*Recognising also* the importance of the prevention of the proliferation of nuclear weapons and other weapons of mass destruction,

1. *Recognises* that an increased level of openness and transparency in the field of armaments would enhance confidence, promote stability, help States to exercise restraint, ease tensions and strengthen regional and international peace and security;

2. *Declares its determination* to prevent the excessive and destabilising accumulation of arms, including conventional arms, in order to promote stability and strengthen regional or international peace and security, taking into account the legitimate security needs of States and the principle of undiminished security at the lowest possible level of armaments;

3. *Reaffirms* the inherent right to individual or collective self-defence recognised in Article 51 of the Charter of the United Nations, which implies that States also have the right to acquire arms with which to defend themselves;

4. *Reiterates its conviction*, as expressed in its resolution 43/75 I, that arms transfers in all their aspects deserve serious consideration by the international community, *inter alia*, because of:

- (a) Their potential effects in further destabilising areas where tension and regional conflict threaten international peace and security and national security;
- (b) Their potentially negative effects on the progress of the peaceful social and economic development of all peoples;
- (c) The danger of increasing illicit and covert arms trafficking;

5. *Calls upon* all Member States to exercise due restraint in exports and imports of conventional arms, particularly in situations of tension or conflict, and to ensure that they have in place an adequate body of laws and administrative procedures regarding the transfer of arms and to adopt strict measures for their enforcement;

6. *Expresses its appreciation* to the Secretary-General for his study on ways and means of promoting transparency in international transfers of conventional arms, which also addressed the problem of the illicit arms trade;

7. *Requests* the Secretary-General to establish and maintain at United Nations Headquarters in New York a universal and non-

discriminatory Register of Conventional Arms, to include data on international arms transfers as well as information provided by Member States on military holdings, procurement through national production and relevant policies, as set out in paragraph 10 below and in accordance with procedures and input requirements initially comprising those set out in the annex to the present resolution and subsequently incorporating any adjustments to the annex decided upon by the General Assembly at its forty-seventh session in the light of the recommendations of the panel referred to in paragraph 8 below;

8. *Also requests* the Secretary-General, with the assistance of a panel of governmental technical experts to be nominated by him on the basis of equitable geographical representation, to elaborate the technical procedures and to make any adjustments to the annex to the present resolution necessary for the effective operation of the Register, and to prepare a report on the modalities for early expansion of the scope of the Register by the addition of further categories of equipment and inclusion of data on military holdings and procurement through national production, and to report to the General Assembly at its forty-seventh session;

9. *Calls upon* all Member States to provide annually for the Register data on imports and exports of arms in accordance with the procedures established by paragraphs 7 and 8 above;

10. *Invites* Member States, pending the expansion of the Register, also to provide to the Secretary-General, with their annual report on imports and exports of arms, available background information regarding their military holdings, procurement through national production and relevant policies, and requests the Secretary-General to record this material and to make it available for consultation by Member States at their request;

11. *Decides*, with a view to future expansion, to keep the scope of and the participation in the Register under review, and, to this end:

- (a) *Invites* Member States to provide the Secretary-General with their views, not later than 30 April 1994, on:
  - (i) The operation of the Register during its first two years;
  - (ii) The addition of further categories of equipment and the elaboration of the Register to include military holdings and procurement through national production;
- (b) *Requests* the Secretary-General, with the assistance of a group of governmental experts convened in 1994 on the basis of equitable geographical representation, to prepare a

report on the continuing operation of the Register and its further development, taking into account the work of the Conference on Disarmament as set forth in paragraphs 12 to 15 below and the views expressed by Member States, for submission to the General Assembly with a view to a decision at its forty-ninth session;

12. *Requests* the Conference on Disarmament to address, as soon as possible, the question of the interrelated aspects of the excessive and destabilising accumulation of arms, including military holdings and procurement through national production, and to elaborate universal and non-discriminatory practical means to increase openness and transparency in this field;

13. *Also requests* the Conference on Disarmament to address the problems of, and the elaboration of practical means to increase, openness and transparency related to the transfer of high technology with military applications and to weapons of mass destruction, in accordance with existing legal instruments;

14. *Invites* the Secretary-General to provide to the Conference on Disarmament all relevant information, including, *inter alia*, views submitted to him by Member States and information provided under the United Nations system for the standardised reporting of military expenditures, as well as on the work of the Disarmament Commission under its agenda item entitled "Objective information on military matters";

15. *Further requests* the Conference on Disarmament to include in its annual report to the General Assembly a report on its work on this issue;

16. *Invites* all Member States, in the meantime, to take measures on a national, regional and global basis, including within the appropriate forums, to promote openness and transparency in armaments;

17. *Calls upon* all Member States to cooperate at a regional and subregional level, taking fully into account the specific conditions prevailing in the region or subregion, with a view to enhancing and coordinating international efforts aimed at increased openness and transparency in armaments;

18. *Also invites* all Member States to inform the Secretary-General of their national arms import and export policies, legislation and administrative procedures, both as regards authorisation of arms transfers and prevention of illicit transfers;

19. *Requests* the Secretary-General to report to the General Assembly at its forty-seventh session on progress made in implementing the present resolution, including relevant information provided by Member States;

20. *Notes* that effective implementation of the present resolution will require an up-to-date database system in the Department for Disarmament Affairs of the Secretariat;

21. *Decides* to include in the provisional agenda of its forty-seventh session an item entitled "Transparency in armaments".

## ***ANNEX***

### **Register of Conventional Arms**

1. The Register of Conventional Arms ("the Register") shall be established, with effect from 1 January 1992, and maintained at the Headquarters of the United Nations in New York.

2. Concerning international arms transfers:

- (a) Member States are requested to provide data for the Register, addressed to the Secretary-General, on the number of items in the following categories of equipment imported into or exported from their territory:

#### ***I. Battle Tanks***

A tracked or wheeled self-propelled armoured fighting vehicle with high cross-country mobility and a high level of self-protection, weighing at least 16.5 metric tonnes unladen weight, with a high muzzle velocity direct fire main gun of at least 75 millimetres calibre.

#### ***II. Armoured Combat Vehicles***

A tracked or wheeled self-propelled vehicle, with armoured protection and cross-country capability, either: (a) designed and equipped to transport a squad of four or more infantrymen, or (b) armed with an integral or organic weapon of at least 20 millimetres calibre or an anti-tank missile launcher.

#### ***III. Large Calibre Artillery Systems***

A gun, howitzer, artillery piece combining the characteristics of a gun and a howitzer, mortar or multiple-launch rocket system, capable of engaging surface targets by delivering primarily indirect fire, with a calibre of 100 millimetres and above.

#### ***IV. Combat Aircraft***

A fixed-wing or variable-geometry wing aircraft armed and equipped to engage targets by employing guided missiles, unguided rockets, bombs, guns, cannons, or other weapons of destruction.

#### ***V. Attack Helicopters***

A rotary-wing aircraft equipped to employ anti-armour, air-to-ground, or air-to-air guided weapons and equipped with an integrated fire control and aiming system for these weapons.

#### ***VI. Warships***

A vessel or submarine with a standard displacement of 850 metric tonnes or above, armed or equipped for military use.

#### ***VII. Missiles or Missile Systems***

A guided rocket, ballistic or cruise missile capable of delivering a payload to a range of at least 25 kilometres, or a vehicle, apparatus or device designed or modified for launching such munitions.

- (b) Data on imports provided under the present paragraph shall also specify the supplying State; data on exports shall also specify the recipient State and the State of origin if not the exporting State;
  - (c) Each Member State is requested to provide data on an annual basis by 30 April each year in respect of imports into and exports from their territory in the previous calendar year;
  - (d) The first such registration shall take place by 30 April 1993 in respect of the calendar year 1992;
  - (e) The data so provided shall be recorded in respect of each Member State;
  - (f) Arms "exports and imports" represent in the present resolution, including its annex, all forms of arms transfers under terms of grant, credit, barter or cash.
3. Concerning other interrelated information:
- (a) Member States are invited also to provide to the Secretary-General available background information regarding their military holdings, procurement through national production, and relevant policies;
  - (b) The information so provided shall be recorded in respect of each Member State.

4. The Register shall be open for consultation by representatives of Member States at any time.

5. In addition, the Secretary-General shall provide annually a consolidated report to the General Assembly of the data registered, together with an index of the other interrelated information.

# 183

## **Resolution 271 (XII), adopted by the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean at its Twelfth Regular session, entitled “Foz de Iguazu Declaration on the Joint Nuclear Policy of Argentina and Brazil”\***

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*Mexico City, 9 May 1991*

*The General Conference,*

*Reaffirming* that the prohibition of nuclear weapons in Latin America and the Caribbean is a priority objective for all countries in the region,

*Emphasising* that it is important, for the achievement of this objective, that all countries in Latin America and the Caribbean should become parties to the Treaty of Tlatelolco,

*Underscoring* that it is incumbent upon the countries possessing nuclear weapons to permit the consolidation of Latin America and the Caribbean as a nuclear-weapon-free zone by becoming Parties to Protocol II to the Treaty, and that it is important that all States having responsibility for territories within the zone defined by the Treaty should become full Parties to Protocol I to the Treaty,

*Bearing in mind* that the Presidents of Argentina and Brazil signed the Foz de Iguazu Declaration on joint nuclear policy on 28 November 1990, thereby undertaking to “Take, once the Agreement on safeguards is concluded with the International Atomic Energy Agency, appropriate initiatives so that the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) may enter fully into force with

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\* A/46/297, annex.

respect to the two countries, including negotiations to update and improve the text thereof,

*Conscious* of the importance of that Declaration for the prohibition of nuclear weapons in Latin America and the Caribbean,

*Desiring* that the process embarked upon by Argentina and Brazil should facilitate the full entry into force of the Treaty of Tlatelolco,

*Resolves to:*

1. *Welcome* with satisfaction the presidential Foz de Iguazu Declaration on the joint Argentine-Brazilian nuclear policy of 28 November 1990;

2. *Highlight* the importance of the measures being adopted by Argentina and Brazil to put into practice what is envisaged in the Declaration, in accordance with the objectives and purposes of the Treaty of Tlatelolco;

3. *Express* the hope that negotiations between Argentina and Brazil with the International Atomic Energy Agency for the elaboration of an agreement on safeguards may promptly result in an agreement that is satisfactory to the parties involved;

4. *Offer* its collaboration for the success of the negotiations envisaged in the Declaration so that the Treaty of Tlatelolco may enter fully into force for both countries;

5. *Invite* Argentina and Brazil to keep it informed of the progress made in the implementation of that Declaration.

Adopted at the 69th meeting, on 9 May 1991.

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# 184

## Security Council Resolution 687 (1991)

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*3 April 1991*

*The Security Council,*

*Recalling* its resolutions 660(1990) of 2 August 1990, 661 (1990) of 6 August 1990, 662 (1990) of 9 August 1990, 664 (1990) of 18 August 1990, 665 (1990) of 25 August 1990, 666 (1990) of 13 September 1990, 667 (1990) of 16 September 1990, 669 (1990) of 24 September 1990, 670 (1990) of 25 September 1990, 674 (1990) of 29 October 1990, 677 (1990) of 28 November 1990, 678 (1990) of 29 November 1990 and 686 (1991) of 2 March 1991,

*Welcoming* the restoration to Kuwait of its sovereignty, independence and territorial integrity and the return of its legitimate Government,

*Affirming* the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq, and noting the intention expressed by the Member States cooperating with Kuwait under paragraph 2 of resolution 678 (1990) to bring their military presence in Iraq to an end as soon as possible consistent with paragraph 8 of resolution 686 (1991),

*Reaffirming* the need to be assured of Iraq's peaceful intentions in the light of its unlawful invasion and occupation of Kuwait,

Taking *note* of the letter sent by the Minister for Foreign Affairs of Iraq on 27 February 1991 and those sent pursuant to resolution 686 (1991),

*Noting* that Iraq and Kuwait, as independent sovereign States, signed at Baghdad on 4 October 1963 "Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters", thereby recognising formally the boundary between Iraq and Kuwait and the

allocation of islands, which were registered with the United Nations in accordance with Article 102 of the Charter of the United Nations and in which Iraq recognised the independence and complete sovereignty of the State of Kuwait within its borders as specified and accepted in the letter of the Prime Minister of Iraq dated 21 July 1932, and as accepted by the Ruler of Kuwait in his letter dated 10 August 1932,

*Conscious* of the need for demarcation of the said boundary,

*Conscious* also of the statements by Iraq threatening to use weapons in violation of its obligations under the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and of its prior use of chemical weapons and affirming that grave consequences would follow any further use by Iraq of such weapons,

*Recalling* that Iraq has subscribed to the Declaration adopted by all States participating in the Conference of States Parties to the 1925 Geneva Protocol and Other Interested States, held in Paris from 7 to 11 January 1989, establishing the objective of universal elimination of chemical and biological weapons,

*Recalling also* that Iraq has signed the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972,

*Noting* the importance of Iraq ratifying this Convention,

*Noting* moreover the importance of all States adhering to this Convention and encouraging its forthcoming Review Conference to reinforce the authority, efficiency and universal scope of the Convention,

*Stressing the importance* of an early conclusion by the Conference on Disarmament of its work on a Convention on the Universal Prohibition of Chemical Weapons and of universal adherence thereto,

*Aware* of the use by Iraq of ballistic missiles in unprovoked attacks and therefore of the need to take specific measures in regard to such missiles located in Iraq,

*Concerned* by the reports in the hands of Member States that Iraq has attempted to acquire materials for a nuclear-weapons programme contrary to its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968,

*Recalling* the objective of the establishment of a nuclear-weapons-free zone in the region of the Middle East,

*Conscious* of the threat that all weapons of mass destruction pose to peace and security in the area and of the need to work towards the establishment in the Middle East of a zone free of such weapons,

*Conscious also* of the objective of achieving balanced and comprehensive control of armaments in the region,

*Conscious further* of the importance of achieving the objectives noted above using all available means, including a dialogue among the States of the region,

*Noting* that resolution 686 (1991) marked the lifting of the measures imposed by resolution 661 (1990) in so far as they applied to Kuwait,

*Noting* that despite the progress being made in fulfilling the obligations of resolution 686 (1991), many Kuwaiti and third country nationals are still not accounted for and property remains unreturned,

*Recalling* the International Convention against the Taking of Hostages, opened for signature at New York on 18 December 1979, which categorises all acts of taking hostages as manifestations of international terrorism,

*Deploring* threats made by Iraq during the recent conflict to make use of terrorism against targets outside Iraq and the taking of hostages by Iraq,

*Taking note* with grave concern of the reports of the Secretary-General of 20 March 1991 and 28 March 1991, and conscious of the necessity to meet urgently the humanitarian needs in Kuwait and Iraq,

*Bearing in mind* its objective of restoring international peace and security in the area as set out in recent resolutions of the Security Council,

*Conscious* of the need to take the following measures acting under Chapter VII of the Charter,

1. *Affirms* all thirteen resolutions noted above, except as expressly changed below to achieve the goals of this resolution, including a formal ceasefire;

## **A**

2. *Demands* that Iraq and Kuwait respect the inviolability of the international boundary and the allocation of islands set out in the "Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters", signed by them in the exercise of their sovereignty

at Baghdad on 4 October 1963 and registered with the United Nations and published by the United Nations in document 7063, United Nations, *Treaty Series*, 1964;

3. *Calls upon* the Secretary-General to lend his assistance to make arrangements with Iraq and Kuwait to demarcate the boundary between Iraq and Kuwait, drawing on appropriate material, including the map transmitted by Security Council document S/22412 and to report back to the Security Council within one month;

4. *Decides* to guarantee the inviolability of the above-mentioned international boundary and to take as appropriate all necessary measures to that end in accordance with the Charter of the United Nations;

## B

5. *Requests* the Secretary-General, after consulting with Iraq and Kuwait, to submit within three days to the Security Council for its approval a plan for the immediate deployment of a United Nations observer unit to monitor the Khor Abdullah and a demilitarised zone, which is hereby established, extending ten kilometres into Iraq and five kilometres into Kuwait from the boundary referred to in the "Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters" of 4 October 1963; to deter violations of the boundary through its presence in and surveillance of the demilitarised zone; to observe any hostile or potentially hostile action mounted from the territory of one State to the other; and for the Secretary-General to report regularly to the Security Council on the operations of the unit, and immediately if there are serious violations of the zone or potential threats to peace;

6. *Notes* that as soon as the Secretary-General notifies the Security Council of the completion of the deployment of the United Nations observer unit, the conditions will be established for the Member States cooperating with Kuwait in accordance with resolution 678 (1990) to bring their military presence in Iraq to an end consistent with resolution 686(1991);

## C

7. *Invites* Iraq to reaffirm unconditionally its obligations under the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and to ratify the Convention on the

Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972;

8. *Decides* that Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision of:

- (a) All chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities;
- (b) All ballistic missiles with a range greater than 150 kilometres and related major parts, and repair and production facilities;

9. *Decides*, for the implementation of paragraph 8 above, the following:

- (a) Iraq shall submit to the Secretary-General, within fifteen days of the adoption of the present resolution, a declaration of the locations, amounts and types of all items specified in paragraph 8 and agree to urgent, on-site inspection as specified below;
- (b) The Secretary-General, in consultation with the appropriate Governments and, where appropriate, with the Director-General of the World Health Organisation, within forty-five days of the passage of the present resolution, shall develop, and submit to the Council for approval, a plan calling for the completion of the following acts within forty-five days of such approval:
  - (i) The forming of a Special Commission, which shall carry out immediate on-site inspection of Iraq's biological, chemical and missile capabilities, based on Iraq's declarations and the designation of any additional locations by the Special Commission itself;
  - (ii) The yielding by Iraq of possession to the Special Commission for destruction, removal or rendering harmless, taking into account the requirements of public safety, of all items specified under paragraph 8 (a) above, including items at the additional locations designated by the Special Commission under paragraph 9 (b) (i) above and the destruction by Iraq, under the supervision of the Special Commission, of all its missile capabilities, including launchers, as specified under paragraph 8 (b) above;

- (iii) The provision by the Special Commission of the assistance and cooperation to the Director-General of the International Atomic Energy Agency required in paragraphs 12 and 13 below;

10. *Decides* that Iraq shall unconditionally undertake not to use, develop, construct or acquire any of the items specified in paragraphs 8 and 9 above and requests the Secretary-General, in consultation with the Special Commission, to develop a plan for the future ongoing monitoring and verification of Iraq's compliance with this paragraph, to be submitted to the Security Council for approval within one hundred and twenty days of the passage of this resolution;

11. *Invites* Iraq to reaffirm unconditionally its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968;

12. *Decides* that Iraq shall unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to the above; to submit to the Secretary-General and the Director-General of the International Atomic Energy Agency within fifteen days of the adoption of the present resolution a declaration of the locations, amounts, and types of all items specified above; to place all of its nuclear-weapons-usable materials under the exclusive control, for custody and removal, of the International Atomic Energy Agency, with the assistance and cooperation of the Special Commission as provided for in the plan of the Secretary-General discussed in paragraph 9 (b) above; to accept, in accordance with the arrangements provided for in paragraph 13 below, urgent on-site inspection and the destruction, removal or rendering harmless as appropriate of all items specified above; and to accept the plan discussed in paragraph 13 below for the future ongoing monitoring and verification of its compliance with these undertakings;

13. *Requests* the Director-General of the International Atomic Energy Agency, through the Secretary-General, with the assistance and cooperation of the Special Commission as provided for in the plan of the Secretary-General in paragraph 9 (b) above, to carry out immediate on-site inspection of Iraq's nuclear capabilities based on Iraq's declarations and the designation of any additional locations by the Special Commission; to develop a plan for submission to the Security Council within forty-five days calling for the destruction, removal, or rendering harmless as appropriate of all items listed in paragraph 12 above; to carry out the plan within forty-five days following approval

by the Security Council; and to develop a plan, taking into account the rights and obligations of Iraq under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, for the future ongoing monitoring and verification of Iraq's compliance with paragraph 12 above, including an inventory of all nuclear material in Iraq subject to the Agency's verification and inspections of the International Atomic Energy Agency to confirm that the Agency's safeguards cover all relevant nuclear activities in Iraq, to be submitted to the Security Council for approval within one hundred and twenty days of the passage of the present resolution;

14. *Takes note* that the actions to be taken by Iraq in paragraphs 8, 9, 10, 11, 12 and 13 of the present resolution represent steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons;

#### D

15. *Requests* the Secretary-General to report to the Security Council on the steps taken to facilitate the return of all Kuwaiti property seized by Iraq, including a list of any property that Kuwait claims has not been returned or which has not been returned intact;

#### E

16. *Reaffirms* that Iraq, without prejudice to the debts and obligations of Iraq arising prior to 2 August 1990, which will be addressed through the normal mechanisms, is liable under international law for any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Governments, nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait;

17. *Decides* that all Iraqi statements made since 2 August 1990 repudiating its foreign debt are null and void, and demands that Iraq adhere scrupulously to all of its obligations concerning servicing and repayment of its foreign debt;

18. *Decides also* to create a fund to pay compensation for claims that fall within paragraph 16 above and to establish a Commission that will administer the fund;

19. *Directs* the Secretary-General to develop and present to the Security Council for decision, no later than thirty days following the adoption of the present resolution, recommendations for the fund to meet the requirement for the payment of claims established in

accordance with paragraph 18 above and for a programme to implement the decisions in paragraphs 16,17 and 18 above, including: administration of the fund; mechanisms for determining the appropriate level of Iraq's contribution to the fund based on a percentage of the value of the exports of petroleum and petroleum products from Iraq not to exceed a figure to be suggested to the Council by the Secretary-General, taking into account the requirements of the people of Iraq, Iraq's payment capacity as assessed in conjunction with the international financial institutions taking into consideration external debt service, and the needs of the Iraqi economy; arrangements for ensuring that payments are made to the fund; the process by which funds will be allocated and claims paid; appropriate procedures for evaluating losses, listing claims and verifying their validity and resolving disputed claims in respect of Iraq's liability as specified in paragraph 16 above; and the composition of the Commission designated above;

## F

20. *Decides*, effective immediately, that the prohibitions against the sale or supply to Iraq of commodities or products, other than medicine and health supplies, and prohibitions against financial transactions related thereto contained in resolution 661 (1990) shall not apply to foodstuffs notified to the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait or, with the approval of that Committee, under the simplified and accelerated "no-objection" procedure, to materials and supplies for essential civilian needs as identified in the report of the Secretary-General dated 20 March 1991, and in any further findings of humanitarian need by the Committee;

21. *Decides* that the Security Council shall review the provisions of paragraph 20 above every sixty days in the light of the policies and practices of the Government of Iraq, including the implementation of all relevant resolutions of the Security Council, for the purpose of determining whether to reduce or lift the prohibitions referred to therein;

22. *Decides* that upon the approval by the Security Council of the programme called for in paragraph 19 above and upon Council agreement that Iraq has completed all actions contemplated in paragraphs 8, 9, 10, 11, 12 and 13 above, the prohibitions against the import of commodities and products originating in Iraq and the prohibitions against financial transactions related thereto contained in resolution 661 (1990) shall have no further force or effect;

23. *Decides* that, pending action by the Security Council under paragraph 22 above, the Security Council Committee established by resolution 661 (1990) shall be empowered to approve, when required to assure adequate financial resources on the part of Iraq to carry out the activities under paragraph 20 above, exceptions to the prohibition against the import of commodities and products originating in Iraq;

24. *Decides* that, in accordance with resolution 661 (1990) and subsequent related resolutions and until a further decision is taken by the Security Council, all States shall continue to prevent the sale or supply, or the promotion or facilitation of such sale or supply, to Iraq by their nationals, or from their territories or using their flag vessels or aircraft, of:

- (a) Arms and related *materiel* of all types, specifically including the sale or transfer through other means of all forms of conventional military equipment, including for paramilitary forces, and spare parts and components and their means of production, for such equipment;
- (b) Items specified and defined in paragraphs 8 and 12 above not otherwise covered above;
- (c) Technology under licensing or other transfer arrangements used in the production, utilisation or stockpiling of items specified in subparagraphs (a) and (b) above;
- (d) Personnel or materials for training or technical support services relating to the design, development, manufacture, use, maintenance or support of items specified in subparagraphs (a) and (b) above;

25. *Calls upon* all States and international organisations to act strictly in accordance with paragraph 24 above, notwithstanding the existence of any contracts, agreements, licences or any other arrangements;

26. *Requests* the Secretary-General, in consultation with appropriate Governments, to develop within sixty days, for the approval of the Security Council, guidelines to facilitate full international implementation of paragraphs 24 and 25 above and paragraph 27 below, and to make them available to all States and to establish a procedure for updating these guidelines periodically;

27. *Calls upon* all States to maintain such national controls and procedures and to take such other actions consistent with the guidelines to be established by the Security Council under paragraph 26 above as may be necessary to ensure compliance with the terms of paragraph

24 above, and calls upon international organisations to take all appropriate steps to assist in ensuring such full compliance;

28. *Agrees* to review its decisions in paragraphs 22, 23, 24 and 25 above, except for the items specified and defined in paragraphs 8 and 12 above, on a regular basis and in any case one hundred and twenty days following passage of the present resolution, taking into account Iraq's compliance with the resolution and general progress towards the control of armaments in the region;

29. *Decides* that all States, including Iraq, shall take the necessary measures to ensure that no claim shall lie at the instance of the Government of Iraq, or of any person or body in Iraq, or of any person claiming through or for the benefit of any such person or body, in connection with any contract or other transaction where its performance was affected by reason of the measures taken by the Security Council in resolution 661 (1990) and related resolutions;

## G

30. *Decides* that, in furtherance of its commitment to facilitate the repatriation of all Kuwaiti and third country nationals, Iraq shall extend all necessary cooperation to the International Committee of the Red Cross, providing lists of such persons, facilitating the access of the International Committee of the Red Cross to all such persons wherever located or detained and facilitating the search by the International Committee of the Red Cross for those Kuwaiti and third country nationals still unaccounted for;

31. *Invites* the International Committee of the Red Cross to keep the Secretary-General apprised as appropriate of all activities undertaken in connection with facilitating the repatriation or return of all Kuwaiti and third country nationals or their remains present in Iraq on or after 2 August 1990;

## H

32. *Requires* Iraq to inform the Security Council that it will not commit or support any act of international terrorism or allow any organisation directed towards commission of such acts to operate within its territory and to condemn unequivocally and renounce all acts, methods and practices of terrorism;

## I

33. *Declares* that, upon official notification by Iraq to the Secretary-General and to the Security Council of its acceptance of the provisions

above, a formal ceasefire is effective between Iraq and Kuwait and the Member States cooperating with Kuwait in accordance with resolution 678 (1990);

34. *Decides* to remain seized of the matter and to take such further steps as may be required for the implementation of the present resolution and to secure peace and security in the area.

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# 185

## General Assembly Resolution 3462 (XXX) of 11 December 1975

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### *ANNEX I*

#### **3462 (XXX). Economic and Social Consequences of the Armaments Race and its Extremely Harmful Effects on World Peace and Security**

*The General Assembly,*

*Having considered* the item entitled "Economic and social consequences of the armaments race and its extremely harmful effects on world peace and security",

*Recalling* its resolutions 2667 (XXV) of 7 December 1970, 2831 (XXVI) of 16 December 1971 and 3075 (XXVIII) of 6 December 1973 on the question,

*Deeply concerned* that, despite the repeated requests by the General Assembly for the implementation of effective measures aimed at its cessation, the arms race, particularly of nuclear armaments, has continued to increase at an alarming speed, absorbing enormous material and human resources from the economic and social development of all countries and constituting a grave danger for world peace and security,

*Noting* that, since the preparation of the report of the Secretary-General entitled *Economic and Social Consequences of the Arms Race and of Military Expenditures* new developments have taken place in the fields covered by the reports that are of particular relevance in the present economic and political conditions of the world,

*Considering* that the ever-spiralling arms race is not compatible with the efforts aimed at establishing a new international economic

order, as defined in the Declaration and the Programme of Action on the Establishment of a New International Economic Order, contained in General Assembly resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, in the Charter of Economic Rights and Duties of States, contained in Assembly resolution 3281 (XXIX) of 12 December 1974, as well as in Assembly resolution 3362 (S-VII) of 16 September 1975, and that these efforts imply more than ever the resolute action of all States to achieve the cessation of the arms race and the implementation of effective measures of disarmament particularly in the nuclear field,

*Conscious* that, disarmament being a matter of grave concern to all States, there is a pressing need for all Governments and peoples to be informed about and to find and understand the situation prevailing in the field of the arms race and disarmament, and that the United Nations has a central role in this connexion in keeping with its obligations under the Charter of the United Nations,

*Recalling* that in Its resolution 3075 (XXVIII) the General Assembly requested the Secretary-General to pursue the study of the consequences of the arms race, paying special attention to Its effects on the economic and social development of nations, as well as on world peace and security, in order to enable him to submit, upon request by the Assembly, an up-to-date report on that matter, on the basis of the information released by Governments,

1. *Calls again upon* all States, as well as the organs concerned with disarmament issues to place at the centre of their preoccupations the adoption of effective measures for the cessation of the arms race, especially in the nuclear field, and for the reduction of military budgets, particularly of the heavily armed countries, and to make sustained efforts with a view to achieving progress towards general and complete disarmament;

2. *Requests* the Secretary-General to bring up to date, with the assistance of qualified consultant experts appointed by him, the report entitled *Economic and Social Consequences of the Arms Race and of Military Expenditures*, covering the basic topics of that report and taking into account any new developments which he would consider necessary, and to transmit it to the General Assembly in time to permit its consideration at the thirty-second session;

3. *Invites* all Governments to extend to the Secretary-General their support and full co-operation to ensure that the study will be carried out in the most effective way;

4. *Calls upon* non-governmental organisations and international institutions and organisations to co-operate with the Secretary-General in the preparation of the report;

5. *Decides* to include in the provisional agenda of its thirty-second session the item entitled "Economic and social consequences of the armaments race and its extremely harmful effects on world peace and security".

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# 186

## **Inter-allied Meeting, London, September 24, 1941, London at St. James's Palace**

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The following were present at an Inter-Allied Meeting held in London at St. James's Palace on the 24th September :—

*United Kingdom—*

Mr. Anthony Eden, Secretary of State for Foreign Affairs.

Mr. Arthur Greenwood, Minister without Portfolio.

Lord Cranborne, Secretary of State for Dominion Affairs.

Lord Moyne, Secretary of State for the Colonies.

Mr. R. K. Law, Parliamentary Under-Secretary of State for Foreign Affairs.

*Canada—*

Mr. F. Hudd, Official Secretary, Office of High Commissioner.

*Commonwealth of Australia—*

Mr. S. M. Bruce, High Commissioner.

*New Zealand—*

Mr. W.J. Jordan, High Commissioner.

*Union of South Africa—*

Mr. S. F. Waterson, High Commissioner.

*India—*

Mr. L. S. Amery, Secretary of State for India. Mr. S. Lall, Deputy High Commissioner.

*Burma—*

Mr. L. S. Amery, Secretary of State for Burma.

*Belgium—*

M. Spaak, Minister for Foreign Affairs.

M. Gutt, Minister for Finance.

*Czechoslovakia—*

M. Masaryk, Minister for Foreign Affairs.

M. Outrata, Minister for Finance.

*Greece—*

M. Tsouderos President of the Council and Minister for Foreign Affairs.

M. Varvaressos, Minister for Finance.

*Luxemburg—*

M. Bech, Minister for Foreign Affairs.

*Netherlands—*

Dr. van Kleffens, Minister for Foreign Affairs.

Dr. Steenberghe, Minister of Commerce, &c.

M. Welter, Minister of the Colonies.

*Norway—*

M. Lie, Minister for Foreign Affairs.

Major Sunde, Minister of Supply.

*Poland—*

Count Raczynski, Acting Minister for Foreign Affairs.

M. Strasburger, Minister of Finance.

*U.S.S.R.—*

M. Maisky. Soviet Ambassador in London.

M. Bogomolov, Soviet Ambassador to Poland, &c.

*Yugoslavia—*

M. Nincic, Minister for Foreign Affairs.

M. Sutej, Minister of Finance.

M. Cassin, M. Dejean: Representing General de Gaulle, Leader of Free Frenchmen.

The meeting was opened at 11-40 A.M. by *Mr. Eden*, who spoke in the following terms :—

At the conclusion of the last inter-Allied meeting on the 12th June. I expressed the hope that it might represent the inauguration of a new phase of collaboration and form part of the machinery through which victory will be won and by which peace will be maintained after victory. As the Allied representatives will have realised from the note inviting them to this meeting, a certain amount of preliminary work has been accomplished preparatory to this further meeting to-day, to which I am very happy, on behalf of His Majesty's Government, to welcome the representatives of the Dominions and of our Allies.

Shortly after our last meeting Hitler, following his now invariable procedure, launched without warning an attack upon the Soviet Union, whose Government and citizens have since been defending themselves with a courage, tenacity and skill which have won the admiration of the world. This is the first opportunity we have had to welcome to an inter-Allied meeting a representative of the Soviet Union and I am sure that I shall be expressing the general wish in extending a warm welcome to the Soviet Ambassador who is representing his Government at the meeting to-day. M. Maisky has an important statement to make on behalf of his Government, and I think it will be convenient if I ask, him to make this statement at an early stage in our proceedings.

We also welcome here for the first time at one of our inter-Allied meetings the Greek prime minister and minister of Finance, who have just arrived here with the King of Greece. We are proud to have with us in this country representatives of the gallant Greek nation, whose heroic resistance has been a source of inspiration to the whole Allied cause.

Before I introduce the formal business before us, I should like to discuss and to secure your approval for the procedure which is contemplated for this meeting. I would propose first of all to call upon M. Maisky to speak on behalf of the Soviet Government, after which I propose to introduce a resolution regarding the recent statement issued by the President of the United States of America and our Prime Minister, Mr. Winston Churchill, and to invite its acceptance by the Allied Governments. If there is still time this morning, or if not, at this afternoon's session, we will proceed to the discussion of a resolution regarding the supply of, essential requirements to Europe after the war, which is the second purpose of this meeting.

The *Soviet Ambassador* then made the following statement on the policy of the Soviet Government:—

The present conference has assembled in London at a time when Hitlerite Germany, after having enslaved and ravaged several

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European countries, is conducting with particular force and unprecedented brutality her predatory war against the Soviet Union.

Three months have elapsed since that day when the Panzer hordes of Nazi Germany treacherously attacked my country and invaded its territory.

For three months the Soviet people and their beloved Red Army, Navy and Air Force have been waging a heroic battle against the perfidious enemy, bearing upon their shoulders the main burden of the fight against a bloodthirsty aggressor, who threatens the social and political institutions and achievements of freedom-loving nations, who endangers the very foundations of culture and civilisation.

In this war, imposed by Hitlerite fascism upon the democratic countries, the destiny of Europe and the destiny of humanity itself for many decades to come is being decided.

It cannot be tolerated that peaceful and freedom-loving peoples should be menaced by the Nazi yoke, and that a gang of Hitlerite marauders, armed to the teeth, pretending and proclaiming itself to be a *Herrenvolk*," a master race, should continue to demolish towns and villages, to convert flourishing lands into deserts, to exterminate thousands and hundreds of thousands of peaceful people with the delirious idea that the Hitlerite murderers must dominate *the* world.

The first task of all nations and all States compelled to wage war against Hitlerite Germany and her allies is to bring about the speediest and most decisive defeat of the aggressor. For the full accomplishment of that task they must assemble and devote all their strength and resources, and determine the most effective ways and means of reaching their goal. It is the task which at the present time

Our countries face also the most important problem of laying the basic for the organisation of international relations, and of constituting the post-war world in such a way as to spare our peoples and our future generations the monstrous crimes of nazism, incompatible with human culture. The U.S.S.R. is firmly convinced that this task will be successfully accomplished, and that as a result of complete and final victory over Hitlerism there will be laid the true foundations of international co-operation and friendship, corresponding to the aspirations and ideals of freedom-loving peoples.

That is what all the peoples of my country are striving for. That is what inspires the Soviet Government in all its activities and in its foreign policy. The Soviet Union has applied, and will apply, in its foreign policy the high principle of respect for the sovereign rights of peoples.

The Soviet Union was, and is, guided in its foreign policy by the principle of self-determination of nations. It is guided by the same principle which, in fact, embodies recognition of the sovereignty and the equality of nations in its dealings with various nationalities embraced within the frontiers of the Soviet Union. Indeed, this principle forms one of the pillars on which the political structure of the U.S.S.R. is built.

Accordingly, the Soviet Union defends the right of every nation to the independence and territorial integrity of its country, and its right to establish such a social order and to choose such a form of government as it deems opportune and necessary for the better promotion of its economic and cultural prosperity.

The Soviet Union, which followed that principle in all its policy. And in all its relations with other nations, has consistently and with full force denounced all violations of sovereign rights of peoples, all Aggression and aggressors, all and any attempts of aggressive States to impose their will upon other peoples and to involve them in war. The Soviet Union has untiringly and resolutely advocated, and Advocates to-day, the necessity of collective action against aggressors, as one of the most effective means of bringing about the triumph of those principles, and advancing the peace and security of nations.

Striving for a radical solution of the problem of safeguarding freedom-loving peoples against all the dangers they encounter from aggressors, the Soviet Union has at the same time fought for complete and general disarmament. The Soviet Union is ready to give a fitting answer to any-blow from the aggressor. At the same time it has been, and still is, building its foreign policy upon the desire to maintain peaceful and neighbourly relations with all countries which respect the integrity and inviolability of its borders. The Soviet Union was, and is, willing to render all possible assistance to peoples becoming victims of aggression and fighting for the independence of their native land.

In accordance with a policy inspired by the above principles, which have been unswervingly applied by the Soviet Union, a policy which, moreover, has been expressed in numerous Acts and documents, the Soviet Government proclaims its agreement with the fundamental principles' of the declaration of Mr. Roosevelt, President of the United states, and of Mr. Churchill, Prime Minister of Great Britain—principles which are so important in the present international circumstances. Considering that the practical application of these principles will necessarily adapt itself to the circumstances, needs and

historic peculiarities of particular countries, the Soviet Government can state that a consistent application of these principles will secure the most energetic support on the part of the Government and peoples of the Soviet Union.

At the same time, the Soviet Government considers it imperative to declare with particular emphasis that all peoples which have recognised the necessity of smashing Hitlerite aggression and annihilating the yoke of Nazism to-day have one main task—*to mobilise all the economic and military resources of freedom-loving peoples, in order to attain a full and speedy emancipation of the nations groaning under the oppression of the Hitlerite hordes,*

Attributing great importance to the equitable use of all material resources and food stuffs in the post-war period, the Soviet Government believes that the most imperative and most pressing task of to-day is the correct allocation of all the economic resources and war supplies with a view to an early liberation of all the European peoples now oppressed by Hitlerite slavery.

Mr. Eden then put to the meeting the following resolution, which was adopted after a discussion in which the representatives of Belgium, Czechoslovakia, Greece, Luxemburg, Netherlands, Norway, Poland, Union of Soviet Socialist Republics, Yugoslavia and of General de Gaulle took part:—

“The Governments of Belgium, Czechoslovakia, Greece, Luxemburg, the Netherlands, Norway, Poland, Union of Soviet Socialist Republics and Yugoslavia, and the representatives of General de Gaulle, leader of free Frenchmen,

Having taken note of the Declaration recently drawn-up by the President of the United States and by the Prime Minister, Mr. Churchill, on behalf of His Majesty's United Kingdom,

“Now make known their adherence to the common principles of policy set forth in that Declaration and their intention to co-operate to the best of their ability in giving effect to them.”

The following statements were made in the course of the discussion on this resolution :—

*Mr. Eden, Secretary of State for Foreign Affairs.*

The text of the draft resolution concerning the Declaration made by President Roosevelt and Mr. Winston Churchill at the Atlantic meeting has already been circulated to you, and I now wish to propose it formally for adoption.

The preamble of this resolution makes no mention of His Majesty's Government in the United Kingdom, or of His Majesty's Governments

in Canada, the Commonwealth of Australia, New Zealand and the Union of South Africa, for the reason that, His Majesty's Government in the United Kingdom is a party to the original Declaration, and that the Dominion Governments are already associated with it.

This Declaration, which expresses the general aims for which the British Commonwealth and the Allies are now fighting, has already been welcomed by free men everywhere. Mr. Winston Churchill, in his broadcast speech of the 24th August *to the* British people, and in the House of Commons on the 9th September, has explained the significance 'Which His Majesty's Government attach to this Declaration. I do not myself wish to add anything here to what the Prime Minister has said, except to express my conviction that approval of the Declaration by the Allied countries will add greatly to its influence and encourage the world-wide forces now gathered together to defeat Germany.

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## The International Conferences of American States, Second Supplement, 1942-1954

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### REGULATIONS OF THE MEETINGS OF THE MINISTERS OF FOREIGN AFFAIRS OF THE AMERICAN REPUBLICS

The Third Meeting of the Ministers of Foreign Affairs of the American Republics.

#### **Resolves**

1. To recommend to the Governing Board of the Pan American Union to revise articles 5 and 6 of the Regulations of Meetings of the Ministers of Foreign Affairs of the American Republics to read as follows:

"Article 5. The members of such meetings shall be the Ministers of Foreign Affairs of the American Republics or the representative which each Government may designate as a substitute, who shall meet in accordance with the international agreements of the Conferences of Buenos Aires and Lima.

"These members shall be invested with due powers by means of credentials issued by their Governments or by official communications of their Ministries of Foreign Affairs to the country in which the meeting is held.

"Article 6. The delegates and technical advisers who may accompany the Ministers of Foreign Affairs or the representatives of the Governments may attend, with the Ministers or their representatives, the plenary or committee sessions of the Meeting but they shall not have the right to vote.

"Should it be impossible for a Minister of Foreign Affairs or the representative of a Government to attend a particular session, either of a committee or a plenary session, that Minister or representative may

designate a member of his delegation to substitute for him. In such case the one so designated shall have the right to voice and vote in the name of his Government. Notification of such appointment shall be communicated in advance to the Secretary General of the Meeting."

2. To recommend to the Governing Board that the text of the regulations be altered as necessary to conform with the two articles hereby proposed.

## **SUPPORT AND ADHERENCE TO THE PRINCIPLES OF THE "ATLANTIC CHARTER"**

The Third Meeting of the Ministers of Foreign Affairs of the American Republics

### **Resolves**

To take note of the contents of the "Atlantic Charter" and to express to the President of the United States of America its satisfaction with the inclusion in that document of principles which constitute a part of the juridical heritage of America in accordance with the Convention on Rights and Duties of States approved at the Seventh International Conference of American States, held at Montevideo in 1933.

## **INTERESTS OF NON-AMERICAN COUNTRIES**

The Third Meeting of the Ministers of Foreign Affairs of the American Republics.

### **Recommends**

That no American State shall authorise another American State to assume before its Government the representation of the interests of a non-American State with which it has no diplomatic relations or which is at war with nations of this Hemisphere.

## **TREATMENT OF NON-BELLIGERENTS**

The Third Meeting of the Ministers of Foreign Affairs of the American Republics.

### **Resolves**

1. That in conformity with the principles of American solidarity, the Republics of this Continent shall not consider as a belligerent any American State which is now at war or may become involved in a state of war with another non-American State.

2. To recommend that special facilities be granted to those countries which, in the opinion of each Government, contribute to the defense of the interests of this Hemisphere during this emergency.

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## RELATIONS WITH THE GOVERNMENTS OF OCCUPIED COUNTRIES

The Third Meeting of the Ministers of Foreign Affairs of the American Republics

### Recommends

That the Governments of the American Republics continue their relations with the Governments of those occupied countries which are fighting for their national sovereignty and are not collaborating with the aggressors, and express the fervent hope that they may recover their sovereignty and independence.

## BRITISH AND FOREIGN STATE PAPERS WITH WHICH IS INCORPORATED HERTSLET'S COMMERCIAL TREATIES, 1947

### Protocol of the Proceedings of the Crime a Conference,— Yalta, 11th February, 1945(1)

The Crimea Conference of the Heads of the Governments of the United States of America, the United Kingdom, and the Union of Soviet Socialist Republics, which took place from the 4th-11th February, came to the following conclusions: —

### I. WORLD ORGANISATION

It was decided:

- (1) That a United Nations Conference on the proposed World Organisation should be summoned for Wednesday, the 25th April, 1945, and should be held in the United States of America.
- (2) The nations to be invited to this Conference should be:
  - (a) the United Nations as they existed on the 8th February, 1945; and
  - (b) such of the Associated Nations as have declared war on the common enemy by the 1st March, 1945. (For this purpose by the term "Associated Nations" was meant the eight Associated Nations and Turkey.)

When the Conference on World Organisation is held, the delegates of the United Kingdom and United States of America will support a proposal to admit to original membership two Soviet Socialist Republics, *i.e.*, the Ukraine and White Russia.

- (3) That the United States Government on behalf of the Three Powers should consult the Government of China and the French Provisional Government in regard to the decisions taken at the present Conference concerning the proposed World Organisation.
- (4) That the text of the invitation to be issued to all the nations which would take part in the United Nations Conference should be as follows:

*Invitation*

"The Government of the United States of America, on behalf of itself and of the Governments of the United Kingdom, the Union of Soviet Socialist Republics, and the Republic of China and of the Provisional Government of the French Republic, invite the Government to send representatives to a Conference of the United Nations to be held on the 25th April, 1945, or soon thereafter, at San Francisco in the United States of America to prepare a Charter for" a General International Organisation for the maintenance of international peace and security.

"The above-named Governments suggest that the Conference consider as affording a basis for such a Charter the Proposals for the Establishment of a General International Organisation, which were made public last October as a result of the Dumbarton Oaks Conference. C and which have now been supplemented by the following provisions for Section C of Chapter VI:—

*"C. Voting*

1. Each member of the Security Council should have one vote.
- '2. Decisions of the Security Council on procedural matters should be made by an affirmative vote of seven member
- '3. Decisions of the Security Council on all other matters should be made by an affirmative vote of seven members, including the concurring votes of the permanent members; provided that, in decisions under Chapter VIII. Section A. and under the second sentence of paragraph 1 of Chapter VIII. Section C, a party to a dispute should abstain from voting.'

"Further information as to arrangements will be transmitted subsequently.

"In the event that the Government desires in advance of the Conference to present views or comments concerning the proposals, the Government of the United States of America will be pleased to transmit such views and comments to the other participating Governments."

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### *Territorial Trusteeship*

It was agreed that the five Nations which will have permanent seats on the Security Council should consult each other prior to the United Nations Conference on the question of territorial trusteeship.

The acceptance of this recommendation is subject to its being made clear that territorial trusteeship will only apply to (a) existing mandates of the League of Nations; (b) territories detached from the enemy as a result of the present war; (c) any other territory which might voluntarily be placed under trusteeship; and (d) no discussion of actual territories is contemplated at the forthcoming United Nations Conference or in the preliminary consultations, and it will be a matter for subsequent agreement which territories within the above categories will be placed under trusteeship.

## **II. DECLARATION ON LIBERATED EUROPE**

The following declaration has been approved:

"The Premier of the Union of Soviet Socialist Republics, the Prime Minister of the United Kingdom and the President of the United States of America have consulted with each other in the common interests of the peoples of their countries and those of liberated Europe. They jointly declare their mutual agreement to concert during the temporary period of instability in liberated Europe the policies of their three Governments in assisting the peoples liberated from the domination of Nazi Germany and the peoples of the former Axis satellite States of Europe to solve by democratic means their pressing political and economic problems.

"The establishment of order in Europe and the rebuilding of national economic life must be achieved by processes which will enable the liberated peoples to destroy the last vestiges of Nazism and Fascism, and to create democratic institutions of their own choice. This is a principle of the Atlantic Charter—the right of all peoples to choose the form of government under which they will live—the restoration sovereign rights and self-government to those peoples who have been forcibly deprived of them by the aggressor nations.

"To foster the conditions in which the liberated peoples may exercise these rights, the three Governments will jointly assist the people in any European liberated State or former Axis satellite State in Europe where in their judgment conditions require (a) to establish conditions of internal peace; (b) to carry out emergency measures for the relief of distressed peoples; (c) to form interim governmental authorities broadly representative of all democratic elements in the population and pledged to the earliest possible establishment through free elections of Governments responsive to the will of the people; and (d) to facilitate where necessary the holding of such elections.

"The three Governments will consult the other United Nations and provisional authorities or other Governments in Europe when matters of direct interest to them are under consideration.

"When, in the opinion of the three Governments, conditions in any European liberated State or any former Axis satellite State in Europe make such action necessary, they will immediately consult together on the measures necessary to discharge the joint responsibilities set forth in this declaration.

"By this declaration we reaffirm our faith in the principles of the Atlantic Charter, our pledge in the Declaration by the United Nations, and our determination to build in co-operation with other peace-loving nations world order under law, dedicated to peace, security, freedom and general well-being of all mankind.

"In issuing this declaration, the Three Powers express the hope that the Provisional Government of the French Republic may be associated with them in the procedure suggested."

### **III. DISMEMBERMENT OF GERMANY**

It was agreed that Article 12 (a) of the Surrender Terms for Germany should be amended to read as follows: —

"The United Kingdom, the United States of America and Union of Soviet Socialist Republics shall possess supreme authority with respect to Germany. In the exercise of such authority they will take such steps, including the complete disarmament, demilitarisation and the dismemberment of Germany as they deem requisite for future peace and security."

The study of the procedure for the dismemberment of Germany was referred to a Committee, consisting of Mr. Eden (Chairman), Mr. Winant and M. Gousev. This body would consider the desirability of associating with it a French representative.

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## **Second Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the use of Certain Conventional Weapons Which may be Deemed to be Excessively Injurious or to Have Indiscriminate Effects\***

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### **Final Declaration**

The high contracting parties to the convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects, which met in Geneva from 11 to 21 December 2001, to review the scope and operation of the convention and the protocols annexed thereto and to consider any proposal for amendments of the convention or of the existing protocols, as well as proposals for additional protocols relating to other categories of conventional weapons not covered by the existing annexed protocols.

*Reaffirming* their conviction that the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects can significantly reduce the suffering of civilians and combatants,

*Reaffirming* their determination to call upon all States that have not done so to become parties to the Convention and its annexed Protocols as soon as possible, so that the instrument attains universal adherence.

*Reaffirming* the need to reinforce international cooperation in the area of prohibitions or restrictions on the use of certain conventional

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\* CCW/CONF.II/2, Part. II.

weapons which may be deemed to be excessively injurious or to have indiscriminate effects,

*Recognising* that many armed conflicts are non-international in character, and that such conflicts should also be within the scope of the Convention,

*Gravely* concerned that the indiscriminate effects or the irresponsible use of certain conventional weapons often fall on civilians, including in non-international armed conflicts,

*Recognising* the need to protect civilians from the effect of weapons, the use of which is restricted or prohibited by this Convention and its annexed Protocols, which take into account all circumstances ruling at the time, including humanitarian and military considerations,

*Reaffirming* their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, regardless of their motivation, in all their forms and manifestations, wherever and by whomever committed,

*Deeply* concerned at the humanitarian and development problems caused by the presence of explosive remnants of war, which constitute an obstacle to the return of refugees and other displaced persons, to humanitarian aid operations, to reconstruction and economic development, as well as to the restoration of normal social conditions,

*Welcoming* the entry into force of Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Amended Protocol II) on 3 December 1998,

*Noting* that the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction entered into force on 1 March 1999,

*Reaffirming also* the need to reinforce international cooperation in the area of mine action to devote greater resources towards that end,

*Recognising* the need to further explore the issue of mines other than anti-personnel mines, including through reinforced international cooperation in the area of mine action, and the allocation of necessary resources to that end,

*Welcoming* the entry into force of the Protocol on Blinding Laser Weapons (Protocol IV) on 30 July 1998,

*Recognising* the crucial role of the International Committee of the Red Cross and encouraging it to continue to work to facilitate further ratifications, and accessions to the Convention and its annexed Protocols, to disseminate their contents and to lend its expertise to

future Conferences and other meetings related to the Convention and its annexed Protocols,

*Acknowledging* the invaluable humanitarian efforts of non-governmental organisations in armed conflicts and welcoming the expertise they have brought to the Review Conference itself,

*Noting* the report of the International Committee of the Red Cross on "Ensuring respect for the 1868 St. Petersburg Declaration prohibiting the use of certain explosive projectiles" (dated 18 September 2001). Inviting States to consider this report and other relevant information, and take any appropriate action,

### ***Solemnly Declare***

- Their commitment to respect and comply with the objectives and provisions of the Convention and its annexed Protocols as an authoritative international instrument governing the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects,
- Their determination to promote universal adherence to the Convention and its annexed Protocols, and to call upon all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention and to its annexed Protocols. In this regard, the Conference encourages States to cooperate to promote universal adherence,
- Their reaffirmation of the principles of international humanitarian law, as mentioned in the Convention, that "the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, and on the principle that prohibits the employment in armed conflicts of weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering" and that "the civilian population and the combatants shall at all times remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience",
- Their determination to extend the application of the Convention and its annexed Protocols to armed conflicts of a non-international character and, to that end, their satisfaction with the amendment of Article I of the Convention,
- The importance they attach to the earliest possible entry into force of the amendment of Article I of the Convention, and

their desire that all States, pending its entry into force, respect and ensure respect for the revised scope of application of the Convention to the fullest extent possible,

- Their commitment to the full implementation of, and compliance with, the Convention and its annexed Protocols, and to keep the provisions of the Convention and its annexed Protocols under review in order to ensure their provisions remain relevant to modern conflicts,
- Their determination to consult and cooperate with each other in order to facilitate the full implementation of the obligations contained in the Convention and its annexed Protocols, thereby promoting compliance,
- Their commitment to reinforce cooperation and assistance, including the transfer of technology as appropriate, with a view to facilitating the implementation of the Convention and its annexed Protocols,
- Their determination to address as a matter of urgency the deleterious humanitarian effects of explosive remnants of war, through a thorough examination of these effects and possible measures to prevent and remedy them,
- Their commitment to further explore the issue of mines other than anti-personnel mines (referred to as anti-vehicle mines),
- Their satisfaction at the entry into force of Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Amended Protocol 11), and at the progress made by the three Annual Conferences of States Parties to Amended Protocol II, and their determination to encourage all States to become parties to Amended Protocol II as soon as possible,
- Their conviction that all States should strive towards the goal of the eventual elimination of anti-personnel mines globally and In this regard noting that a significant number of States Parties have formally committed themselves to a prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction,
- Their continuing commitment to assist, to the extent feasible, impartial humanitarian demining missions, operating with the consent of the host State and/or the relevant States Parties to the conflict, in particular by providing all necessary information in their possession covering the location of all known minefields,

mined areas, mines, booby-traps and other devices in the area in which the mission is performing its functions,

- Their satisfaction at the entry into force of the Protocol on Blinding Laser Weapons (Protocol IV), and their determination to encourage all States to become parties to the Protocol as soon as possible,
- Their reaffirmation of the recognition by the First Review Conference of the need for the total prohibition of blinding laser weapons, the use and transfer of which are prohibited in Protocol IV,
- Their recognition of the importance of keeping the blinding effects related to the use of laser systems under consideration, taking into account scientific and technological developments,
- Their determination to urge States which do not already do so, to conduct reviews such as that provided for in Article 36 of Protocol I additional to the 1949 Geneva Conventions, to determine whether any new weapon, means or methods of warfare would be prohibited by international humanitarian law or other rules of international law applicable to them,
- Their commitment to follow up the review process and, for that purpose, establish a regular view mechanism for the Convention and its amended Protocols, as well as more frequent meetings of States Parties,

Recognise that the important principles and provisions contained in this Final Declaration can also serve as a basis for further strengthening the convention and its annexed Protocols and express their determination to implement them,

***And***

- Decide to amend Article I of the Convention to read as follows:
  - “1. This Convention and its annexed Protocols shall apply in the situations referred to in Article 2 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, including any situation described in paragraph 4 of Article I of Additional Protocol I to these Conventions.
  2. This Convention and its annexed Protocols shall also apply, in addition to situations referred to in paragraph 1 of this Article, to situations referred to in article 3 common to the Geneva Conventions of 12 August 1949. This Convention and its annexed Protocols shall not apply to situations of

internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature, as not being armed conflicts.

3. In case of armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply the prohibitions and restrictions of this Convention and its annexed Protocols.
  4. Nothing in this Convention or its annexed Protocols shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.
  5. Nothing in this Convention or its annexed Protocols shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.
  6. The application of the provisions of this Convention and its annexed Protocols to parties to a conflict which are not High Contracting Parties that have accepted this Convention or its annexed Protocols, shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.
  7. The provisions of Paragraphs 2-6 of this Article shall not prejudice additional Protocols adopted after 1 January 2002, which may apply, exclude or modify the scope of their application in relation to this Article."
- DECIDE to commission follow-up work on decisions arising from the Second Review Conference of the Convention, under the oversight of the Chairman-designate of a meeting of the States Parties to the Convention to be held on 12-13 December 2002 in Geneva, in conjunction with the Fourth Annual Conference of States Parties to Amended Protocol II, which may begin on 11 December 2002.
  - DECIDE to establish an open-ended Group of Governmental Experts with separate Coordinators to:
    - (a) discuss ways and means to address the issue of Explosive Remnants of War (ERW). In this context the Group shall

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consider all factors, appropriate measures and proposals, in particular:

1. factors and types of munitions that could cause humanitarian problems after a conflict;
2. technical improvements and other measures for relevant types of munitions, including sub-munitions, which could reduce the risk of such munitions becoming ERW;
3. the adequacy of existing International Humanitarian Law in minimising post-conflict risks of ERW, both to civilians and to the military;
4. warning to the civilian population, in or close to, ERW-affected areas, clearance of ERW, the rapid provision of information to facilitate early and safe clearance of ERW, and associated issues and responsibilities;
5. assistance and co-operation.

The Coordinator shall undertake work in an efficient manner so as to 'submit recommendations, adopted by consensus, at an early date for consideration by the States Parties, including whether to proceed with negotiating a legally-binding instrument or instruments on ERW and/or other approaches.

- (b) further explore the issue of mines other than anti-personnel mines. The Coordinator shall submit a report, adopted by consensus, to the States Parties.
- DECIDE that the Chairman-designate shall undertake consultations during the intersessional period on possible options to promote compliance with the Convention and its annexed Protocols, taking into account proposals put forward, and shall submit a report, adopted by consensus, to the States Parties.
  - DECIDE to invite interested States Parties to convene experts to consider possible issues related to small calibre weapons and ammunition, such as:
    - military requirements
    - scientific and technical factors/methodology
    - medical factors
    - legal/treaty obligations/standards
    - financial implications

and in this respect, report on their work to the States Parties to the Convention. These meetings shall have no implications for the CCW budget.

The intersessional work will be undertaken in three sessions during 2002:

- 20-24 May 2002
- 8-19 July 2002 or 22 July-2 August 2002
- 2-10 December 2002

The Chairman-designate shall consult States Parties on financial arrangements and the programme of work. The intersessional work will be conducted in accordance with the Rules of Procedure adopted by the Second Review Conference of the States Parties to the Convention.

## **REVIEW OF THE PREAMBLE**

### **Preamble Paragraph 3**

The Conference recalls the obligation to determine in the study, development, acquisition or adoption of a new weapon, means and method of warfare, whether its employment would, in some or all circumstances, be prohibited under any rule of international law applicable to the High Contracting Parties.

### **Preamble Paragraph 8**

The Conference reaffirms the need to continue the codification and progressive development of the rules of international law applicable to certain conventional weapons which may be excessively injurious or have indiscriminate effects.

### **Preamble paragraph 10**

The Conference underlines the need to achieve wider adherence to the Convention and its annexed Protocols. The Conference welcomes recent ratifications and accessions to the Convention and its annexed Protocols and urges the High Contracting Parties to accord high priority to their diplomatic efforts to encourage further adherence with a view to achieving universal adherence as soon as possible.

## **Review of the Articles**

### ***Article 1 (Scope of Application)***

The Conference recognises the necessity and the importance of extending the application of the principles and rules of this Convention to conflicts of a non-international nature.

The Conference also recognises the right of a State Party to take legitimate measures to maintain or re-establish law and order in accordance with paragraph 4 of amended Article 1 of the Convention.

The Conference acknowledges and confirms that the High Contracting Parties agreed to broaden the scope of the Convention by amendment to Article 1. The Conference encourages all States Parties to deposit as soon as possible their instrument of ratification, acceptance, approval or accession of the amendment to Article 1 with the Depositary of the Convention.

### ***Article 2 (Relations with Other International Agreements)***

The Conference reaffirms that nothing in the Convention or its annexed Protocol shall be interpreted as detracting from other obligations imposed upon the High Contracting Parties by international humanitarian law.

### ***Article 3 (Signature)***

The Conference notes the provisions of Article 3.

### ***Article 4 (Ratification, Acceptance, Approval or Accession)***

The Conference notes that 88 States have ratified, accepted, acceded or succeeded to the Convention.

The Conference calls upon States which are not parties to this Convention to ratify, accept, approve or accede, as appropriate, to the Convention, thus contributing to the achievement of universal adherence to the Convention.

The Conference, in this context, invites the High Contracting Parties to encourage further accessions to the Convention and its annexed Protocols.

### ***Article 5 (Entry into Force)***

The Conference notes the provisions of Article 5.

### ***Article 6 (Dissemination)***

The Conference encourages international cooperation in the field of dissemination of the Convention and its annexed Protocols and recognises the importance of multilateral collaboration relating to instruction, the exchange of experience at all levels, the exchange of instructors and the organisation of joint seminars. The Conference underlines the importance of the High Contracting Parties' obligation to disseminate this Convention and its annexed Protocols, and, in

particular to include the content in their programmes of military instruction at all levels.

The Conference requests the United Nations Secretary General to make all documents relating to the Convention available on the United Nations website.

***Article 7 (Treaty Relations Upon Entry into Force of this Convention)***

The Conference notes the provisions of Article 7.

***Article 8 (Review and Amendments)***

The Conference agrees the future Review Conferences should continue to be held on a regular basis.

The Conference decides, consistent with Article 8.3(c) to convene a further Conference five years following the entry into force of the amendments adopted at the Second Review Conference, but in any case not later than 2006, with preparatory meetings starting as early as 2005, if necessary.

The Conference welcomes the adoption of the text of an amended Article 1 of the Convention in accordance with subparagraph 3(a) of this Article.

The Conference proposes that the next Review Conference consider further measures in relation to other conventional weapons, which may be deemed to cause unnecessary suffering or to have indiscriminate effects.

The Conference decides to convene a meeting of High Contract Parties on 12-13 December 2002 in Geneva.

***Article 9 (Denunciation)***

The Conference notes with satisfaction that the provisions of this Article have not been invoked.

***Article 10 (Depositary)***

The Conference notes the provisions of Article 10.

***Article 11 (Authentic texts)***

The Conference notes the provisions of Article 11.

**Review of the Protocols**

***Protocol on Non-Detectable Fragments (Protocol I)***

The Conference takes note of the provisions of this Protocol.

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***Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II) and Technical Annex to the Protocol***

The Conference takes note of the provisions of this Protocol.

***Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as Amended on 3 May 1996 (Amended Protocol II) and Technical Annex to the Protocol***

The Conference acknowledges that the High Contracting Parties strengthened Protocol II in a number of areas at the First Review Conference, and takes note of the provisions of Amended Protocol II and welcomes its entry into force.

The Conference also notes with satisfaction that in accordance with Article 13 of Amended Protocol II, three Annual Conferences of High Contracting Parties were held for the purpose of consultations and cooperation on all issues related to Amended Protocol II.

The Conference recommends that future Annual Conferences of High Contracting Parties of Amended Protocol II coincide with any meetings of High Contracting Parties to the Convention.

The Conference takes note of the reporting obligations of High Contracting Parties under Amended Protocol II, and calls on High Contracting Parties to fulfill these obligations in a timely, consistent and complete manner.

The Conference acknowledges the valuable work of relevant agencies and bodies of the United Nations; of the International Committee of the Red Cross pursuant to its mandate to assist war victims and of NGOs in a number of fields, in particular the care and rehabilitation of mine victims, implementation of mine-awareness programmes and mine clearance.

***Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III)***

The Conference takes note of the provisions of this Protocol.

***Protocol on Blinding Laser Weapons (Protocol IV to the 1980 Convention)***

The Conference takes note of the provisions of this Protocol and welcomes its entry into force.

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**Report of the Third Annual Conference of  
the States Parties to Amended Protocol II  
on Prohibitions or Restrictions on the Use  
of Mines, Booby-Traps and Other Devices  
as Amended on 3 May 1996 Annexed to the  
Convention on Prohibitions or Restrictions  
on the use of Certain Conventional  
Weapons which may be Deemed to be  
Excessively Injurious or to have  
Indiscriminate Effects\***

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## FINAL DOCUMENT

### I. Introduction

1. Article 13 of Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Amended Protocol II) adopted on 3 May 1996 by the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW), provides for a conference of States Parties to that Protocol to be held annually for the purpose of consultations and cooperation on all issues relating to the Protocol.

2. In its resolution 55/37, adopted on 20 November 2000, the General Assembly of the United Nations welcomed the convening, from 11 to 13 December 2000, of the Second Annual Conference of States Parties

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\* CCW/AP.II/CONF.3/4, Part 1 and Annex III.

to Amended Protocol II, in accordance with article 13 thereof, and called upon all States Parties to Amended Protocol II, in accordance with article 13 thereof, and called upon all States Parties to Amended Protocol II to address at this meeting, inter alia, the issue of holding the third annual conference in 2001.

3. In accordance with operative paragraph 3 of United Nations General Assembly resolution 55/37, the Second Annual Conference, which was held from 11 to 13 December 2000 in Geneva, addressed the issue of holding the Third Annual Conference in 2001 and decided to convene it on 10 December 2001 in Geneva. The Conference also decided that a preparatory meeting for the Third Annual Conference was not required. The Conference agreed to recommend to the Third Annual Conference a provisional agenda as contained in Annex VII of the Final Document of the Conference (CCW/AP.II/CONF.2/1). It also approved the estimated costs for the Third Annual Conference (CCW/AP.II/CONF.2/1, Annex VIII).

## **II. Organisation of the Third Annual Conference**

4. The Third Annual Conference was opened on 10 December 2001 by the Vice-President of the Second Annual Conference, Ambassador Chris C. Sanders of the Netherlands.

5. At its first meeting, on 10 December 2001, the Conference elected by acclamation Ambassador Christian Faessler of Switzerland as President of the Third Annual Conference. It also elected Ambassador Sha Zukang of China and the Charge d'Affaires Lazlo Horva'th of Hungary as Vice-Presidents.

6. Also at its first meeting, the Conference appointed Vladimir Bogomolov, Political Affairs Officer, Department for Disarmament Affairs, Geneva Branch, as Secretary-General of the Conference. Jerzy Zaleski, Political Affairs Officer, Department for Disarmament Affairs, Geneva Branch, served as Secretary of the Third Annual Conference. He was assisted by Ye Min Than, Professional Assistant.

7. The following 45 States which have notified the Depositary of their consent to be bound by Amended Protocol II participated in the work of the Conference: Argentina, Australia, Austria, Bangladesh, Belgium, Bolivia, Brazil, Bulgaria, Canada, China, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Holy See, Hungary, India, Ireland, Israel, Italy, Japan, Jordan, Liechtenstein, Lithuania, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Republic of Korea, Slovakia, South Africa, Spain, Sweden, Switzerland, Ukraine, the

United Kingdom of Great Britain and Northern Ireland, and the United States of America.

8. The following three Signatory States, Egypt, Morocco and Turkey, also participated in the work of the Conference.

9. The following 17 States not parties to Amended Protocol II participated as observers: Albania, Chile, Cuba, Cyprus, Dominican Republic, Kuwait, Latvia, Malta, Mexico, Mozambique, Oman, Poland, Russian Federation, Singapore, Sri Lanka, Thailand and Tunisia.

10. The representatives of the International Committee of the Red Cross (ICRC) and the Geneva International Centre for Humanitarian Demining (GICHD) also participated in the work of the Conference.

11. Representatives of the International Campaign to Ban Landmines (ICBL), attended public meetings of the Conference.

### **III. Work of Third Annual Conference**

12. At its first plenary meeting, on 10 December 2001, the Conference adopted its agenda, as contained in Annex I, and noted that the Rules of Procedure for Annual Conferences of the States Parties to Amended Protocol II, adopted at the First Annual Conference held in 1999, together with the statement of the President which had been made in connection with the adoption of these Rules of Procedure, were applicable, *mutatis mutandis*, to the Third Annual Conference.

14. Also at that meeting the Conference decided to conduct its work in plenary meetings.

15. The following delegations took part in the general exchange of views: Australia, Bangladesh, Belgium (on behalf of the European Union and associated States), Canada, Chile, China, Denmark, Germany, India, Japan, Pakistan, Peru, Republic of Korea, Russian Federation, Switzerland, Ukraine and the United States of America. During the exchange of views, delegations reviewed the operation and status of the Amended Protocol II. The representative of the International Campaign to Ban Landmines also made a statement. The statements made during the general exchange of views are reflected in the summary records of the Conference, which will be issued at a later date, as part of the final document of this Conference.

16. In accordance with paragraph 4 of Article 13 of the Protocol, the Conference had before it 38 national annual reports from the following States: Australia, Austria, Belgium, Bulgaria, Brazil, Canada, China, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, India, Ireland, Israel, Italy, Japan, Lithuania,

Luxembourg, Monaco, New Zealand (2), Norway (2), Pakistan, Peru, Philippines, Republic of Korea, Slovakia, Sweden, Switzerland, The Netherlands, Ukraine, United Kingdom of Great Britain and Northern Ireland, and United States of America. The reports contained information on:

- (a) dissemination of information on the Protocol to armed forces and civilian populations;
- (b) mines clearance and rehabilitation programmes;
- (c) steps taken to meet technical requirements of the Protocol and any other relevant information pertaining thereto;
- (d) legislation related to the Protocol;
- (e) measures taken on international technical information exchange, on international cooperation on mine clearance, and on technical cooperation and assistance; and
- (f) other relevant matters.

17. To facilitate the discussions on agenda item 9, entitled "Consideration of matters arising from reports by High Contracting Parties according to paragraph 4 of Article 13 of the Amended Protocol II", the delegation of Switzerland submitted a working paper "Synopsis of the National Annual Reports" (CCW/ AP.II/CONF.3/WP.1), which was welcomed by the participants and which is attached to the Report as Annex II.

#### **IV. Conclusions and Recommendations**

18. At its 2nd meeting, on 10 December 2001, the Conference decided to issue an appeal to all States that had not yet done so to take all measures to accede to the Amended Protocol II as soon as possible. The appeal is contained in Annex III.

19. The Conference recommended that the Secretary-General, as Depositary of the Amended Protocol II, and the President of the Conference, on behalf of the States Parties, exercise their authority to achieve the goal of universality of the Amended Protocol II. To this effect, the Conference requested the President to consider reporting to the 57th session of the United Nations General Assembly on his endeavours. The Conference also called on the States Parties to promote wider adherence to the Amended Protocol II in their respective regions.

20. In accordance with operative paragraph 3 of the United Nations General Assembly resolution 56/28, the Conference addressed the issue of holding the Fourth Annual Conference in 2002 and decided that the issues of the dates and duration would be addressed at the Second

Review Conference of the States Parties to the CCW. The Conference decided that a preparatory meeting for the Fourth Annual Conference was not required. The Conference agreed to recommend to the Fourth Annual Conference a provisional agenda, as contained in Annex IV. It also considered the estimated costs of the Fourth Annual Conference and recommended them for adoption at the time of the conference in 2002 (Annex V).

21. At its final meeting, on 10 December 2001, the Third Annual Conference adopted its report and requested the President to present his report to the Second Review Conference of States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (CCW) to be held from 11 to 21 December 2001 at Geneva.

### ***ANNEX III***

#### **AN APPEAL OF THE STATES PARTIES TO AMENDED PROTOCOL II TO THE CCW ON THE OCCASION OF THE THIRD ANNUAL CONFERENCE**

We, the States which have notified the Depositary of their consent to be bound by Amended Protocol II to the CCW, meeting in Geneva on 10 December 2001 for our Third Annual Conference:

*Bearing in mind* the important contribution of Amended Protocol II to international efforts to alleviate the suffering caused by certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects;

*Noting* that Amended Protocol II is the only international legal instrument which covers all types of mines, booby-traps and other devices;

*Having reviewed* the operation and status of Amended Protocol II, in accordance with paragraph 3(a) of Article 13;

*Welcome* the opportunity provided by the Second Review Conference of the States Parties to the CCW to examine the operation and status of Amended Protocol II.

*Having considered* the national annual reports presented by States which have notified the Depositary of their consent to be bound by Amended Protocol II.

*Welcome* the fact that, since the First Annual Conference held in December 1999, 19 more States have notified the Depositary of their

consent to be bound by Amended Protocol II, thus bringing the total number of States which have adhered to this Protocol to 63;

*Emphasise* the importance of achieving the widest possible adherence to Amended Protocol II;

*Urge* all States that have not yet done so to take all measures to accede to it as soon as possible.

### **Declaration of Third Meeting of the States Parties to the Mine Ban Convention\***

1. We, the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, along with other States, international organisations and institutions and non-governmental organisations, gathered in Managua, Nicaragua, reaffirm our unwavering commitment both to the total eradication of anti-personnel mines and to addressing the insidious and inhumane effects of these weapons.

2. Meeting in Nicaragua, one of the most mine-affected countries in the Americas, we are witness to the devastating effects of this weapon on individuals and their communities. We are also witness to the importance of our work in addressing the problems faced by the Nicaraguan people, and countless others in countries around the world. We are reminded of the long journey ahead towards a mine-free world, as well as the significant steps already secured to reach our goal.

3. We celebrate the growing support for the Convention, ratified or acceded to by 120 States. With an additional 21 countries having signed, but not yet ratified the Convention, the number of States Parties and signatories now totals 141, including more than 40 mine-affected States. We call upon those that have not done so, to ratify or accede to the Convention. We also call upon all States in the process of formally accepting the obligations of the Convention, to provisionally apply the terms of the Convention.

4. We recognise that the new international norm established by the Convention is being demonstrated by the successful record of implementation of the Convention, including the conduct of many States not party to the Convention respecting the provisions therein. This includes the complete destruction of stockpiled anti-personnel mines in 30 countries, with 17 States Parties in the process of destroying stockpiles. Furthermore, approximately 220 million US\$ has been allocated by donors over the past year to address the global landmine

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\* APLC/MSP.3/2001/1, Part II.

problem, in addition to the resources being allocated by mine-affected countries themselves.

5. We are pleased that over the past year, a considerable amount of land was cleared of anti-personnel mines, that casualty rates in several of the world's most mine-affected States have decreased, that landmine victim assistance has improved, and that our cooperative efforts continue to contribute to this progress.

6. While celebrating the success of the Convention, we remain deeply concerned that anti-personnel mines continue to kill, maim and threaten the lives of countless innocent people each day, that the terror of mines prevents individuals from reclaiming their lives and that the lasting impact of these weapons denies communities the opportunity to rebuild long after conflicts have ended.

7. We deplore any use of anti-personnel mines. Such acts are contrary to the object and purpose of the Convention and exacerbate the humanitarian problems already caused by the use of these weapons. We urge all those who continue to use, develop, produce, otherwise acquire, stockpile, retain and/or transfer anti-personnel landmines, to cease immediately and to join us in the task of eradicating these weapons.

8. We expect those States, which have declared their commitment to the object and purpose of the Convention and which continue to use anti-personnel mines, to recognise that this is a clear violation of their solemn commitment. We call upon all States concerned to respect their commitments.

9. Recognising the need to secure full compliance with all obligations of the Convention, we reaffirm our commitment to effectively implement the Convention and to comply fully with its provisions. We do so in the spirit of cooperation and collaboration that has characterised this process. In this context, we recall that the four-year maximum time period for the destruction of stockpiled anti-personnel mines is rapidly approaching for many States Parties. We also recall that as soon as possible, but not later than ten years after the entry into force of this Convention, each State party undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control. We encourage national, regional and international initiatives aimed at fulfilling these obligations.

10. We call upon all governments and people everywhere to join in the common task to meet the enormous challenges of mine action, including victim assistance, to provide the technical and financial assistance required, and, where appropriate, to integrate these efforts

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into development planning and programming. As States “Parties bound to the eradication of anti-personnel mines, we reiterate that assistance and cooperation for practical mine action will flow primarily to those that have forsworn the use of these weapons forever through adherence to, implementation of, and compliance with the Convention.

11. We recognise that to achieve the promise of this unique and important humanitarian instrument, we must continue working tirelessly in all parts of the world to end the use of anti-personnel mines, to destroy stockpiles, to cease development, production and transfers of these weapons, to clear mined areas to free land from its deadly bondage, to assist victims to reclaim their lives with dignity and to prevent new victims.

12. We also recognise that progress to free the world from anti-personnel mines would be promoted by the commitment by non-State actors to cease and renounce their use in line with the international norm established by this Convention.

13. We warmly welcome the substantial progress made during the intersessional work programme. This programme continues to focus and advance the international community's mine action efforts, it greatly assists in our collective aim to implement the Convention and it provides a forum for mine-affected and other States to share experiences, acquire knowledge and enhance efforts to implement the Convention at the national level. We express our satisfaction that the intersessional work programme has been carried out in the Convention's tradition of partnership, dialogue, openness and practical cooperation. We welcome the increased participation of mine-affected States in the intersessional work and the valuable contribution of the Sponsorship Programme.

14. Recognising the importance of the challenge to reach the goal set by the Americas to convert the “Western Hemisphere into an anti-personnel landmine free zone” as soon as possible, which is a determining factor in the efforts to make the Convention both universal and fully operative, achieving this goal will be an example to the world of the Convention's effectiveness and an inspiration for other affected regions.

15. To further enhance the intersessional process, we must build upon its accomplishments, strengthen its outcomes and focus on providing States and other relevant international actors with the tools required to carry out the promise of the Convention. We continue to encourage the active participation of mine-affected and other interested

States, as well as other relevant actors in the Intersessional Work Programme.

16. We acknowledge the positive work of the Coordinating Committee tasked with the coordination of the intersessional work programme, and its role in the strengthening of the intersessional process.

17. We call upon the States Parties to continue participating in the work of the Standing Committees established by the meetings of the States Parties to the Convention.

18. We express our gratitude to the International Campaign to Ban Landmines and other relevant non-governmental organisations, to regional and international organisations, including the International Committee of the Red Cross, for their important and substantive contribution to the intersessional process and to the overall implementation and consolidation of the Convention. We also thank all those agencies involved in mine clearance, mine awareness, victim assistance, stockpile destruction and other efforts to this end.

19. We thank the Geneva International Centre for Humanitarian Demining for its essential support and its commitment to enhance its support to the inter-sessional process through the establishment of an implementation unit.

20. In reflecting upon our progress and accomplishments, and in considering the work that lies ahead, we reconfirm our conviction to make anti-personnel mines objects of the past, our obligation to assist those who have fallen victim to this terror, and our shared responsibility to the memories of those whose lives have been lost as a result of the use of these weapons, including those killed as a result of their dedication to helping others by clearing mined areas or, providing humanitarian assistance.

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## **Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (1994)**

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### **PREAMBLE**

The State Parties to this Convention,

*Determined* to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction,

*Desiring* to contribute to the realisation of the purposes and principles of the Charter of the United Nations,

*Recalling* that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the principles and objectives of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925 (the Geneva Protocol of 1925),

*Recognising* that this Convention reaffirms principles and objectives of and obligations assumed under the Geneva Protocol of 1925, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction signed at London, Moscow and Washington, on 10 April 1972,

*Bearing in mind* the objective contained in Article IX of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction,

*Determined* for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons, through the implementation of the provisions of this Convention, thereby complementing the obligations assumed under the Geneva Protocol of 1925,

*Recognising* the prohibition, embodied in the pertinent agreements and relevant principles of international law, of the use of herbicides as a method of warfare,

*Considering* that achievements in the field of chemistry should be used exclusively for the benefit of mankind,

*Desiring* to promote free trade in chemicals as well as international cooperation and exchange of scientific and technical information in the field of chemical activities for purposes not prohibited under this Convention in order to enhance the economic and technological development of all States Parties,

*Convinced* that the complete and effective prohibition of the development, production, acquisition, stockpiling, retention, transfer and use of chemical weapons, and their destruction, represent a necessary step towards the achievement of these common objectives,

Have *agreed* as follows:

## **Article I**

### **General Obligations**

1. Each State Party to this Convention undertakes never under any circumstances:

- (a) To develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone;
- (b) To use chemical weapons;
- (c) To engage in any military preparations to use chemical weapons;
- (d) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.

2. Each State Party undertakes to destroy chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention.

3. Each State Party undertakes to destroy all chemical weapons it abandoned on the territory of another State Party, in accordance with the provisions of this Convention.

4. Each State Party undertakes to destroy any chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention.

5. Each State Party undertakes not to use riot control agents as a method of warfare.

## ***Article II***

### **Definitions and Criteria**

For the purposes of this Convention:

1. "Chemical Weapons" means the following, together or separately:

- (a) Toxic chemicals and their precursors, except where intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes;
- (b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (a), which would be released as a result of the employment of such munitions and devices;
- (c) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (b).

2. "Toxic Chemical" means:

Any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.

(For the purpose of implementing this Convention, toxic chemicals which have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals.)

3. "Precursor" means:

Any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multicomponent chemical system.

(For the purpose of implementing this Convention, precursors which have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals.)

4. "Key Component of Binary or Multicomponent Chemical Systems" (hereinafter referred to as "key component") means:

The precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system.

5. "Old Chemical Weapons" means:

- (a) Chemical weapons which were produced before 1925; or
- (b) Chemical weapons produced in the period between 1925 and 1946 that have deteriorated to such extent that they can no longer be used as chemical weapons.

6. "Abandoned Chemical Weapons" means:

Chemical weapons, including old chemical weapons, abandoned by a State after 1 January 1925 on the territory of another State without the consent of the latter.

7. "Riot Control Agent" means:

Any chemical not listed in a Schedule, which can produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure.

8. "Chemical Weapons Production Facility":

- (a) Means any equipment, as well as any building housing such equipment, that was designed, constructed or used at any time since 1 January 1946:
  - (i) As part of the stage in the production of chemicals ("final technological stage") where the material flows would contain, when the equipment is in operation:
    - (1) Any chemical listed in Schedule 1 in the Annex on Chemicals;
    - or
    - (2) Any other chemical that has no use, above 1 tonne per year on the territory of a State Party or in any other place under the jurisdiction or control of a State Party, for purposes not prohibited under this Convention, but can be used for chemical weapons purposes;

or

- (ii) For filling chemical weapons, including, *inter alia*, the filling of chemicals listed in Schedule 1 into munitions, devices or bulk storage containers; the filling of chemicals into containers that form part of assembled binary munitions

and devices or into chemical submunitions that form part of assembled unitary munitions and devices, and the loading of the containers and chemical submunitions into the respective munitions and devices;

(b) Does not mean:

- (i) Any facility having a production capacity for synthesis of chemicals specified in subparagraph (a) (i) that is less than 1 tonne;
- (ii) Any facility in which a chemical specified in subparagraph (a) (i) is or was produced as an unavoidable by-product of activities for purposes not prohibited under this Convention, provided that the chemical does not exceed 3 per cent of the total product and that the facility is subject to declaration and inspection under the Annex on Implementation and Verification (hereinafter referred to as "Verification Annex");  
or
- (iii) The single small-scale facility for production of chemicals listed in Schedule 1 for purposes not prohibited under this Convention as referred to in Part VI of the Verification Annex.

9. "Purposes Not Prohibited Under this Convention" means:

- (a) Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;
- (b) Protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;
- (c) Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare;
- (d) Law enforcement including domestic riot control purposes.

10. "Production Capacity" means:

The annual quantitative potential for manufacturing a specific chemical based on the technological process actually used or, if the process is not yet operational, planned to be used at the relevant facility. It shall be deemed to be equal to the nameplate capacity or, if the nameplate capacity is not available, to the design capacity. The nameplate capacity is the product output under conditions optimised for maximum quantity for the production facility, as demonstrated by one or more test-runs. The design capacity is the corresponding theoretically calculated product output.

11. "Organisation" means the Organisation for the Prohibition of Chemical Weapons established pursuant to Article VIII of this Convention.

12. For the purposes of Article VI:

- (a) "Production" of a chemical means its formation through chemical reaction;
- (b) "Processing" of a chemical means a physical process, such as formulation, extraction and purification, in which a chemical is not converted into another chemical;
- (c) "Consumption" of a chemical means its conversion into another chemical via a chemical reaction.

### ***Article III***

#### **Declaration**

1. Each State Party shall submit to the Organisation, not later than 30 days after this Convention enters into force for it, the following declarations, in which it shall:

- (a) With respect to chemical weapons:
  - (i) Declare whether it owns or possesses any chemical weapons, or whether there are any chemical weapons located in any place under its jurisdiction or control;
  - (ii) Specify the precise location, aggregate quantity and detailed inventory of chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with Part IV (A), paragraphs 1 to 3, of the Verification Annex, except for those chemical weapons referred to in sub-subparagraph (iii);
  - (iii) Report any chemical weapons on its territory that are owned and possessed by another State and located in any place under the jurisdiction or control of another State, in accordance with Part IV (A), paragraph 4, of the Verification Annex;
  - (iv) Declare whether it has transferred or received, directly or indirectly, any chemical weapons since 1 January 1946 and specify the transfer or receipt of such weapons, in accordance with Part IV (A), paragraph 5, of the Verification Annex;
  - (v) Provide its general plan for destruction of chemical weapons that it owns or possesses, or that are located in

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- any place under its jurisdiction or control, in accordance with Part IV (A), paragraph 6, of the Verification Annex;
- (b) With respect to old chemical weapons and abandoned chemical weapons:
- (i) Declare whether it has on its territory old chemical weapons and provide all available information in accordance with Part IV (B), paragraph 3, of the Verification Annex;
  - (ii) Declare whether there are abandoned chemical weapons on its territory and provide all available information in accordance with Part IV (B), paragraph 8, of the Verification Annex;
  - (iii) Declare whether it has abandoned chemical weapons on the territory of other States and provide all available information in accordance with Part IV (B), paragraph 10, of the Verification Annex;
- (c) With respect to chemical weapons production facilities:
- (i) Declare whether it has or has had any chemical weapons production facility under its ownership or possession, or that is or has been located in any place under its jurisdiction or control at any time since 1 January 1946;
  - (ii) Specify any chemical weapons production facility it has or has had under its ownership or possession or that is or has been located in any place under its jurisdiction or control at any time since 1 January 1946, in accordance with Part V, paragraph 1, of the Verification Annex, except for those facilities referred to in sub-subparagraph (iii);
  - (iii) Report any chemical weapons production facility on its territory that another State has or has had under its ownership and possession and that is or has been located in any place under the jurisdiction or control of another State at any time since 1 January 1946, in accordance with Part V, paragraph 2, of the Verification Annex;
  - (iv) Declare whether it has transferred or received, directly or indirectly, any equipment for the production of chemical weapons since 1 January 1946 and specify the transfer or receipt of such equipment, in accordance with Part V, paragraphs 3 to 5, of the Verification Annex;

- (v) Provide its general plan for destruction of any chemical weapons production facility it owns or possesses, or that is located in any place under its jurisdiction or control, in accordance with Part V, paragraph 6, of the Verification Annex;
  - (vi) Specify actions to be taken for closure of any chemical weapons production facility it owns or possesses, or that is located in any place under its jurisdiction or control, in accordance with Part V, paragraph 1 (i), of the Verification Annex;
  - (vii) Provide its general plan for any temporary conversion of any chemical weapons production facility it owns or possesses, or that is located in any place under its jurisdiction or control, into chemical weapons destruction facility, in accordance with Part V, paragraph 7, of the Verification Annex;
- (d) With respect to other facilities: Specify the precise location, nature and general scope of activities of any facility or establishment under its ownership or possession, or located in any place under its jurisdiction or control, and that has been designed, constructed or used since 1 January 1946 primarily for development of chemical weapons. Such declaration shall include, *inter alia*, laboratories and test and evaluation sites;
- (e) With respect to riot control agents: Specify the chemical name, structural formula and Chemical Abstracts Service (CAS) registry number, if assigned, of each chemical it holds for riot control purposes. This declaration shall be updated not later than 30 days after any change becomes effective.

2. The provisions of this Article and the relevant provisions of Part IV of the Verification Annex shall not, at the discretion of a State Party, apply to chemical weapons buried on its territory before 1 January 1977 and which remain buried, or which had been dumped at sea before 1 January 1985.

#### **Article IV**

##### **Chemical Weapons**

1. The provisions of this Article and the detailed procedures for its implementation shall apply to all chemical weapons owned or possessed by a State Party, or that are located in any place under its jurisdiction

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or control, except old chemical weapons and abandoned chemical weapons to which Part IV (B) of the Verification Annex applies.

2. Detailed procedures for the implementation of this Article are set forth in the Verification Annex.

3. All locations at which chemical weapons specified in paragraph 1 are stored or destroyed shall be subject to systematic verification through on-site inspection and monitoring with on-site instruments, in accordance with Part IV(A) of the Verification Annex.

4. Each State Party shall, immediately after the declaration under Article III, paragraph 1 (a), has been submitted, provide access to chemical weapons specified in paragraph 1 for the purpose of systematic verification of the declaration through on-site inspection. Thereafter, each State Party shall not remove any of these chemical weapons, except to a chemical weapons destruction facility. It shall provide access to such chemical weapons, for the purpose of systematic on-site verification.

5. Each State Party shall provide access to any chemical weapons destruction facilities and their storage areas, that it owns or possesses, or that are located in any place under its jurisdiction or control, for the purpose of systematic verification through on-site inspection and monitoring with on-site instruments.

6. Each State Party shall destroy all chemical weapons specified in paragraph 1 pursuant to the Verification Annex and in accordance with the agreed rate and sequence of destruction (hereinafter referred to as "order of destruction"). Such destruction shall begin not later than two years after this Convention enters into force for it and shall finish not later than 10 years after entry into force of this Convention. A State Party is not precluded from destroying such chemical weapons at a faster rate.

7. Each State Party shall:

- (a) Submit detailed plans for the destruction of chemical weapons specified in paragraph 1 not later than 60 days before each annual destruction period begins, in accordance with Part IV (A), paragraph 29, of the Verification Annex; the detailed plans shall encompass all stocks to be destroyed during the next annual destruction period;
- (b) Submit declarations annually regarding the implementation of its plans for destruction of chemical weapons specified in paragraph 1, not later than 60 days after the end of each annual destruction period; and

- (c) Certify, not later than 30 days after the destruction process has been completed, that all chemical weapons specified in paragraph 1 have been destroyed.

8. If a State ratifies or accedes to this Convention after the 10-year period for destruction set forth in paragraph 6, it shall destroy chemical weapons specified in paragraph 1 as soon as possible. The order of destruction and procedures for stringent verification for such a State Party shall be determined by the Executive Council.

9. Any chemical weapons discovered by a State Party after the initial declaration of chemical weapons shall be reported, secured and destroyed in accordance with Part IV (A) of the Verification Annex.

10. Each State Party, during transportation, sampling, storage and destruction of chemical weapons, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State Party shall transport, sample, store and destroy chemical weapons in accordance with its national standards for safety and emissions.

11. Any State Party which has on its territory chemical weapons that are owned or possessed by another State, or that are located in any place under the jurisdiction or control of another State, shall make the fullest efforts to ensure that these chemical weapons are removed from its territory not later than one year after this Convention enters into force for it. If they are not removed within one year, the State Party may request the Organisation and other States Parties to provide assistance in the destruction of these chemical weapons.

12. Each State Party undertakes to cooperate with other States Parties that request information or assistance on a bilateral basis or through the Technical Secretariat regarding methods and technologies for the safe and efficient destruction of chemical weapons.

13. In carrying out verification activities pursuant to this Article and Part IV (A) of the Verification Annex, the Organisation shall consider measures to avoid unnecessary duplication of bilateral or multilateral agreements on verification of chemical weapons storage and their destruction among States Parties.

To this end, the Executive Council shall decide to limit verification to measures complementary to those undertaken pursuant to such a bilateral or multilateral agreement, if it considers that:

- (a) Verification provisions of such an agreement are consistent with the verification provisions of this Article and Part IV (A) of the Verification Annex;

- (b) Implementation of such an agreement provides for sufficient assurance of compliance with the relevant provisions of this Convention; and
- (c) Parties to the bilateral or multilateral agreement keep the Organisation fully informed about their verification activities.

14. If the Executive Council takes a decision pursuant to paragraph 13, the Organisation shall have the right to monitor the implementation of the bilateral or multilateral agreement.

15. Nothing in paragraphs 13 and 14 shall affect the obligation of a State Party to provide declarations pursuant to Article III, this Article and Part IV (A) of the Verification Annex.

16. Each State Party shall meet the costs of destruction of chemical weapons it is obliged to destroy. It shall also meet the costs of verification of storage and destruction of these chemical weapons unless the Executive Council decides otherwise. If the Executive Council decides to limit verification measures of the Organisation pursuant to paragraph 13, the costs of complementary verification and monitoring by the Organisation shall be paid in accordance with the United Nations scale of assessment, as specified in Article VIII, paragraph 7.

17. The provisions of this Article and the relevant provisions of Part IV of the Verification Annex shall not, at the discretion of a State Party, apply to chemical weapons buried on its territory before 1 January 1977 and which remain buried, or which had been dumped at sea before 1 January 1985.

## ***Article V***

### **Chemical Weapons Production Facilities**

1. The provisions of this Article and the detailed procedures for its implementation shall apply to any and all chemical weapons production facilities owned or possessed by a State Party, or that are located in any place under its jurisdiction or control.

2. Detailed procedures for the implementation of this Article are set forth in the Verification Annex.

3. All chemical weapons production facilities specified in paragraph 1 shall be subject to systematic verification through on-site inspection and monitoring with on-site instruments in accordance with Part V of the Verification Annex.

4. Each State Party shall cease immediately all activity at chemical weapons production facilities specified in paragraph 1, except activity required for closure.

5. No State Party shall construct any new chemical weapons production facilities or modify any existing facilities for the purpose of chemical weapons production or for any other activity prohibited under this Convention.

6. Each State Party shall, immediately after the declaration under Article III, paragraph 1 (c), has been submitted, provide access to chemical weapons production facilities specified in paragraph 1, for the purpose of systematic verification of the declaration through on-site inspection.

7. Each State Party shall:

- (a) Close, not later than 90 days after this Convention enters into force for it, all chemical weapons production facilities specified in paragraph 1, in accordance with Part V of the Verification Annex, and give notice thereof; and
- (b) Provide access to chemical weapons production facilities specified in paragraph 1, subsequent to closure, for the purpose of systematic verification through on-site inspection and monitoring with on-site instruments in order to ensure that the facility remains closed and is subsequently destroyed.

8. Each State Party shall destroy all chemical weapons production facilities specified in paragraph 1 and related facilities and equipment, pursuant to the Verification Annex and in accordance with an agreed rate and sequence of destruction (hereinafter referred to as "order of destruction"). Such destruction shall begin not later than one year after this Convention enters into force for it, and shall finish not later than 10 years after entry into force of this Convention. A State Party is not precluded from destroying such facilities at a faster rate.

9. Each State Party shall:

- (a) Submit detailed plans for destruction of chemical weapons production facilities specified in paragraph 1, not later than 180 days before the destruction of each facility begins;
- (b) Submit declarations annually regarding the implementation of its plans for the destruction of all chemical weapons production facilities specified in paragraph 1, not later than 90 days after the end of each annual destruction period; and
- (c) Certify, not later than 30 days after the destruction process has been completed, that all chemical weapons production facilities specified in paragraph 1 have been destroyed.

10. If a State ratifies or accedes to this Convention after the 10-year period before destruction set forth in paragraph 8, it shall destroy chemical weapons production facilities specified in paragraph 1 as soon as possible. The order of destruction and procedures for stringent verification for such a State Party shall be determined by the Executive Council.

11. Each State Party, during the destruction of chemical weapons production facilities, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State Party shall destroy chemical weapons production facilities in accordance with its national standards for safety and emissions.

12. Chemical weapons production facilities specified in paragraph 1 may be temporarily converted for destruction of chemical weapons in accordance with Part V, paragraphs 18 to 25, of the Verification Annex. Such a converted facility must be destroyed as soon as it is no longer in use for destruction of chemical weapons but, in any case, not later than 10 years after entry into force of this Convention.

13. A State Party may request, in exceptional cases of compelling need, permission to use a chemical weapons production facility specified in paragraph 1 for purposes not prohibited under this Convention. Upon the recommendation of the Executive Council, the Conference of the States Parties shall decide whether or not to approve the request and shall establish the conditions upon which approval is contingent in accordance with Part V, Section D, of the Verification Annex.

14. The chemical weapons production facility shall be converted in such a manner that the converted facility is not more capable of being reconverted into a chemical weapons production facility than any other facility used for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes not involving chemicals listed in Schedule 1.

15. All converted facilities shall be subject to systematic verification through on-site inspection and monitoring with on-site instruments in accordance with Part V, Section D, of the Verification Annex.

16. In carrying out verification activities pursuant to this Article and Part V of the Verification Annex, the Organisation shall consider measures to avoid unnecessary duplication of bilateral or multilateral agreements on verification of chemical weapons production facilities and their destruction among States Parties.

To this end, the Executive Council shall decide to limit the verification to measures complementary to those undertaken pursuant to such a bilateral or multilateral agreement, if it considers that:

- (a) Verification provisions of such an agreement are consistent with the verification provisions of this Article and Part V of the Verification Annex;
- (b) Implementation of the agreement provides for sufficient assurance of compliance with the relevant provisions of this Convention; and
- (c) Parties to the bilateral or multilateral agreement keep the Organisation fully informed about their verification activities.

17. If the Executive Council takes a decision pursuant to paragraph 16, the Organisation shall have the right to monitor the implementation of the bilateral or multilateral agreement.

18. Nothing in paragraphs 16 and 17 shall affect the obligation of a State Party to make declarations pursuant to Article III, this Article and Part V of the Verification Annex.

19. Each State Party shall meet the costs of destruction of chemical weapons production facilities it is obliged to destroy. It shall also meet the costs of verification under this Article unless the Executive Council decides otherwise. If the Executive Council decides to limit verification measures of the Organisation pursuant to paragraph 16, the costs of complementary verification and monitoring by the Organisation shall be paid in accordance with the United Nations scale of assessment, as specified in Article VIII, paragraph 7.

## ***Article VI***

### **Activities Not Prohibited Under This Convention**

1. Each State Party has the right, subject to the provisions of this Convention, to develop, produce, otherwise acquire, retain, transfer and use toxic chemicals and their precursors for purposes not prohibited under this Convention.

2. Each State Party shall adopt the necessary measures to ensure that toxic chemicals and their precursors are only developed, produced, otherwise acquired, retained, transferred, or used within its territory or in any other place under its jurisdiction or control for purposes not prohibited under this Convention. To this end, and in order to verify that activities are in accordance with obligations under this Convention, each State Party shall subject toxic chemicals and their precursors listed in Schedules 1, 2 and 3 of the Annex on Chemicals, facilities related to such chemicals, and other facilities as specified in the Verification Annex, that are located on its territory or in any other

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place under its jurisdiction or control, to verification measures as provided in the Verification Annex.

3. Each State Party shall subject chemicals listed in Schedule 1 (hereinafter referred to as "Schedule 1 chemicals") to the prohibitions on production, acquisition, retention, transfer and use as specified in Part VI of the Verification Annex. It shall subject Schedule 1 chemicals and facilities specified in Part VI of the Verification Annex to systematic verification through on-site inspection and monitoring with on-site instruments in accordance with that Part of the Verification Annex.

4. Each State Party shall subject chemicals listed in Schedule 2 (hereinafter referred to as "Schedule 2 chemicals") and facilities specified in Part VII of the Verification Annex to data monitoring and on-site verification in accordance with that Part of the Verification Annex.

5. Each State Party shall subject chemicals listed in Schedule 3 (hereinafter referred to as "Schedule 3 chemicals") and facilities specified in Part VIII of the Verification Annex to data monitoring and on-site verification in accordance with that Part of the Verification Annex.

6. Each State Party shall subject facilities specified in Part IX of the Verification Annex to data monitoring and eventual on-site verification in accordance with that Part of the Verification Annex unless decided otherwise by the Conference of the States Parties pursuant to Part IX, paragraph 22, of the Verification Annex.

7. Not later than 30 days after this Convention enters into force for it, each State Party shall make an initial declaration on relevant chemicals and facilities in accordance with the Verification Annex.

8. Each State Party shall make annual declarations regarding the relevant chemicals and facilities in accordance with the Verification Annex.

9. For the purpose of on-site verification, each State Party shall grant to the inspectors access to facilities as required in the Verification Annex.

10. In conducting verification activities, the Technical Secretariat shall avoid undue intrusion into the State Party's chemical activities for purposes not prohibited under this Convention and, in particular, abide by the provisions set forth in the Annex on the Protection of Confidential Information (hereinafter referred to as "Confidentiality Annex").

11. The provisions of this Article shall be implemented in a manner which avoids hampering the economic or technological development of States Parties, and international cooperation in the field of chemical activities for purposes not prohibited under this 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.

## ***Article VII***

### **National Implementation Measures**

#### ***General Undertakings***

1. Each State Party shall, in accordance with its constitutional processes, adopt the necessary measures to implement its obligations under this Convention. In particular, it shall:

- (a) Prohibit natural and legal persons anywhere on its territory or in any other place under its jurisdiction as recognised by international law from undertaking any activity prohibited to a State Party under this Convention, including enacting penal legislation with respect to such activity;
- (b) Not permit in any place under its control any activity prohibited to a State Party under this Convention; and
- (c) Extend its penal legislation enacted under subparagraph (a) to any activity prohibited to a State Party under this Convention undertaken anywhere by natural persons, possessing its nationality, in conformity with international law.

2. Each State Party shall cooperate with other States Parties and afford the appropriate form of legal assistance to facilitate the implementation of the obligations under paragraph 1.

3. Each State Party, during the implementation of its obligations under this Convention, shall assign the highest priority to ensuring the safety of people and to protecting the environment, and shall cooperate as appropriate with other State Parties in this regard.

#### ***Relations between the State Party and the Organisation***

4. In order to fulfil its obligations under this Convention, each State Party shall designate or establish a National Authority to serve as the national focal point for effective liaison with the Organisation and other States Parties. Each State Party shall notify the Organisation of its National Authority at the time that this Convention enters into force for it.

5. Each State Party shall inform the Organisation of the legislative and administrative measures taken to implement this Convention.

6. Each State Party shall treat as confidential and afford special handling to information and data that it receives in confidence from the Organisation in connection with the implementation of this Convention. It shall treat such information and data exclusively in connection with its rights and obligations under this Convention and in accordance with the provisions set forth in the Confidentiality Annex.

7. Each State Party undertakes to cooperate with the Organisation in the exercise of all its functions and in particular to provide assistance to the Technical Secretariat.

## ***Article VIII***

### **The Organisation**

#### ***A. General Provisions***

1. The States Parties to this Convention hereby establish the Organisation for the Prohibition of Chemical Weapons to achieve the object and purpose of this Convention, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States Parties.

2. All States Parties to this Convention shall be members of the Organisation. A State Party shall not be deprived of its membership in the Organisation.

3. The seat of the Headquarters of the Organisation shall be The Hague, Kingdom of the Netherlands.

4. There are hereby established as the organs of the Organisation: the Conference of the States Parties, the Executive Council, and the Technical Secretariat.

5. The Organisation shall conduct its verification activities provided for under this Convention in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. It shall request only the information and data necessary to fulfil its responsibilities under this Convention. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of this Convention and, in particular, shall abide by the provisions set forth in the Confidentiality Annex.

6. In undertaking its verification activities the Organisation shall consider measures to make use of advances in science and technology.

7. The costs of the Organisation's activities shall be paid by States Parties in accordance with the United Nations scale of assessment adjusted to take into account differences in membership between the United Nations and this Organisation, and subject to the provisions of Articles IV and V. Financial contributions of States Parties to the Preparatory Commission shall be deducted in an appropriate way from their contributions to the regular budget. The budget of the Organisation shall comprise two separate chapters, one relating to administrative and other costs, and one relating to verification costs.

8. A member of the Organisation which is in arrears in the payment of its financial contribution to the Organisation shall have no vote in the Organisation if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The Conference of the States Parties may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

### ***B. The Conference of the States Parties***

#### *Composition, Procedures and Decision-making*

9. The Conference of the States Parties (hereinafter referred to as "the Conference") shall be composed of all members of this Organisation. Each member shall have one representative in the Conference, who may be accompanied by alternates and advisers.

10. The first session of the Conference shall be convened by the depositary not later than 30 days after the entry into force of this Convention.

11. The Conference shall meet in regular sessions which shall be held annually unless it decides otherwise.

12. Special sessions of the Conference shall be convened:

- (a) When decided by the Conference;
- (b) When requested by the Executive Council;
- (c) When requested by any member and supported by one-third of the members; or
- (d) In accordance with paragraph 22 to undertake reviews of the operation of this Convention.

Except in the case of subparagraph (d), the special session shall be convened not later than 30 days after receipt of the request by the Director-General of the Technical Secretariat, unless specified otherwise in the request.

13. The Conference shall also be convened in the form of an Amendment Conference in accordance with Article XV, paragraph 2.

14. Sessions of the Conference shall take place at the seat of the Organisation unless the Conference decides otherwise.

15. The Conference shall adopt its rules of procedure. At the beginning of each regular session, it shall elect its Chairman and such other officers as may be required. They shall hold office until a new Chairman and other officers are elected at the next regular session.

16. A majority of the members of the Organisation shall constitute a quorum for the Conference.

17. Each member of the Organisation shall have one vote in the Conference.

18. The Conference shall take decisions on questions of procedure by a simple majority of the members present and voting. Decisions on matters of substance should be taken as far as possible by consensus. If consensus is not attainable when an issue comes up for decision, the Chairman shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference before the end of this period. If consensus is not possible at the end of 24 hours, the Conference shall take the decision by a two-thirds majority of members present and voting unless specified otherwise in this Convention. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the Conference by the majority required for decisions on matters of substance.

#### *Powers and Functions*

19. The Conference shall be the principal organ of the Organisation. It shall consider any questions, matters or issues within the scope of this Convention, including those relating to the powers and functions of the Executive Council and the Technical Secretariat. It may make recommendations and take decisions on any questions, matters or issues related to this Convention raised by a State Party or brought to its attention by the Executive Council.

20. The Conference shall oversee the implementation of this Convention, and act in order to promote its object and purpose. The Conference shall review compliance with this Convention. It shall also oversee the activities of the Executive Council and the Technical Secretariat and may issue guidelines in accordance with this Convention to either of them in the exercise of their functions.

21. The Conference shall:

- (a) Consider and adopt at its regular sessions the report, programme and budget of the Organisation, submitted by the Executive Council, as well as consider other reports;
- (b) Decide on the scale of financial contributions to be paid by States Parties in accordance with paragraph 7;
- (c) Elect the members of the Executive Council;
- (d) Appoint the Director-General of the Technical Secretariat (hereinafter referred to as "the Director-General");
- (e) Approve the rules of procedure of the Executive Council submitted by the latter;
- (f) Establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Convention;
- (g) Foster international cooperation for peaceful purposes in the field of chemical activities;
- (h) Review scientific and technological developments that could affect the operation of this Convention and, in this context, direct the Director-General to establish a Scientific Advisory Board to enable him, in the performance of his functions, to render specialised advice in areas of science and technology relevant to this Convention, to the Conference, the Executive Council or States Parties. The Scientific Advisory Board shall be composed of independent experts appointed in accordance with terms of reference adopted by the Conference;
- (i) Consider and approve at its first session any draft agreements, provisions and guidelines developed by the Preparatory Commission;
- (j) Establish at its first session the voluntary fund for assistance in accordance with Article X;
- (k) Take the necessary measures to ensure compliance with this Convention and to redress and remedy any situation which contravenes the provisions of this Convention, in accordance with Article XII.

22. The Conference shall not later than one year after the expiry of the fifth and the tenth year after the entry into force of this Convention, and at such other times within that time period as may be decided upon, convene in special sessions to undertake reviews of the operation of this Convention. Such reviews shall take into account any relevant

scientific and technological developments. At intervals of five years thereafter, unless otherwise decided upon, further sessions of the Conference shall be convened with the same objective.

### ***C. The Executive Council***

#### *Composition, Procedure and Decision-making*

23. The Executive Council shall consist of 41 members. Each State Party shall have the right, in accordance with the principle of rotation, to serve on the Executive Council. The members of the Executive Council shall be elected by the Conference for a term of two years. In order to ensure the effective functioning of this Convention, due regard being specially paid to equitable geographical distribution, to the importance of chemical industry, as well as to political and security interests, the Executive Council shall be composed as follows:

- (a) Nine States Parties from Africa to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these nine States Parties, three members shall, as a rule, be the States Parties with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition, the regional group shall agree also to take into account other regional factors in designating these three members;
- (b) Nine States Parties from Asia to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these nine States Parties, four members shall, as a rule, be the States Parties with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition, the regional group shall agree also to take into account other regional factors in designating these four members;
- (c) Five States Parties from Eastern Europe to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these five States Parties, one member shall, as a rule, be the State Party with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition, the regional group shall agree also to take into account other regional factors in designating this one member;
- (d) Seven States Parties from Latin America and the Caribbean to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these

seven States Parties, three members shall, as a rule, be the States Parties with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition, the regional group shall agree also to take into account other regional factors in designating these three members;

- (e) Ten States Parties from among Western European and other States to be designated by States Parties located in this region. As a basis for this designation it is understood that, out of these 10 States Parties, 5 members shall, as a rule, be the States Parties with the most significant national chemical industry in the region as determined by internationally reported and published data; in addition, the regional group shall agree also to take into account other regional factors in designating these five members;
- (f) One further State Party to be designated consecutively by States Parties located in the regions of Asia and Latin America and the Caribbean. As a basis for this designation it is understood that this State Party shall be a rotating member from these regions.

24. For the first election of the Executive Council 20 members shall be elected for a term of one year, due regard being paid to the established numerical proportions as described in paragraph 23.

25. After the full implementation of Articles IV and V the Conference may, upon the request of a majority of the members of the Executive Council, review the composition of the Executive Council taking into account developments related to the principles specified in paragraph 23 that are governing its composition.

26. The Executive Council shall elaborate its rules of procedure and submit them to the Conference for approval.

27. The Executive Council shall elect its Chairman from among its members.

28. The Executive Council shall meet for regular sessions. Between regular sessions it shall meet as often as may be required for the fulfilment of its powers and functions.

29. Each member of the Executive Council shall have one vote. Unless otherwise specified in this Convention, the Executive Council shall take decisions on matters of substance by a two-thirds majority of all its members. The Executive Council shall take decisions on questions of procedure by a simple majority of all its members. When

the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the Executive Council by the majority required for decisions on matters of substance.

### *Powers and Functions*

30. The Executive Council shall be the executive organ of the Organisation. It shall be responsible to the Conference. The Executive Council shall carry out the powers and functions entrusted to it under this Convention, as well as those functions delegated to it by the Conference. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference and assure their proper and continuous implementation.

31. The Executive Council shall promote the effective implementation of, and compliance with, this Convention. It shall supervise the activities of the Technical Secretariat, cooperate with the National Authority of each State Party and facilitate consultations and cooperation among States Parties at their request.

32. The Executive Council shall:

- (a) Consider and submit to the Conference the draft programme and budget of the Organisation;
- (b) Consider and submit to the Conference the draft report of the Organisation on the implementation of this Convention, the report on the performance of its own activities and such special reports as it deems necessary or which the Conference may request;
- (c) Make arrangements for the sessions of the Conference including the preparation of the draft agenda.

33. The Executive Council may request the convening of a special session of the Conference.

34. The Executive Council shall:

- (a) Conclude agreements or arrangements with States and international organisations on behalf of the Organisation, subject to prior approval by the Conference;
- (b) Conclude agreements with States Parties on behalf of the Organisation in connection with Article X and supervise the voluntary fund referred to in Article X;
- (c) Approve agreements or arrangements relating to the implementation of verification activities, negotiated by the Technical Secretariat with States Parties.

35. The Executive Council shall consider any issue or matter within its competence affecting this Convention and its implementation, including concerns regarding compliance, and cases of non-compliance, and, as appropriate, inform States Parties and bring the issue or matter to the attention of the Conference.

36. In its consideration of doubts or concerns regarding compliance and cases of non-compliance, including, *inter alia*, abuse of the rights provided for under this Convention, the Executive Council shall consult with the States Parties involved and, as appropriate, request the State Party to take measures to redress the situation within a specified time. To the extent that the Executive Council considers further action to be necessary, it shall take, *inter alia*, one or more of the following measures:

- (a) Inform all States Parties of the issue or matter;
- (b) Bring the issue or matter to the attention of the Conference;
- (c) Make recommendations to the Conference regarding measures to redress the situation and to ensure compliance.

The Executive Council shall, in cases of particular gravity and urgency, bring the issue or matter, including relevant information and conclusions, directly to the attention of the United Nations General Assembly and the United Nations Security Council. It shall at the same time inform all States Parties of this step.

#### ***D. The Technical Secretariat***

37. The Technical Secretariat shall assist the Conference and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the verification measures provided for in this Convention. It shall carry out the other functions entrusted to it under this Convention as well as those functions delegated to it by the Conference and the Executive Council.

38. The Technical Secretariat shall:

- (a) Prepare and submit to the Executive Council the draft programme and budget of the Organisation;
- (b) Prepare and submit to the Executive Council the draft report of the Organisation on the implementation of this Convention and such other reports as the Conference or the Executive Council may request;
- (c) Provide administrative and technical support to the Conference, the Executive Council and subsidiary organs;

- (d) Address and receive communications on behalf of the Organisation to and from States Parties on matters pertaining to the implementation of this Convention;
- (e) Provide technical assistance and technical evaluation to States Parties in the implementation of the provisions of this Convention, including evaluation of scheduled and unscheduled chemicals.

39. The Technical Secretariat shall:

- (a) Negotiate agreements or arrangements relating to the implementation of verification activities with States Parties, subject to approval by the Executive Council;
- (b) Not later than 180 days after entry into force of this Convention, coordinate the establishment and maintenance of permanent stockpiles of emergency and humanitarian assistance by States Parties in accordance with Article X, paragraphs 7 (b) and (c). The Technical Secretariat may inspect the items maintained for serviceability. Lists of items to be stockpiled shall be considered and approved by the Conference pursuant to paragraph 21(i) above;
- (c) Administer the voluntary fund referred to in Article X, compile declarations made by the States Parties and register, when requested, bilateral agreements concluded between States Parties or between a State Party and the Organisation for the purposes of Article X.

40. The Technical Secretariat shall inform the Executive Council of any problem that has arisen with regard to the discharge of its functions, including doubts, ambiguities or uncertainties about compliance with this Convention that have come to its notice in the performance of its verification activities and that it has been unable to resolve or clarify through its consultations with the State Party concerned.

41. The Technical Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, inspectors and such scientific, technical and other personnel as may be required.

42. The Inspectorate shall be a unit of the Technical Secretariat and shall act under the supervision of the Director-General.

43. The Director-General shall be appointed by the Conference upon the recommendation of the Executive Council for a term of four years, renewable for one further term, but not thereafter.

44. The Director-General shall be responsible to the Conference and the Executive Council for the appointment of the staff and the organisation and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Only citizens of States Parties shall serve as the Director-General, as inspectors or as other members of the professional and clerical staff. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to a minimum necessary for the proper discharge of the responsibilities of the Technical Secretariat.

45. The Director-General shall be responsible for the organisation and functioning of the Scientific Advisory Board referred to in paragraph 21 (h). The Director-General shall, in consultation with States Parties, appoint members of the Scientific Advisory Board, who shall serve in their individual capacity. The members of the Board shall be appointed on the basis of their expertise in the particular scientific fields relevant to the implementation of this Convention. The Director-General may also, as appropriate, in consultation with members of the Board, establish temporary working groups of scientific experts to provide recommendations on specific issues. In regard to the above, States Parties may submit lists of experts to the Director-General.

46. In the performance of their duties, the Director-General, the inspectors and the other members of the staff shall not seek or receive instructions from any Government or from any other source external to the Organisation. They shall refrain from any action that might reflect on their positions as international officers responsible only to the Conference and the Executive Council.

47. Each State Party shall respect the exclusively international character of the responsibilities of the Director-General, the inspectors and the other members of the staff and not seek to influence them in the discharge of their responsibilities.

### ***E. Privileges and Immunities***

48. The Organisation shall enjoy on the territory and in any other place under the jurisdiction or control of a State Party such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

49. Delegates of States Parties, together with their alternates and advisers, representatives appointed to the Executive Council together

with their alternates and advisers, the Director-General and the staff of the Organisation shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connection with the Organisation.

50. The legal capacity, privileges, and immunities referred to in this Article shall be defined in agreements between the Organisation and the States Parties as well as in an agreement between the Organisation and the State in which the headquarters of the Organisation is seated. These agreements shall be considered and approved by the Conference pursuant to paragraph 21(i).

51. Notwithstanding paragraphs 48 and 49, the privileges and immunities enjoyed by the Director-General and the staff of the Technical Secretariat during the conduct of verification activities shall be those set forth in Part II, Section B, of the Verification Annex.

## ***Article IX***

### **Consultations, Cooperation and Fact-Finding**

1. States Parties shall consult and cooperate, directly among themselves, or through the Organisation or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the object and purpose, or the implementation of the provisions, of this Convention.

2. Without prejudice to the right of any State Party to request a challenge inspection, States Parties should, whenever possible, first make every effort to clarify and resolve, through exchange of information and consultations among themselves, any matter which may cause doubt about compliance with this Convention, or which gives rise to concerns about a related matter which may be considered ambiguous. A State Party which receives a request from another State Party for clarification of any matter which the requesting State Party believes causes such a doubt or concern shall provide the requesting State Party as soon as possible, but in any case not later than 10 days after the request, with information sufficient to answer the doubt or concern raised along with an explanation of how the information provided resolves the matter. Nothing in this Convention shall affect the right of any two or more States Parties to arrange by mutual consent for inspections or any other procedures among themselves to clarify and resolve any matter which may cause doubt about compliance or gives rise to a concern about a related matter which may be considered ambiguous. Such arrangements shall not affect the rights

and obligations of any State Party under other provisions of this Convention.

***Procedure for Requesting Clarification***

3. A State Party shall have the right to request the Executive Council to assist in clarifying any situation which may be considered ambiguous or which gives rise to a concern about the possible non-compliance of another State Party with this Convention. The Executive Council shall provide appropriate information in its possession relevant to such a concern.

4. A State Party shall have the right to request the Executive Council to obtain clarification from another State Party on any situation which may be considered ambiguous or which gives rise to a concern about its possible non-compliance with this Convention. In such a case, the following shall apply:

- (a) The Executive Council shall forward the request for clarification to the State Party concerned through the Director-General not later than 24 hours after its receipt;
- (b) The requested State Party shall provide the clarification to the Executive Council as soon as possible, but in any case not later than 10 days after the receipt of the request;
- (c) The Executive Council shall take note of the clarification and forward it to the requesting State Party not later than 24 hours after its receipt;
- (d) If the requesting State Party deems the clarification to be inadequate, it shall have the right to request the Executive Council to obtain from the requested State Party further clarification;
- (e) For the purpose of obtaining further clarification requested under subparagraph (d), the Executive Council may call on the Director-General to establish a group of experts from the Technical Secretariat, or if appropriate staff are not available in the Technical Secretariat, from elsewhere, to examine all available information and data relevant to the situation causing the concern. The group of experts shall submit a factual report to the Executive Council on its findings;
- (f) If the requesting State Party considers the clarification obtained under subparagraphs (d) and (e) to be unsatisfactory, it shall have the right to request a special session of the Executive Council in which States Parties involved that

are not members of the Executive Council shall be entitled to take part. In such a special session, the Executive Council shall consider the matter and may recommend any measure it deems appropriate to resolve the situation.

5. A State Party shall also have the right to request the Executive Council to clarify any situation which has been considered ambiguous or has given rise to a concern about its possible non-compliance with this Convention. The Executive Council shall respond by providing such assistance as appropriate.

6. The Executive Council shall inform the States Parties about any request for clarification provided in this Article.

7. If the doubt or concern of a State Party about a possible non-compliance has not been resolved within 60 days after the submission of the request for clarification to the Executive Council, or it believes its doubts warrant urgent consideration, notwithstanding its right to request a challenge inspection, it may request a special session of the Conference in accordance with Article VIII, paragraph 12 (c). At such a special session, the Conference shall consider the matter and may recommend any measure it deems appropriate to resolve the situation.

### ***Procedures for Challenge Inspections***

8. Each State Party has the right to request an on-site challenge inspection of any facility or location in the territory or in any other place under the jurisdiction or control of any other State Party for the sole purpose of clarifying and resolving any questions concerning possible non-compliance with the provisions of this Convention, and to have this inspection conducted anywhere without delay by an inspection team designated by the Director-General and in accordance with the Verification Annex.

9. Each State Party is under the obligation to keep the inspection request within the scope of this Convention and to provide in the inspection request all appropriate information on the basis of which a concern has arisen regarding possible non-compliance with this Convention as specified in the Verification Annex. Each State Party shall refrain from unfounded inspection requests, care being taken to avoid abuse. The challenge inspection shall be carried out for the sole purpose of determining facts relating to the possible non-compliance.

10. For the purpose of verifying compliance with the provisions of this Convention, each State Party shall permit the Technical Secretariat to conduct the on-site challenge inspection pursuant to paragraph 8.

11. Pursuant to a request for a challenge inspection of a facility or location, and in accordance with the procedures provided for in the Verification Annex, the inspected State Party shall have.

- (a) The right and the obligation to make every reasonable effort to demonstrate its compliance with this Convention and, to this end, to enable the inspection team to fulfil its mandate;
- (b) The obligation to provide access within the requested site for the sole purpose of establishing facts relevant to the concern regarding possible non-compliance; and
- (c) The right to take measures to protect sensitive installations, and to prevent disclosure of confidential information and data, not related to this Convention.

12. With regard to an observer, the following shall apply:

- (a) The requesting State Party may, subject to the agreement of the inspected State Party, send a representative who may be a national either of the requesting State Party or of a third State Party, to observe the conduct of the challenge inspection.
- (b) The inspected State Party shall then grant access to the observer in accordance with the Verification Annex.
- (c) The inspected State Party shall, as a rule, accept the proposed observer, but if the inspected State Party exercises a refusal, that fact shall be recorded in the final report.

13. The requesting State Party shall present an inspection request for an on-site challenge inspection to the Executive Council and at the same time to the Director-General for immediate processing.

14. The Director-General shall immediately ascertain that the inspection request meets the requirements specified in Part X, paragraph 4, of the Verification Annex, and, if necessary, assist the requesting State Party in filing the inspection request accordingly. When the inspection request fulfils the requirements, preparations for the challenge inspection shall begin.

15. The Director-General shall transmit the inspection request to the inspected State Party not less than 12 hours before the planned arrival of the inspection team at the point of entry.

16. After having received the inspection request, the Executive Council shall take cognizance of the Director-General's actions on the request and shall keep the case under its consideration throughout the inspection procedure. However, its deliberations shall not delay the inspection process.

17. The Executive Council may, not later than 12 hours after having received the inspection request, decide by a three-quarter majority of all its members against carrying out the challenge inspection, if it considers the inspection request to be frivolous, abusive or clearly beyond the scope of this Convention as described in paragraph 8. Neither the requesting nor the inspected State Party shall participate in such a decision. If the Executive Council decides against the challenge inspection, preparations shall be stopped, no further action on the inspection request shall be taken, and the States Parties concerned shall be informed accordingly.

18. The Director-General shall issue an inspection mandate for the conduct of the challenge inspection. The inspection mandate shall be the inspection request referred to in paragraphs 8 and 9 put into operational terms, and shall conform with the inspection request.

19. The challenge inspection shall be conducted in accordance with Part X or, in the case of alleged use, in accordance with Part XI of the Verification Annex. The inspection team shall be guided by the principle of conducting the challenge inspection in the least intrusive manner possible, consistent with the effective and timely accomplishment of its mission.

20. The inspected State Party shall assist the inspection team throughout the challenge inspection and facilitate its task. If the inspected State Party proposes, pursuant to Part X, Section C, of the Verification Annex, arrangements to demonstrate compliance with this Convention, alternative to full and comprehensive access, it shall make every reasonable effort, through consultations with the inspection team, to reach agreement on the modalities for establishing the facts with the aim of demonstrating its compliance.

21. The final report shall contain the factual findings as well as an assessment by the inspection team of the degree and nature of access and cooperation granted for the satisfactory implementation of the challenge inspection. The Director-General shall promptly transmit the final report of the inspection team to the requesting State Party, to the inspected State Party, to the Executive Council and to all other States Parties. The Director-General shall further transmit promptly to the Executive Council the assessments of the requesting and of the inspected States Parties, as well as the views of other States Parties which may be conveyed to the Director-General for that purpose, and then provide them to all States Parties.

22. The Executive Council shall, in accordance with its powers and functions, review the final report of the inspection team as soon as it is presented, and address any concerns as to:

- (a) Whether any non-compliance has occurred;
- (b) Whether the request had been within the scope of this Convention; and
- (c) Whether the right to request a challenge inspection had been abused.

23. If the Executive Council reaches the conclusion, in keeping with its powers and functions, that further action may be necessary with regard to paragraph 22, it shall take the appropriate measures to redress the situation and to ensure compliance with this Convention, including specific recommendations to the Conference. In the case of abuse, the Executive Council shall examine whether the requesting State Party should bear any of the financial implications of the challenge inspection.

24. The requesting State Party and the inspected State Party shall have the right to participate in the review process. The Executive Council shall inform the States Parties and the next session of the Conference of the outcome of the process.

25. If the Executive Council has made specific recommendations to the Conference, the Conference shall consider action in accordance with Article XII.

## **Article X**

### **Assistance and Protection against Chemical Weapons**

1. For the purposes of this Article, "Assistance" means the coordination and delivery to States Parties of protection against chemical weapons, including, *inter alia*, the following: detection equipment and alarm systems; protective equipment; decontamination equipment and decontaminants; medical antidotes and treatments; and advice on any of these protective measures.

2. Nothing in this Convention shall be interpreted as impeding the right of any State Party to conduct research into, develop, produce, acquire, transfer or use means of protection against chemical weapons, for purposes not prohibited under this Convention.

3. Each State Party undertakes to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons.

4. For the purposes of increasing the transparency of national programmes related to protective purposes, each State Party shall provide annually to the Technical Secretariat information on its

programme, in accordance with procedures to be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i).

5. The Technical Secretariat shall establish, not later than 180 days after entry into force of this Convention and maintain, for the use of any requesting State Party, a data bank containing freely available information concerning various means of protection against chemical weapons as well as such information as may be provided by States Parties.

The Technical Secretariat shall also, within the resources available to it, and at the request of a State Party, provide expert advice and assist the State Party in identifying how its programmes for the development and improvement of a protective capacity against chemical weapons could be implemented.

6. Nothing in this Convention shall be interpreted as impeding the right of States Parties to request and provide assistance bilaterally and to conclude individual agreements with other States Parties concerning the emergency procurement of assistance.

7. Each State Party undertakes to provide assistance through the Organisation and to this end to elect to take one or more of the following measures:

- (a) To contribute to the voluntary fund for assistance to be established by the Conference at its first session;
- (b) To conclude, if possible not later than 180 days after this Convention enters into force for it, agreements with the Organisation concerning the procurement, upon demand, of assistance;
- (c) To declare, not later than 180 days after this Convention enters into force for it, the kind of assistance it might provide in response to an appeal by the Organisation. If, however, a State Party subsequently is unable to provide the assistance envisaged in its declaration, it is still under the obligation to provide assistance in accordance with this paragraph.

8. Each State Party has the right to request and, subject to the procedures set forth in paragraphs 9, 10 and 11, to receive assistance and protection against the use or threat of use of chemical weapons if it considers that:

- (a) Chemical weapons have been used against it;
- (b) Riot control agents have been used against it as a method of warfare; or

- (c) It is threatened by actions or activities of any State that are prohibited for States Parties by Article I.

9. The request, substantiated by relevant information, shall be submitted to the Director-General, who shall transmit it immediately to the Executive Council and to all States Parties. The Director-General shall immediately forward the request to States Parties which have volunteered, in accordance with paragraphs 7 (b) and (c), to dispatch emergency assistance in case of use of chemical weapons or use of riot control agents as a method of warfare, or humanitarian assistance in case of serious threat of use of chemical weapons or serious threat of use of riot control agents as a method of warfare to the State Party concerned not later than 12 hours after receipt of the request. The Director-General shall initiate, not later than 24 hours after receipt of the request, an investigation in order to provide foundation for further action. He shall complete the investigation within 72 hours and forward a report to the Executive Council. If additional time is required for completion of the investigation, an interim report shall be submitted within the same time-frame. The additional time required for investigation shall not exceed 72 hours. It may, however, be further extended by similar periods. Reports at the end of each additional period shall be submitted to the Executive Council. The investigation shall, as appropriate and in conformity with the request and the information accompanying the request, establish relevant facts related to the request as well as the type and scope of supplementary assistance and protection needed.

10. The Executive Council shall meet not later than 24 hours after receiving an investigation report to consider the situation and shall take a decision by simple majority within the following 24 hours on whether to instruct the Technical Secretariat to provide supplementary assistance. The Technical Secretariat shall immediately transmit to all States Parties and relevant international organisations the investigation report and the decision taken by the Executive Council. When so decided by the Executive Council, the Director-General shall provide assistance immediately. For this purpose, the Director-General may cooperate with the requesting State Party, other States Parties and relevant international organisations. The States Parties shall make the fullest possible efforts to provide assistance.

11. If the information available from the ongoing investigation or other reliable sources would give sufficient proof that there are victims of use of chemical weapons and immediate action is indispensable, the Director-General shall notify all States Parties and shall take

emergency measures of assistance, using the resources the Conference has placed at his disposal for such contingencies. The Director-General shall keep the Executive Council informed of actions undertaken pursuant to this paragraph.

### ***Article XI***

#### **Economic and Technological Development**

1. The provisions of this Convention shall be implemented in a manner which avoids hampering the economic or technological development of States Parties, and international cooperation in the field of chemical activities for purposes not prohibited under this 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.

2. Subject to the provisions of this Convention and without prejudice to the principles and applicable rules of international law, the States Parties shall:

- (a) Have the right, individually or collectively, to conduct research with, to develop, produce, acquire, retain, transfer, and use chemicals;
- (b) Undertake to facilitate, and have the right to participate in, the fullest possible exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under this Convention;
- (c) Not maintain among themselves any restrictions, including those in any international agreements, incompatible with the obligations undertaken under this 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 or other peaceful purposes;
- (d) Not use this Convention as grounds for applying any measures other than those provided for, or permitted, under this Convention nor use any other international agreement for pursuing an objective inconsistent with this Convention;
- (e) 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 this Convention.

### **Article XII**

Measures to redress a situation and to ensure compliance, including sanctions:

1. The Conference shall take the necessary measures, as set forth in paragraphs 2, 3 and 4, to ensure compliance with this Convention and to redress and remedy any situation which contravenes the provisions of this Convention. In considering action pursuant to this paragraph, the Conference shall take into account all information and recommendations on the issues submitted by the Executive Council.

2. In cases where a State Party has been requested by the Executive Council to take measures to redress a situation raising problems with regard to its compliance, and where the State Party fails to fulfil the request within the specified time, the Conference may, *inter alia*, upon the recommendation of the Executive Council, restrict or suspend the State Party's rights and privileges under this Convention until it undertakes the necessary action to conform with its obligations under this Convention.

3. In cases where serious damage to the object and purpose of this Convention may result from activities prohibited under this Convention, in particular by Article I, the Conference may recommend collective measures to States Parties in conformity with international law.

4. The Conference shall, in cases of particular gravity, bring the issue, including relevant information and conclusions, to the attention of the United Nations General Assembly and the United Nations Security Council.

### **Article XIII**

#### **Relation to Other International Agreements**

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at London, Moscow and Washington on 10 April 1972.

### **Article XIV**

#### **Settlement of Disputes**

1. Disputes that may arise concerning the application or the interpretation of this Convention shall be settled in accordance with

the relevant provisions of this Convention and in conformity with the provisions of the Charter of the United Nations.

2. When a dispute arises between two or more States Parties, or between one or more States Parties and the Organisation, relating to the interpretation or application of this Convention, the parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of the parties' choice, including recourse to appropriate organs of this Convention and, by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court. The States Parties involved shall keep the Executive Council informed of actions being taken.

3. The Executive Council may contribute to the settlement of a dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties to a dispute to start the settlement process of their choice and recommending a time-limit for any agreed procedure.

4. The Conference shall consider questions related to disputes raised by States Parties or brought to its attention by the Executive Council. The Conference shall, as it finds necessary, establish or entrust organs with tasks related to the settlement of these disputes in conformity with Article VIII, paragraph 21 (f).

5. The Conference and the Executive Council are separately empowered, 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 arising within the scope of the activities of the Organisation. An agreement between the Organisation and the United Nations shall be concluded for this purpose in accordance with Article VIII, paragraph 34 (a).

6. This Article is without prejudice to Article IX or to the provisions on measures to redress a situation and to ensure compliance, including sanctions.

## ***Article XV***

### **Amendments**

1. Any State Party may propose amendments to this Convention. Any State Party may also propose changes, as specified in paragraph 4, to the Annexes of this Convention. Proposals for amendments shall be subject to the procedures in paragraphs 2 and 3. Proposals for changes, as specified in paragraph 4, shall be subject to the procedures in paragraph 5.

2. The text of a proposed amendment shall be submitted to the Director-General for circulation to all States Parties and to the Depository. The proposed amendment shall be considered only by an Amendment Conference. Such an Amendment Conference shall be convened if one-third or more of the States Parties notify the Director-General not later than 30 days after its circulation that they support further consideration of the proposal. The Amendment Conference shall be held immediately following a regular session of the Conference unless the requesting States Parties ask for an earlier meeting. In no case shall an Amendment Conference be held less than 60 days after the circulation of the proposed amendment.

3. Amendments shall enter into force for all States Parties 30 days after deposit of the instruments of ratification or acceptance by all the States Parties referred to under subparagraph (b) below:

- (a) When adopted by the Amendment Conference by a positive vote of a majority of all States Parties with no State Party casting a negative vote; and
- (b) Ratified or accepted by all those States Parties casting a positive vote at the Amendment Conference.

4. In order to ensure the viability and the effectiveness of this Convention, provisions in the Annexes shall be subject to changes in accordance with paragraph 5, if proposed changes are related only to matters of an administrative or technical nature. All changes to the Annex on Chemicals shall be made in accordance with paragraph 5. Sections A and C of the Confidentiality Annex, Part X of the Verification Annex, and those definitions in Part I of the Verification Annex which relate exclusively to challenge inspections, shall not be subject to changes in accordance with paragraph 5.

5. Proposed changes referred to in paragraph 4 shall be made in accordance with the following procedures:

- (a) The text of the proposed changes shall be transmitted together with the necessary information to the Director-General. Additional information for the evaluation of the proposal may be provided by any State Party and the Director-General. The Director-General shall promptly communicate any such proposals and information to all States Parties, the Executive Council and the Depository;
- (b) Not later than 60 days after its receipt, the Director-General shall evaluate the proposal to determine all its possible consequences for the provisions of this Convention and its

- 
- implementation and shall communicate any such information to all States Parties and the Executive Council;
- (c) The Executive Council shall examine the proposal in the light of all information available to it, including whether the proposal fulfils the requirements of paragraph 4. Not later than 90 days after its receipt, the Executive Council shall notify its recommendation, with appropriate explanations, to all States Parties for consideration. States Parties shall acknowledge receipt within 10 days;
  - (d) If the Executive Council recommends to all States Parties that the proposal be adopted, it shall be considered approved if no State Party objects to it within 90 days after receipt of the recommendation. If the Executive Council recommends that the proposal be rejected, it shall be considered rejected if no State Party objects to the rejection within 90 days after receipt of the recommendation;
  - (e) If a recommendation of the Executive Council does not meet with the acceptance required under subparagraph (d), a decision on the proposal, including whether it fulfils the requirements of paragraph 4, shall be taken as a matter of substance by the Conference at its next session;
  - (f) The Director-General shall notify all States Parties and the Depositary of any decision under this paragraph;
  - (g) Changes approved under this procedure shall enter into force for all States Parties 180 days after the date of notification by the Director-General of their approval unless another time period is recommended by the Executive Council or decided by the Conference.

## ***Article XVI***

### **Duration and Withdrawal**

1. This Convention shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention if it decides that extraordinary events, related to the subject-matter of this Convention, have jeopardised the supreme interests of its country. It shall give notice of such withdrawal 90 days in advance to all other States Parties, the Executive Council, the Depositary and the United Nations Security Council. Such notice shall include a statement of the extraordinary events it regards as having jeopardised its supreme interests.

3. The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law, particularly the Geneva Protocol of 1925.

### ***Article XVII***

#### **Status of the Annexes**

The Annexes form an integral part of this Convention. Any reference to this Convention includes the Annexes.

### ***Article XVIII***

#### **Signature**

This Convention shall be open for signature for all States before its entry into force.

### ***Article XIX***

#### **Ratification**

This Convention shall be subject to ratification by States Signatories according to their respective constitutional processes.

### ***Article XX***

#### **Accession**

Any State which does not sign this Convention before its entry into force may accede to it at any time thereafter.

### ***Article XXI***

#### **Entry into Force**

1. This Convention shall enter into force 180 days after the date of the deposit of the 65th instrument of ratification, but in no case earlier than two years after its opening for signature.

2. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the 30th day following the date of deposit of their instrument of ratification or accession.

### ***Article XXII***

#### **Reservations**

The Articles of this Convention shall not be subject to reservations. The Annexes of this Convention shall not be subject to reservations incompatible with its object and purpose.

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**Article XXIII****Depositary**

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention and shall, *inter alia*:

- (a) Promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention, and of the receipt of other notices;
- (b) Transmit duly certified copies of this Convention to the Governments of all signatory and acceding States; and
- (c) Register this Convention pursuant to Article 102 of the Charter of the United Nations.

**Article XXIV****Authentic Texts**

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In Witness Whereof the undersigned, being duly authorised to that effect, have signed this Convention.

Done at Paris on the thirteenth day of January, one thousand nine hundred and ninety-three.

**A. GUIDELINES FOR SCHEDULES OF CHEMICALS****Guidelines for Schedule 1**

The following criteria shall be taken into account in considering whether a toxic chemical or precursor should be included in Schedule 1:

- (a) It has been developed, produced, stockpiled or used as a chemical weapon as defined in Article II;
- (b) It poses otherwise a high risk to the object and purpose of this Convention by virtue of its high potential for use in activities prohibited under this Convention because one or more of the following conditions are met:
  - (i) It possesses a chemical structure closely related to that of other toxic chemicals listed in Schedule 1, and has, or can be expected to have, comparable properties;
  - (ii) It possesses such lethal or incapacitating toxicity as well as other properties that would enable it to be used as a chemical weapon;

- (iii) It may be used as a precursor in the final single technological stage of production of a toxic chemical listed in Schedule 1, regardless of whether this stage takes place in facilities, in munitions or elsewhere;
- (c) It has little or no use for purposes not prohibited under this Convention.

### **Guidelines for Schedule 2**

2. The following criteria shall be taken into account in considering whether a toxic chemical not listed in Schedule 1 or a precursor to a Schedule 1 chemical or to a chemical listed in Schedule 2, part A, should be included in Schedule 2:

- (a) It poses a significant risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that could enable it to be used as a chemical weapon;
- (b) It may be used as a precursor in one of the chemical reactions at the final stage of formation of a chemical listed in Schedule 1 or Schedule 2, part A;
- (c) It poses a significant risk to the object and purpose of this Convention by virtue of its importance in the production of a chemical listed in Schedule 1 or Schedule 2, part A;
- (d) It is not produced in large commercial quantities for purposes not prohibited under this Convention.

### **Guidelines for Schedule 3**

3. The following criteria shall be taken into account in considering whether a toxic chemical or precursor, not listed in other Schedules, should be included in Schedule 3:

- (a) It has been produced, stockpiled or used as a chemical weapon;
- (b) It poses otherwise a risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that might enable it to be used as a chemical weapon;
- (c) It poses a risk to the object and purpose of this Convention by virtue of its importance in the production of one or more chemicals listed in Schedule 1 or Schedule 2, part B;
- (d) It may be produced in large commercial quantities for purposes not prohibited under this Convention.

## B. SCHEDULES OF CHEMICALS

The following Schedules list toxic chemicals and their precursors. For the purpose of implementing this Convention, these Schedules identify chemicals for the application of verification measures according to the provisions of the Verification Annex. Pursuant to Article II, subparagraph 1 (a), these Schedules do not constitute a definition of chemical weapons.

(Whenever reference is made to groups of dialkylated chemicals, followed by a list of alkyl groups in parentheses, all chemicals possible by all possible combinations of alkyl groups listed in the parentheses are considered as listed in the respective Schedule as long as they are not explicitly exempted. A chemical marked "\*" on Schedule 2, part A, is subject to special thresholds for declaration and verification, as specified in Part VII of the Verification Annex.)

### SCHEDULE 1

#### A. Toxic chemicals:

- |     |   |                         |
|-----|---|-------------------------|
| (1) | 0-Alkyl (< C10, incl. cycloalkyl) alkyl<br>(Me, Et, n-Pr or i-Pr)-phosphonofluoridates<br>e.g. Sarin: 0-Isopropyl methylphosphonofluoridate<br>Soman: 0-Pinacolyl methylphosphonofluoridate | (107-44-8)<br>(96-64-0) |
| (2) | 0-Alkyl (< C10, incl. cycloalkyl) N,N-dialkyl<br>(Me, Et, n-Pr or i-Pr)-phosphoramidocyanidates<br>e.g. Tabun: 0-Ethyl N,N-dimethyl<br>phosphoramidocyanidate                               | (77-81-6)               |

(CAS registry number)

- (3) 0-Alkyl (H or < C10, incl. cycloalkyl) S-2-dialkyl  
(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl  
(Me, Et, n-Pr or i-Pr)-phosphonothiolates and corresponding  
alkylated or protonated salts  
e.g. VX: O-Ethyl S-2-diisopropylaminoethyl  
methyl phosphonothiolate  
(50782-69-9)
- (4) Sulphur mustards:  
2-Chloroethylchloromethylsulfide (2625-76-5)  
Mustard gas: Bis(2-chloroethyl)sulfide (505-60-2)  
Bis(2-chloroethylthio)methane (63869-13-6)  
Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane (3563-36-8)  
1,3-Bis(2-chloroethylthio)-n-propane (63905-10-2)  
1,4-Bis(2-chloroethylthio)-n-butane (142868-93-7)  
1,5-Bis(2-chloroethylthio)-n-pentane (142868-94-8)  
Bis(2-chloroethylthiomethyl)ether (63918-90-1)  
0-Mustard: Bis(2-chloroethylthioethyl)ether (63918-89-8)
- (5) Lewisites:  
Lewisite 1: 2-Chlorovinyl dichloroarsine (541-25-3)  
Lewisite 2: Bis(2-chlorovinyl)chloroarsine (40334-69-8)  
Lewisite 3: Tris(2-chlorovinyl)arsine (40334-70-1)

- (6) Nitrogen mustards:
- |      |                               |            |
|------|-------------------------------|------------|
| HN1: | Bis(2-chloroethyl)ethylamine  | (538-07-8) |
| HN2: | Bis(2-chloroethyl)methylamine | (51-75-2)  |
| HN3: | Tris(2-chloroethyl)amine      | (555-77-1) |
- (7) Saxitoxin (35523-89-8)
- (8) Ricin (9009-86-3)
- B. Precursors:**
- (9) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides  
e.g. DF: Methylphosphonyldifluoride (676-99-3)
- (10) O-Alkyl (H or < C10, incl. cycloalkyl) O-2-dialkyl  
(Me, Et, n-Pr or i-Pr)-aminoethyl alkyl  
(Me, Et, n-Pr or i-Pr) phosphonites and corresponding  
alkylated or protonated salts  
e.g. QL: O-Ethyl O-2-diisopropylaminoethyl  
methylphosphonite (57856-11-8)
- (11) Chlorosarin: O-Isopropyl methylphosphonochloridate (1445-76-7)
- (12) Chlorosoman: O-Pinacoyl methylphosphonochloridate (7040-57-5)

## SCHEDULE 2

	(CAS registry number)
<b>A. Toxic chemicals:</b>	
(1) Amiton: 0,0-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts	(78-53-5)
(2) PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene	(382-21-8)
(3) BZ: 3-Quinuclidinyl benzilate (*)	(6581-06-2)
<b>B. Precursors:</b>	
(4) Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms, e.g. Methylphosphonyl dichloride Dimethyl methylphosphonate	(676-97-1) (756-79-6)
Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiothionate	(944-22-9)
(5) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides -	
(6) Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates -	
(7) Arsenic trichloride	(7784-34-1)

- 
- (8) 2,2-Diphenyl-2-hydroxyacetic acid (76-93-7)
- (9) Quinuclidine-3-ol (1619-34-7)
- (10) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts -
- (11) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts  
Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts  
N,N-Diethylaminoethanol and corresponding protonated salts
- (12) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts (108-01-0)  
(100-37-8)
- (13) Thiodiglycol: Bis(2-hydroxyethyl)sulfide (111-48-8)
- (14) Pinacolyl alcohol: 3,3-Dimethylbutane-2-ol (464-07-3)

## SCHEDULE 3

**A. Toxic chemicals:**

- (1) Phosgene: Carbonyl dichloride (75-44-5)
- (2) Cyanogen chloride (506-77-4)
- (3) Hydrogen cyanide (74-90-8)
- (4) Chloropicrin: Trichloronitromethane (76-06-2)

**B. Precursors:**

- (5) Phosphorus oxychloride (10025-87-3)
- (6) Phosphorus trichloride (7719-12-2)
- (7) Phosphorus pentachloride (10026-13-8)
- (8) Trimethyl phosphite (121-45-9)
- (9) Triethyl phosphite (122-52-1)
- (10) Dimethyl phosphite (868-85-9)
- (11) Diethyl phosphite (762-04-9)
- (12) Sulphur monochloride (10025-67-9)
- (13) Sulphur dichloride (10545-99-0)
- (14) Thionyl chloride (7719-09-7)
- (15) Ethyldiethanolamine (139-87-7)
- (16) Methyl-diethanolamine (105-59-9)
- (17) Triethanolamine (102-71-6)

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***PART-I***  
**DEFINITIONS**

1. "Approved Equipment" means the devices and instruments necessary for the performance of the inspection team's duties that have been certified by the Technical Secretariat in accordance with regulations prepared by the Technical Secretariat pursuant to Part II, paragraph 27 of this Annex. Such equipment may also refer to the administrative supplies or recording materials that would be used by the inspection team.

2. "Building" as referred to in the definition of chemical weapons production facility in Article II comprises specialised buildings and standard buildings.

(a) "Specialised Building" means:

(i) Any building, including underground structures, containing specialised equipment in a production or filling configuration;

(ii) Any building, including underground structures, which has distinctive features which distinguish it from buildings normally used for chemical production or filling activities not prohibited under this Convention.

(b) "Standard Building" means any building, including underground structures, constructed to prevailing industry standards for facilities not producing any chemical specified in Article II, paragraph 8 (a) (i), or corrosive chemicals.

3. "Challenge Inspection" means the inspection of any facility or location in the territory or in any other place under the jurisdiction or control of a State Party requested by another State Party pursuant to Article IX, paragraphs 8 to 25.

4. "Discrete Organic Chemical" means any chemical belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides, sulfides and metal carbonates, identifiable by chemical name, by structural formula, if known, and by Chemical Abstracts Service registry number, if assigned.

5. "Equipment" as referred to in the definition of chemical weapons production facility in Article II comprises specialised equipment and standard equipment.

(a) "Specialised Equipment" means:

(i) The main production train, including any reactor or equipment for product synthesis, separation or

purification, any equipment used directly for heat transfer in the final technological stage, such as in reactors or in product separation, as well as any other equipment which has been in contact with any chemical specified in Article II, paragraph 8 (a) (i), or would be in contact with such a chemical if the facility were operated;

- (ii) Any chemical weapon filling machines;
- (iii) Any other equipment specially designed, built or installed for the operation of the facility as a chemical weapons production facility, as distinct from a facility constructed according to prevailing commercial industry standards for facilities not producing any chemical specified in Article II, paragraph 8 (a) (i), or corrosive chemicals, such as: equipment made of high-nickel alloys or other special corrosion-resistant material; special equipment for waste control, waste treatment, air filtering, or solvent recovery; special containment enclosures and safety shields; non-standard laboratory equipment used to analyse toxic chemicals for chemical weapons purposes; custom-designed process control panels; or dedicated spares for specialised equipment.

(b) "Standard Equipment" means:

- (i) Production equipment which is generally used in the chemical industry and is not included in the types of specialised equipment;
- (ii) Other equipment commonly used in the chemical industry, such as: fire-fighting equipment; guard and security safety surveillance equipment; medical facilities, laboratory facilities; or communications equipment.

6. "Facility" in the context of Article VI means any of the industrial sites as defined below ("plant site", "plant" and "unit").

- (a) "Plant Site" (Works, Factory) means the local integration of one or more plants, with any intermediate administrative levels, which are under one operational control, and includes common infrastructure, such as:
  - (i) Administration and other offices;
  - (ii) Repair and maintenance shops;
  - (iii) Medical centre;
  - (iv) Utilities;

- (v) Central analytical laboratory;
  - (vi) Research and development laboratories;
  - (vii) Central effluent and waste treatment area; and
  - (viii) Warehouse storage.
- (b) "Plant" (Production facility, Workshop) means a relatively self-contained area, structure or building containing one or more units with auxiliary and associated infrastructure, such as:
- (i) Small administrative section;
  - (ii) Storage/handling areas for feedstock and products;
  - (iii) Effluent/waste handling treatment area;
  - (iv) Control/analytical laboratory;
  - (v) First aid service/related medical section; and
  - (vi) Records associated with the movement into, around and from the site, of declared chemicals and their feedstock or product chemicals formed from them, as appropriate.
- (c) "Unit" (Production unit, Process unit) means the combination of those items of equipment, including vessels and vessel set up, necessary for the production, processing or consumption of a chemical.

7. "Facility Agreement" means an agreement or arrangement between a State Party and the Organisation relating to a specific facility subject to on-site verification pursuant to Articles IV, V and VI.

8. "Host State" means the State on whose territory lie facilities or areas of another State, Party to this Convention, which are subject to inspection under this Convention.

9. "In-Country Escort" means individuals specified by the inspected State Party and, if appropriate, by the Host State, if they so wish, to accompany and assist the inspection team during the in-country period.

10. "In-Country Period" means the period from the arrival of the inspection team at a point of entry until its departure from the State at a point of entry.

11. "Initial Inspection" means the first on-site inspection of facilities to verify declarations submitted pursuant to Articles III, IV, V and VI and this Annex.

12. "Inspected State Party" means the State Party on whose territory or in any other place under its jurisdiction or control an

inspection pursuant to this Convention takes place, or the State Party whose facility or area on the territory of a Host State is subject to such an inspection; it does not, however, include the State Party specified in Part II, paragraph 21 of this Annex.

13. "Inspection Assistant" means an individual designated by the Technical Secretariat as set forth in Part II, Section A, of this Annex to assist inspectors in an inspection or visit, such as medical, security and administrative personnel and interpreters.

14. "Inspection Mandate" means the instructions issued by the Director-General to the inspection team for the conduct of a particular inspection.

15. "Inspection Manual" means the compilation of additional procedures for the conduct of inspections developed by the Technical Secretariat.

16. "Inspection Site" means any facility or area at which an inspection is carried out and which is specifically defined in the respective facility agreement or inspection request or mandate or inspection request as expanded by the alternative or final perimeter.

17. "Inspection Team" means the group of inspectors and inspection assistants assigned by the Director-General to conduct a particular inspection.

18. "Inspector" means an individual designated by the Technical Secretariat according to the procedures as set forth in Part II, Section A, of this Annex, to carry out an inspection or visit in accordance with this Convention.

19. "Model Agreement" means a document specifying the general form and content for an agreement concluded between a State Party and the Organisation for fulfilling the verification provisions specified in this Annex.

20. "Observer" means a representative of a requesting State Party or a third State Party to observe a challenge inspection.

21. "Perimeter" in case of challenge inspection means the external boundary of the inspection site, defined by either geographic coordinates or description on a map.

- (a) "Requested Perimeter" means the inspection site perimeter as specified in conformity with Part X, paragraph 8, of this Annex;
- (b) "Alternative Perimeter" means the inspection site perimeter as specified, alternatively to the requested perimeter, by the inspected State Party; it shall conform to the

requirements specified in Part X, paragraph 17, of this Annex;

- (c) "Final Perimeter" means the final inspection site perimeter as agreed in negotiations between the inspection team and the inspected State Party, in accordance with Part X, paragraphs 16 to 21, of this Annex;
- (d) "Declared Perimeter" means the external boundary of the facility declared pursuant to Articles III, IV, V and VI.

22. "Period of Inspection", for the purposes of Article IX, means the period of time from provision of access to the inspection team to the inspection site until its departure from the inspection site, exclusive of time spent on briefings before and after the verification activities.

23. "Period of Inspection", for the purposes of Articles IV, V and VI, means the period of time from arrival of the inspection team at the inspection site until its departure from the inspection site, exclusive of time spent on briefings before and after the verification activities.

24. "Point of Entry" "Point of Exit" means a location designated for the in-country arrival of inspection teams for inspections pursuant to this Convention or for their departure after completion of their mission.

25. "Requesting State Party" means a State Party which has requested a challenge inspection pursuant to Article IX.

26. "Tonne" means metric ton, i.e. 1,000 kg.

## ***PART-II***

### **GENERAL RULES OF VERIFICATION**

#### **A. Designation of Inspectors and Inspection Assistants**

1. Not later than 30 days after entry into force of this Convention the Technical Secretariat shall communicate, in writing, to all States Parties the names, nationalities and ranks of the inspectors and inspection assistants proposed for designation, as well as a description of their qualifications and professional experiences.

2. Each State Party shall immediately acknowledge receipt of the list of inspectors and inspection assistants, proposed for designation communicated to it. The State Party shall inform the Technical Secretariat in writing of its acceptance of each inspector and inspection assistant, not later than 30 days after acknowledgement of receipt of the list. Any inspector and inspection assistant included in this list shall be regarded as designated unless a State Party, not later than 30

days after acknowledgement of receipt of the list, declares its non-acceptance in writing. The State Party may include the reason for the objection.

In the case of non-acceptance, the proposed inspector or inspection assistant shall not undertake or participate in verification activities on the territory or in any other place under the jurisdiction or control of the State Party which has declared its non-acceptance. The Technical Secretariat shall, as necessary, submit further proposals in addition to the original list.

3. Verification activities under this Convention shall only be performed by designated inspectors and inspection assistants.

4. Subject to the provisions of paragraph 5, a State Party has the right at any time to object to an inspector or inspection assistant who has already been designated. It shall notify the Technical Secretariat of its objection in writing and may include the reason for the objection. Such objection shall come into effect 30 days after receipt by the Technical Secretariat. The Technical Secretariat shall immediately inform the State Party concerned of the withdrawal of the designation of the inspector or inspection assistant.

5. A State Party that has been notified of an inspection shall not seek to have removed from the inspection team for that inspection any of the designated inspectors or inspection assistants named in the inspection team list.

6. The number of inspectors or inspection assistants accepted by and designated to a State Party must be sufficient to allow for availability and rotation of appropriate numbers of inspectors and inspection assistants.

7. If, in the opinion of the Director-General, the non-acceptance of proposed inspectors or inspection assistants impedes the designation of a sufficient number of inspectors or inspection assistants or otherwise hampers the effective fulfilment of the tasks of the Technical Secretariat, the Director-General shall refer the issue to the Executive Council.

8. Whenever amendments to the above-mentioned lists of inspectors and inspection assistants are necessary or requested, replacement inspectors and inspection assistants shall be designated in the same manner as set forth with respect to the initial list.

9. The members of the inspection team carrying out an inspection of a facility of a State Party located on the territory of another State Party shall be designated in accordance with the procedures set forth

in this Annex as applied both to the inspected State Party and the Host State Party.

## **B. Privileges and Immunities**

10. Each State Party shall, not later than 30 days after acknowledgement of receipt of the list of inspectors and inspection assistants or of changes thereto, provide multiple entry/exit and/or transit visas and other such documents to enable each inspector or inspection assistant to enter and to remain on the territory of that State Party for the purpose of carrying out inspection activities. These documents shall be valid for at least two years after their provision to the Technical Secretariat.

11. To exercise their functions effectively, inspectors and inspection assistants shall be accorded privileges and immunities as set forth in subparagraphs (a) to (i). Privileges and immunities shall be granted to members of the inspection team for the sake of this Convention and not for the personal benefit of the individuals themselves. Such privileges and immunities shall be accorded to them for the entire period between arrival on and departure from the territory of the inspected State Party or Host State, and thereafter with respect to acts previously performed in the exercise of their official functions.

- (a) The members of the inspection team shall be accorded the inviolability enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations of 18 April 1961.
- (b) The living quarters and office premises occupied by the inspection team carrying out inspection activities pursuant to this Convention shall be accorded the inviolability and protection accorded to the premises of diplomatic agents pursuant to Article 30, paragraph 1, of the Vienna Convention on Diplomatic Relations.
- (c) The papers and correspondence, including records, of the inspection team shall enjoy the inviolability accorded to all papers and correspondence of diplomatic agents pursuant to Article 30, paragraph 2, of the Vienna Convention on Diplomatic Relations. The inspection team shall have the right to use codes for their communications with the Technical Secretariat.
- (d) Samples and approved equipment carried by members of the inspection team shall be inviolable subject to provisions contained in this Convention and exempt from all customs

duties. Hazardous samples shall be transported in accordance with relevant regulations.

- (e) The members of the inspection team shall be accorded the immunities accorded to diplomatic agents pursuant to Article 31, paragraphs 1, 2 and 3, of the Vienna Convention on Diplomatic Relations.
- (f) The members of the inspection team carrying out prescribed activities pursuant to this Convention shall be accorded the exemption from dues and taxes accorded to diplomatic agents pursuant to Article 34 of the Vienna Convention on Diplomatic Relations.
- (g) The members of the inspection team shall be permitted to bring into the territory of the inspected State Party or Host State Party, without payment of any customs duties or related charges, articles for personal use, with the exception of articles the import or export of which is prohibited by law or controlled by quarantine regulations.
- (h) The members of the inspection team shall be accorded the same currency and exchange facilities as are accorded to representatives of foreign Governments on temporary official missions.
- (i) The members of the inspection team shall not engage in any professional or commercial activity for personal profit on the territory of the inspected State Party or the Host State.

12. When transiting the territory of non-inspected States Parties, the members of the inspection team shall be accorded the privileges and immunities enjoyed by diplomatic agents pursuant to Article 40, paragraph 1, of the Vienna Convention on Diplomatic Relations. Papers and correspondence, including records, and samples and approved equipment, carried by them, shall be accorded the privileges and immunities set forth in paragraph 11 (c) and (d).

13. Without prejudice to their privileges and immunities the members of the inspection team shall be obliged to respect the laws and regulations of the inspected State Party or Host State and, to the extent that is consistent with the inspection mandate, shall be obliged not to interfere in the internal affairs of that State. If the inspected State Party or Host State Party considers that there has been an abuse of privileges and immunities specified in this Annex, consultations shall be held between the State Party and the Director-

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General to determine whether such an abuse has occurred and, if so determined, to prevent a repetition of such an abuse.

14. The immunity from jurisdiction of members of the inspection team may be waived by the Director-General in those cases when the Director-General is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the implementation of the provisions of this Convention. Waiver must always be express.

15. Observers shall be accorded the same privileges and immunities accorded to inspectors pursuant to this section, except for those accorded pursuant to paragraph 11 (d).

### **C. Standing Arrangements**

#### ***Points of Entry***

16. Each State Party shall designate the points of entry and shall supply the required information to the Technical Secretariat not later than 30 days after this Convention enters into force for it. These points of entry shall be such that the inspection team can reach any inspection site from at least one point of entry within 12 hours. Locations of points of entry shall be provided to all States Parties by the Technical Secretariat.

17. Each State Party may change the points of entry by giving notice of such change to the Technical Secretariat. Changes shall become effective 30 days after the Technical Secretariat receives such notification to allow appropriate notification to all States Parties.

18. If the Technical Secretariat considers that there are insufficient points of entry for the timely conduct of inspections or that changes to the points of entry proposed by a State Party would hamper such timely conduct of inspections, it shall enter into consultations with the State Party concerned to resolve the problem.

19. In cases where facilities or areas of an inspected State Party are located on the territory of a Host State Party or where the access from the point of entry to the facilities or areas subject to inspection requires transit through the territory of another State Party, the inspected State Party shall exercise the rights and fulfil the obligations concerning such inspections in accordance with this Annex. The Host State Party shall facilitate the inspection of those facilities or areas and shall provide for the necessary support to enable the inspection team to carry out its tasks in a timely and effective manner. States Parties through whose territory transit is required to inspect facilities or areas of an inspected State Party shall facilitate such transit.

20. In cases where facilities or areas of an inspected State Party are located on the territory of a State not Party to this Convention, the inspected State Party shall take all necessary measures to ensure that inspections of those facilities or areas can be carried out in accordance with the provisions of this Annex. A State Party that has one or more facilities or areas on the territory of a State not Party to this Convention shall take all necessary measures to ensure acceptance by the Host State of inspectors and inspection assistants designated to that State Party. If an inspected State Party is unable to ensure access, it shall demonstrate that it took all necessary measures to ensure access.

21. In cases where the facilities or areas sought to be inspected are located on the territory of a State Party, but in a place under the jurisdiction or control of a State not Party to this Convention, the State Party shall take all necessary measures as would be required of an inspected State Party and a Host State Party to ensure that inspections of such facilities or areas can be carried out in accordance with the provisions of this Annex. If the State Party is unable to ensure access to those facilities or areas, it shall demonstrate that it took all necessary measures to ensure access. This paragraph shall not apply where the facilities or areas sought to be inspected are those of the State Party.

### ***Arrangements for Use of Non-Scheduled Aircraft***

22. For inspections pursuant to Article IX and for other inspections where timely travel is not feasible using scheduled commercial transport, an inspection team may need to utilise aircraft owned or chartered by the Technical Secretariat. Not later than 30 days after this Convention enters into force for it, each State Party shall inform the Technical Secretariat of the standing diplomatic clearance number for non-scheduled aircraft transporting inspection teams and equipment necessary for inspection into and out of the territory in which an inspection site is located. Aircraft routings to and from the designated point of entry shall be along established international airways that are agreed upon between the States Parties and the Technical Secretariat as the basis for such diplomatic clearance.

23. When a non-scheduled aircraft is used, the Technical Secretariat shall provide the inspected State Party with a flight plan, through the National Authority, for the aircraft's flight from the last airfield prior to entering the airspace of the State in which the inspection site is located to the point of entry, not less than six hours before the scheduled departure time from that airfield. Such a plan shall be filed in accordance with the procedures of the International Civil Aviation

Organisation applicable to civil aircraft. For its owned or chartered flights, the Technical Secretariat shall include in the remarks section of each flight plan the standing diplomatic clearance number and the appropriate notation identifying the aircraft as an inspection aircraft.

24. Not less than three hours before the scheduled departure of the inspection team from the last airfield prior to entering the airspace of the State in which the inspection is to take place, the inspected State Party or Host State Party shall ensure that the flight plan filed in accordance with paragraph 23 is approved so that the inspection team may arrive at the point of entry by the estimated arrival time.

25. The inspected State Party shall provide parking, security protection, servicing and fuel as required by the Technical Secretariat for the aircraft of the inspection team at the point of entry when such aircraft is owned or chartered by the Technical Secretariat. Such aircraft shall not be liable for landing fees, departure tax, and similar charges. The Technical Secretariat shall bear the cost of such fuel, security protection and servicing.

### ***Administrative Arrangements***

26. The inspected State Party shall provide or arrange for the amenities necessary for the inspection team such as communication means, interpretation services to the extent necessary for the performance of interviewing and other tasks, transportation, working space, lodging, meals and medical care. In this regard, the inspected State Party shall be reimbursed by the Organisation for such costs incurred by the inspection team.

### ***Approved Equipment***

27. Subject to paragraph 29, there shall be no restriction by the inspected State Party on the inspection team bringing onto the inspection site such equipment, approved in accordance with paragraph 28, which the Technical Secretariat has determined to be necessary to fulfil the inspection requirements. The Technical Secretariat shall prepare and, as appropriate, update a list of approved equipment, which may be needed for the purposes described above, and regulations governing such equipment which shall be in accordance with this Annex. In establishing the list of approved equipment and these regulations, the Technical Secretariat shall ensure that safety considerations for all the types of facilities at which such equipment is likely to be used, are taken fully into account. A list of approved equipment shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i).

28. The equipment shall be in the custody of the Technical Secretariat and be designated, calibrated and approved by the Technical Secretariat. The Technical Secretariat shall, to the extent possible, select that equipment which is specifically designed for the specific kind of inspection required. Designated and approved equipment shall be specifically protected against unauthorised alteration.

29. The inspected State Party shall have the right, without prejudice to the prescribed time-frames, to inspect the equipment in the presence of inspection team members at the point of entry, i.e., to check the identity of the equipment brought in or removed from the territory of the inspected State Party or the Host State. To facilitate such identification, the Technical Secretariat shall attach documents and devices to authenticate its designation and approval of the equipment. The inspection of the equipment shall also ascertain to the satisfaction of the inspected State Party that the equipment meets the description of the approved equipment for the particular type of inspection. The inspected State Party may exclude equipment not meeting that description or equipment without the above-mentioned authentication documents and devices. Procedures for the inspection of equipment shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i).

30. In cases where the inspection team finds it necessary to use equipment available on-site not belonging to the Technical Secretariat and requests the inspected State Party to enable the team to use such equipment, the inspected State Party shall comply with the request to the extent it can.

#### **D. Pre-Inspection Activities**

##### ***Notification***

31. The Director-General shall notify the State Party before the planned arrival of the inspection team at the point of entry and within the prescribed time-frames, where specified, of its intention to carry out an inspection.

32. Notifications made by the Director-General shall include the following information:

- (a) The type of inspection;
- (b) The point of entry;
- (c) The date and estimated time of arrival at the point of entry;
- (d) The means of arrival at the point of entry;
- (e) The site to be inspected;

- (f) The names of inspectors and inspection assistants;
- (g) If appropriate, aircraft clearance for special flights.

33. The inspected State Party shall acknowledge the receipt of a notification by the Technical Secretariat of an intention to conduct an inspection, not later than one hour after receipt of such notification.

34. In the case of an inspection of a facility of a State Party located on the territory of another State Party, both States Parties shall be simultaneously notified in accordance with paragraphs 31 and 32.

### ***Entry into the Territory of the Inspected State Party or Host State and Transfer to the Inspection Site***

35. The inspected State Party or Host State Party which has been notified of the arrival of an inspection team, shall ensure its immediate entry into the territory and shall through an in-country escort or by other means do everything in its power to ensure the safe conduct of the inspection team and its equipment and supplies, from its point of entry to the inspection site(s) and to a point of exit.

36. The inspected State Party or Host State Party shall, as necessary, assist the inspection team in reaching the inspection site not later than 12 hours after the arrival at the point of entry.

### ***Pre-inspection Briefing***

37. Upon arrival at the inspection site and before the commencement of the inspection, the inspection team shall be briefed by facility representatives, with the aid of maps and other documentation as appropriate, on the facility, the activities carried out there, safety measures and administrative and logistic arrangements necessary for the inspection. The time spent for the briefing shall be limited to the minimum necessary and in any event not exceed three hours.

## **E. Conduct of Inspections**

### ***General Rules***

38. The members of the inspection team shall discharge their functions in accordance with the provisions of this Convention, as well as rules established by the Director-General and facility agreements concluded between States Parties and the Organisation.

39. The inspection team shall strictly observe the inspection mandate issued by the Director-General. It shall refrain from activities going beyond this mandate.

40. The activities of the inspection team shall be so arranged as to ensure the timely and effective discharge of its functions and the least possible inconvenience to the inspected State Party or Host State and disturbance to the facility or area inspected. The inspection team shall avoid unnecessarily hampering or delaying the operation of a facility and avoid affecting its safety. In particular, the inspection team shall not operate any facility. If inspectors consider that, to fulfil their mandate, particular operations should be carried out in a facility, they shall request the designated representative of the inspected facility to have them performed. The representative shall carry out the request to the extent possible.

41. In the performance of their duties on the territory of an inspected State Party or Host State, the members of the inspection team shall, if the inspected State Party so requests, be accompanied by representatives of the inspected State Party, but the inspection team must not thereby be delayed or otherwise hindered in the exercise of its functions.

42. Detailed procedures for the conduct of inspections shall be developed for inclusion in the inspection manual by the Technical Secretariat, taking into account guidelines to be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i).

### ***Safety***

43. In carrying out their activities, inspectors and inspection assistants shall observe safety regulations established at the inspection site, including those for the protection of controlled environments within a facility and for personal safety. In order to implement these requirements, appropriate detailed procedures shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i).

### ***Communications***

44. Inspectors shall have the right throughout the in-country period to communicate with the Headquarters of the Technical Secretariat. For this purpose, they may use their own, duly certified, approved equipment and may request that the inspected State Party or Host State Party provide them with access to other telecommunications. The inspection team shall have the right to use its own two-way system of radio communications between personnel patrolling the perimeter and other members of the inspection team.

### ***Inspection Team and Inspected State Party Rights***

45. The inspection team shall, in accordance with the relevant Articles and Annexes of this Convention as well as with facility

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agreements and procedures set forth in the inspection manual, have the right to unimpeded access to the inspection site. The items to be inspected will be chosen by the inspectors.

46. Inspectors shall have the right to interview any facility personnel in the presence of representatives of the inspected State Party with the purpose of establishing relevant facts. Inspectors shall only request information and data which are necessary for the conduct of the inspection, and the inspected State Party shall furnish such information upon request. The inspected State Party shall have the right to object to questions posed to the facility personnel if those questions are deemed not relevant to the inspection. If the head of the inspection team objects and states their relevance, the questions shall be provided in writing to the inspected State Party for reply. The inspection team may note any refusal to permit interviews or to allow questions to be answered and any explanations given, in that part of the inspection report that deals with the cooperation of the inspected State Party.

47. Inspectors shall have the right to inspect documentation and records they deem relevant to the conduct of their mission.

48. Inspectors shall have the right to have photographs taken at their request by representatives of the inspected State Party or of the inspected facility. The capability to take instant development photographic prints shall be available. The inspection team shall determine whether photographs conform to those requested and, if not, repeat photographs shall be taken. The inspection team and the inspected State Party shall each retain one copy of every photograph.

49. The representatives of the inspected State Party shall have the right to observe all verification activities carried out by the inspection team.

50. The inspected State Party shall receive copies, at its request, of the information and data gathered about its facility(ies) by the Technical Secretariat.

51. Inspectors shall have the right to request clarifications in connection with ambiguities that arise during an inspection. Such requests shall be made promptly through the representative of the inspected State Party. The representative of the inspected State Party shall provide the inspection team, during the inspection, with such clarification as may be necessary to remove the ambiguity. If questions relating to an object or a building located within the inspection site are not resolved, the object or building shall, if requested, be photographed for the purpose of clarifying its nature and function. If

the ambiguity cannot be removed during the inspection, the inspectors shall notify the Technical Secretariat immediately. The inspectors shall include in the inspection report any such unresolved question, relevant clarifications, and a copy of any photographs taken.

### ***Collection, Handling and Analysis of Samples***

52. Representatives of the inspected State Party or of the inspected facility shall take samples at the request of the inspection team in the presence of inspectors. If so agreed in advance with the representatives of the inspected State Party or of the inspected facility, the inspection team may take samples itself.

53. Where possible, the analysis of samples shall be performed on-site. The inspection team shall have the right to perform on-site analysis of samples using approved equipment brought by it. At the request of the inspection team, the inspected State Party shall, in accordance with agreed procedures, provide assistance for the analysis of samples on-site. Alternatively, the inspection team may request that appropriate analysis on-site be performed in its presence.

54. The inspected State Party has the right to retain portions of all samples taken or take duplicate samples and be present when samples are analysed on-site.

55. The inspection team shall, if it deems it necessary, transfer samples for analysis off-site at laboratories designated by the Organisation.

56. The Director-General shall have the primary responsibility for the security, integrity and preservation of samples and for ensuring that the confidentiality of samples transferred for analysis off-site is protected. The Director-General shall do so in accordance with procedures, to be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i), for inclusion in the inspection manual. He shall:

- (a) Establish a stringent regime governing the collection, handling, transport and analysis of samples;
- (b) Certify the laboratories designated to perform different types of analysis;
- (c) Oversee the standardisation of equipment and procedures at these designated laboratories, mobile analytical equipment and procedures, and monitor quality control and overall standards in relation to the certification of these laboratories, mobile equipment and procedures; and

- (d) Select from among the designated laboratories those which shall perform analytical or other functions in relation to specific investigations.

57. When off-site analysis is to be performed, samples shall be analysed in at least two designated laboratories. The Technical Secretariat shall ensure the expeditious processing of the analysis. The samples shall be accounted for by the Technical Secretariat and any unused samples or portions thereof shall be returned to the Technical Secretariat.

58. The Technical Secretariat shall compile the results of the laboratory analysis of samples relevant to compliance with this Convention and include them in the final inspection report. The Technical Secretariat shall include in the report detailed information concerning the equipment and methodology employed by the designated laboratories.

### ***Extension of Inspection Duration***

59. Periods of inspection may be extended by agreement with the representative of the inspected State Party.

### ***Debriefing***

60. Upon completion of an inspection the inspection team shall meet with representatives of the inspected State Party and the personnel responsible for the inspection site to review the preliminary findings of the inspection team and to clarify any ambiguities. The inspection team shall provide to the representatives of the inspected State Party its preliminary findings in written form according to a standardised format, together with a list of any samples and copies of written information and data gathered and other material to be taken off-site. The document shall be signed by the head of the inspection team. In order to indicate that he has taken notice of the contents of the document, the representative of the inspected State Party shall countersign the document. This meeting shall be completed not later than 24 hours after the completion of the inspection.

### **F. Departure**

61. Upon completion of the post-inspection procedures, the inspection team shall leave, as soon as possible, the territory of the inspected State Party or the Host State.

### **G. Reports**

62. Not later than 10 days after the inspection, the inspectors shall prepare a factual, final report only contain facts relevant to

compliance with this Convention, as provided for under the inspection mandate. The report shall also provide information as to the manner in which the State Party inspected cooperated with the inspection team. Differing observations made by inspectors may be attached to the report. The report shall be kept confidential.

63. The final report shall immediately be submitted to the inspected State Party. Any written comments, which the inspected State Party may immediately make on its findings shall be annexed to it. The final report together with annexed comments made by the inspected State Party shall be submitted to the Director-General not later than 30 days after the inspection.

64. Should the report contain uncertainties, or should cooperation between the National Authority and the inspectors not measure up to the standards required, the Director-General shall approach the State Party for clarification.

65. If the uncertainties cannot be removed or the facts established are of a nature to suggest that obligations undertaken under this Convention have not been met, the Director-General shall inform the Executive Council without delay.

## **H. Application of General Provisions**

66. The provisions of this Part shall apply to all inspections conducted pursuant to this Convention, except where the provisions of this Part differ from the provisions set forth for specific types of inspections in Parts III to XI of this Annex, in which case the latter provisions shall take precedence.

### ***PART-III***

## **GENERAL PROVISIONS FOR VERIFICATION MEASURES PURSUANT TO ARTICLES IV, V AND VI, PARAGRAPH 3**

### **A. Initial Inspections and Facilities Agreements**

1. Each declared facility subject to on-site inspection pursuant to Articles IV, V, and VI, paragraph 3, shall receive an initial inspection promptly after the facility is declared. The purpose of this inspection of the facility shall be to verify information provided and to obtain any additional information needed for planning future verification activities at the facility, including on-site inspections and continuous monitoring with on-site instruments, and to work on the facility agreements.

2. States Parties shall ensure that the verification of declarations and the initiation of the systematic verification measures can be accomplished by the Technical Secretariat at all facilities within the established time-frames after this Convention enters into force for them.

3. Each State Party shall conclude a facility agreement with the Organisation for each facility declared and subject to on-site inspection pursuant to Articles IV, V, and VI, paragraph 3.

4. Facility agreements shall be completed not later than 180 days after this Convention enters into force for the State Party or after the facility has been declared for the first time, except for a chemical weapons destruction facility to which paragraphs 5 to 7 shall apply.

5. In the case of a chemical weapons destruction facility that begins operations more than one year after this Convention enters into force for the State Party, the facility agreement shall be completed not less than 180 days before the facility begins operation.

6. In the case of a chemical weapons destruction facility that is in operation when this Convention enters into force for the State Party, or begins operation not later than one year thereafter, the facility agreement shall be completed not later than 210 days after this Convention enters into force for the State Party, except that the Executive Council may decide that transitional verification arrangements, approved in accordance with Part IV (A), paragraph 51, of this Annex and including a transitional facility agreement, provisions for verification through on-site inspection and monitoring with on-site instruments, and the time-frame for application of the arrangements, are sufficient.

7. In the case of a facility, referred to in paragraph 6, that will cease operations not later than two years after this Convention enters into force for the State Party, the Executive Council may decide that transitional verification arrangements, approved in accordance with Part IV (A), paragraph 51, of this Annex and including a transitional facility agreement, provisions for verification through on-site inspection and monitoring with on-site instruments, and the time-frame for application of the arrangements, are sufficient.

8. Facility agreements shall be based on models for such agreements and provide for detailed arrangements which shall govern inspections at each facility. The model agreements shall include provisions to take into account future technological developments and shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i).

9. The Technical Secretariat may retain at each site a sealed container for photographs, plans and other information that it may wish to refer to in the course of subsequent inspections.

## **B. Standing Arrangements**

10. Where applicable, the Technical Secretariat shall have the right to have continuous monitoring instruments and systems and seals installed and to use them, in conformity with the relevant provisions in this Convention and the facility agreements between States Parties and the Organisation.

11. The inspected State Party shall, in accordance with agreed procedures, have the right to inspect any instrument used or installed by the inspection team and to have it tested in the presence of representatives of the inspected State Party. The inspection team shall have the right to use the instruments that were installed by the inspected State Party for its own monitoring of the technological process of the destruction of chemical weapons. To this end, the inspection team shall have the right to inspect those instruments that it intends to use for purposes of verification of the destruction of chemical weapons and to have them tested in its presence.

12. The inspected State Party shall provide the necessary preparation and support for the establishment of continuous monitoring instruments and systems.

13. In order to implement paragraphs 11 and 12, appropriate detailed procedures shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21(i).

14. The inspected State Party shall immediately notify the Technical Secretariat if an event occurs or may occur at a facility where monitoring instruments are installed, which may have an impact on the monitoring system. The inspected State Party shall coordinate subsequent actions with the Technical Secretariat with a view to restoring the operation of the monitoring system and establishing interim measures, if necessary, as soon as possible.

15. The inspection team shall verify during each inspection that the monitoring system functions correctly and that emplaced seals have not been tampered with. In addition, visits to service the monitoring system may be required to perform any necessary maintenance or replacement of equipment, or to adjust the coverage of the monitoring system as required.

16. If the monitoring system indicates any anomaly, the Technical Secretariat shall immediately take action to determine whether this

resulted from equipment malfunction or activities at the facility. If, after this examination, the problem remains unresolved, the Technical Secretariat shall immediately ascertain the actual situation, including through immediate on-site inspection of, or visit to, the facility if necessary. The Technical Secretariat shall report any such problem immediately after its detection to the inspected State Party which shall assist in its resolution.

### **C. Pre-Inspection Activities**

17. The inspected State Party shall, except as specified in paragraph 18, be notified of inspections not less than 24 hours in advance of the planned arrival of the inspection team at the point of entry.

18. The inspected State Party shall be notified of initial inspections not less than 72 hours in advance of the estimated time of arrival of the inspection team at the point of entry.

## ***PART-IV(A)***

### **DESTRUCTION OF CHEMICAL WEAPONS AND ITS VERIFICATION PURSUANT TO ARTICLE IV**

#### **A. Declarations**

##### ***Chemical Weapons***

1. The declaration of chemical weapons by a State Party pursuant to Article III, paragraph 1 (a) (ii), shall include the following:

- (a) The aggregate quantity of each chemical declared;
- (b) The precise location of each chemical weapons storage facility, expressed by:
  - (i) Name;
  - (ii) Geographical coordinates; and
  - (iii) A detailed site diagram, including a boundary map and the location of bunkers storage areas within the facility.
- (c) The detailed inventory for each chemical weapons storage facility including:
  - (i) Chemicals defined as chemical weapons in accordance with Article II;
  - (ii) Unfilled munitions, sub-munitions, devices and equipment defined as chemical weapons;
  - (iii) Equipment specially designed for use directly in connection with the employment of munitions, sub-

munitions, devices or equipment specified in sub-paragraph (ii);

- (iv) Chemicals specifically designed for use directly in connection with the employment of munitions, submunitions, devices or equipment specified in sub-paragraph (ii).

2. For the declaration of chemicals referred to in paragraph 1 (c)(i) the following shall apply:

- (a) Chemicals shall be declared in accordance with the Schedules specified in the Annex on Chemicals;
- (b) For a chemical not listed in the Schedules in the Annex on Chemicals the information required for possible assignment of the chemical to the appropriate Schedule shall be provided, including the toxicity of the pure compound. For a precursor, the toxicity and identity of the principal final reaction product(s) shall be provided;
- (c) Chemicals shall be identified by chemical name in accordance with current International Union of Pure and Applied Chemistry (IUPAC) nomenclature, structural formula and Chemical Abstracts Service registry number, if assigned. For a precursor, the toxicity and identity of the principal final reaction product(s) shall be provided;
- (d) In cases involving mixtures of two or more chemicals, each chemical shall be identified and the percentage of each shall be provided, and the mixture shall be declared under the category of the most toxic chemical. If a component of a binary chemical weapon consists of a mixture of two or more chemicals, each chemical shall be identified and the percentage of each provided;
- (e) Binary chemical weapons shall be declared under the relevant end product within the framework of the categories of chemical weapons referred to in paragraph 16. The following supplementary information shall be provided for each type of binary chemical munition device:
  - (i) The chemical name of the toxic end-product;
  - (ii) The chemical composition and quantity of each component;
  - (iii) The actual weight ratio between the components;
  - (iv) Which component is considered the key component;

- (v) The projected quantity of the toxic end-product calculated on a stoichiometric basis from the key component, assuming 100 per cent yield. A declared quantity (in tonnes) of the key component intended for a specific toxic end-product shall be considered equivalent to the quantity (in tonnes) of this toxic end-product calculated on a stoichiometric basis assuming 100 per cent yield.
- (f) For multicomponent chemical weapons, the declaration shall be analogous to that envisaged for binary chemical weapons;
- (g) For each chemical the form of storage, i.e. munitions, sub-munitions, devices, equipment or bulk containers and other containers shall be declared. For each form of storage the following shall be listed:
  - (i) Type;
  - (ii) Size or calibre;
  - (iii) Number of items; and
  - (iv) Nominal weight of chemical fill per item.
- (h) For each chemical the total weight present at the storage facility shall be declared;
- (i) In addition, for chemicals stored in bulk, the percentage purity shall be declared, if known.

3. For each type of unfilled munitions, sub-munitions, devices or equipment, referred to in paragraph 1 (c) (ii), the information shall include:

- (a) The number of items;
- (b) The nominal fill volume per item;
- (c) The intended chemical fill.

***Declarations of Chemical Weapons Pursuant to Article III, Paragraph 1 (a) (iii)***

4. The declaration of chemical weapons pursuant to Article III, paragraph 1 (a) (iii), shall contain all information specified in paragraphs 1 to 3 above. It is the responsibility of the State Party on whose territory the chemical weapons are located to make appropriate arrangements with the other State to ensure that the declarations are made. If the State Party on whose territory the chemical weapons are located is not able to fulfil its obligations under this paragraph, it shall state the reasons therefore.

***Declarations of Past Transfers and Receipts***

5. A State Party that has transferred or received chemical weapons since 1 January 1946 shall declare these transfers or receipts pursuant to Article III, paragraph 1 (a) (iv), provided the amount transferred or received exceeded 1 tonne per chemical per year in bulk and or munition form. This declaration shall be made according to the inventory format specified in paragraphs 1 and 2. This declaration shall also indicate the supplier and recipient countries, the dates of the transfers or receipts and, as precisely as possible, the current location of the transferred items. When not all the specified information is available for transfers or receipts of chemical weapons for the period between 1 January 1946 and 1 January 1970, the State Party shall declare whatever information is still available to it and provide an explanation as to why it cannot submit a full declaration.

***Submission of the General Plan for Destruction of Chemical Weapons***

6. The general plan for destruction of chemical weapons submitted pursuant to Article III, paragraph 1 (a) (v), shall provide an overview of the entire national chemical weapons destruction programme of the State Party and information on the efforts of the State Party to fulfil the destruction requirements contained in this Convention. The plan shall specify:

- (a) general schedule for destruction, giving types and approximate quantities of chemical weapons planned to be destroyed in each annual destruction period for each existing chemical weapons destruction facility and, if possible, for each planned chemical weapons destruction facility;
- (b) The number of chemical weapons destruction facilities existing or planned to be operated over the destruction period;
- (c) For each existing or planned chemical weapons destruction facility:
  - (i) Name and location; and
  - (ii) The types and approximate quantities of chemical weapons, and the type (for example, nerve agent or blister agent) and approximate quantity of chemical fill, to be destroyed;
- (d) The plans and programmes for training personnel for the operation of destruction facilities;

- (e) The national standards for safety and emissions that the destruction facilities must satisfy;
- (f) Information on the development of new methods for destruction of chemical weapons and on the improvement of existing methods;
- (g) The cost estimates for destroying the chemical weapons; and
- (h) Any issues which could adversely impact on the national destruction programme.

## **B. Measures to Secure the Storage Facility and Storage Facility Preparation**

7. Not later than when submitting its declaration of chemical weapons, a State Party shall take such measures as it considers appropriate to secure its storage facilities and shall prevent any movement of its chemical weapons out of the facilities, except their removal for destruction.

8. A State Party shall ensure that chemical weapons at its storage facilities are configured to allow ready access for verification in accordance with paragraphs 37 to 49.

9. While a storage facility remains closed for any movement of chemical weapons out of the facility other than their removal for destruction, a State Party may continue at the facility standard maintenance activities, including standard maintenance of chemical weapons; safety monitoring and physical security activities; and preparation of chemical weapons for destruction.

10. Maintenance activities of chemical weapons shall not include:

- (a) Replacement of agent or of munition bodies;
- (b) Modification of the original characteristics of munitions, or parts or components thereof.

11. All maintenance activities shall be subject to monitoring by the Technical Secretariat.

## **C. Destruction**

### ***Principles and Methods for Destruction of Chemical Weapons***

12. "Destruction of chemical weapons" means a process by which chemicals are converted in an essentially irreversible way to a form unsuitable for production of chemical weapons, and which in an irreversible manner renders munitions and other devices unusable as such.

13. Each State Party shall determine how it shall destroy chemical weapons, except that the following processes may not be used: dumping in any body of water, land burial or open-pit burning. It shall destroy chemical weapons only at specifically designated and appropriately designed and equipped facilities.

14. Each State Party shall ensure that its chemical weapons destruction facilities are constructed and operated in a manner to ensure the destruction of the chemical weapons; and that the destruction process can be verified under the provisions of this Convention.

### ***Order of Destruction***

15. The order of destruction of chemical weapons is based on the obligations specified in Article I and the other Articles, including obligations regarding systematic on-site verification. It takes into account interests of States Parties for undiminished security during the destruction period; confidence-building in the early part of the destruction stage; gradual acquisition of experience in the course of destroying chemical weapons; and applicability irrespective of the actual composition of the stockpiles and the methods chosen for the destruction of the chemical weapons. The order of destruction is based on the principle of levelling out.

16. For the purpose of destruction, chemical weapons declared by each State Party shall be divided into three categories:

- Category 1: Chemical weapons on the basis of Schedule 1 chemicals and their parts and components;
- Category 2: Chemical weapons on the basis of all other chemicals and their parts and components;
- Category 3: Unfilled munitions and devices, and equipment specifically designed for use directly in connection with employment of chemical weapons.

17. A State Party shall start:

- (a) The destruction of Category 1 chemical weapons not later than two years after this Convention enters into force for it, and shall complete the destruction not later than 10 years after entry into force of this Convention. A State Party shall destroy chemical weapons in accordance with the following destruction deadlines:
  - (i) Phase 1: Not later than two years after entry into force of this Convention, testing of its first destruction facility

shall be completed. Not less than 1 per cent of the Category 1 chemical weapons shall be destroyed not later than three years after the entry into force of this Convention;

- (ii) Phase 2: Not less than 20 per cent of the Category 1 chemical weapons shall be destroyed not later than five years after the entry into force of this Convention;
  - (iii) Phase 3: Not less than 45 per cent of the Category 1 chemical weapons shall be destroyed not later than seven years after the entry into force of this Convention;
  - (iv) Phase 4: All Category 1 chemical weapons shall be destroyed not later than 10 years after the entry into force of this Convention.
- (b) The destruction of Category 2 chemical weapons not later than one year after this Convention enters into force for it and shall complete the destruction not later than five years after the entry into force of this Convention. Category 2 chemical weapons shall be destroyed in equal annual increments throughout the destruction period. The comparison factor for such weapons is the weight of the chemicals within Category 2; and
- (c) The destruction of Category 3 chemical weapons not later than one year after this Convention enters into force for it, and shall complete the destruction not later than five years after the entry into force of this Convention. Category 3 chemical weapons shall be destroyed in equal annual increments throughout the destruction period. The comparison factor for unfilled munitions and devices is expressed in nominal fill volume (m<sup>3</sup>) and for equipment in number of items.

18. For the destruction of binary chemical weapons the following shall apply:

- (a) For the purposes of the order of destruction, a declared quantity (in tonnes) of the key component intended for a specific toxic end-product shall be considered equivalent to the quantity (in tonnes) of this toxic end-product calculated on a stoichiometric basis assuming 100 per cent yield.
- (b) A requirement to destroy a given quantity of the key component shall entail a requirement to destroy a corresponding quantity of the other component, calculated

from the actual weight ratio of the components in the relevant type of binary chemical munition device.

- (c) If more of the other component is declared than is needed, based on the actual weight ratio between components, the excess shall be destroyed over the first two years after destruction operations begin.
- (d) At the end of each subsequent operational year a State Party may retain an amount of the other declared component that is determined on the basis of the actual weight ratio of the components in the relevant type of binary chemical munition device.

19. For multicomponent chemical weapons the order of destruction shall be analogous to that envisaged for binary chemical weapons.

### ***Modification of Intermediate Destruction Deadlines***

20. The Executive Council shall review the general plans for destruction of chemical weapons, submitted pursuant to Article III, paragraph 1 (a) (v), and in accordance with paragraph 6, *inter alia*, to assess their conformity with the order of destruction set forth in paragraphs 15 to 19. The Executive Council shall consult with any State Party whose plan does not conform, with the objective of bringing the plan into conformity.

21. If a State Party, due to exceptional circumstances beyond its control, believes that it cannot achieve the level of destruction specified for Phase 1, Phase 2 or Phase 3 of the order of destruction of Category 1 chemical weapons, it may propose changes in those levels. Such a proposal must be made not later than 120 days after the entry into force of this Convention and shall contain a detailed explanation of the reasons for the proposal.

22. Each State Party shall take all necessary measures to ensure destruction of Category 1 chemical weapons in accordance with the destruction deadlines set forth in paragraph 17 (a) as changed pursuant to paragraph 21. However, if a State Party believes that it will be unable to ensure the destruction of the percentage of Category 1 chemical weapons required by an intermediate destruction deadline, it may request the Executive Council to recommend to the Conference to grant an extension of its obligation to meet that deadline. Such a request must be made not less than 180 days before the intermediate destruction deadline and shall contain a detailed explanation of the reasons for the request and the plans of the State Party for ensuring that it will be able to fulfil its obligation to meet the next intermediate destruction deadline.

23. If an extension is granted, the State Party shall still be under the obligation to meet the cumulative destruction requirements set forth for the next destruction deadline. Extensions granted pursuant to this Section shall not, in any way, modify the obligation of the State Party to destroy all Category 1 chemical weapons not later than 10 years after the entry into force of this Convention.

***Extension of the Deadline for Completion of Destruction***

24. If a State Party believes that it will be unable to ensure the destruction of all Category 1 chemical weapons not later than 10 years after the entry into force of this Convention, it may submit a request to the Executive Council for an extension of the deadline for completing the destruction of such chemical weapons. Such a request must be made not later than nine years after the entry into force of this Convention.

25. The request shall contain:

- (a) The duration of the proposed extension;
- (b) A detailed explanation of the reasons for the proposed extension; and
- (c) A detailed plan for destruction during the proposed extension and the remaining portion of the original 10-year period for destruction.

26. A decision on the request shall be taken by the Conference at its next session, on the recommendation of the Executive Council. Any extension shall be the minimum necessary, but in no case shall the deadline for a State Party to complete its destruction of all chemical weapons be extended beyond 15 years after the entry into force of this Convention. The Executive Council shall set conditions for the granting of the extension, including the specific verification measures deemed necessary as well as specific actions to be taken by the State Party to overcome problems in its destruction programme. Costs of verification during the extension period shall be allocated in accordance with Article IV, paragraph 16.

27. If an extension is granted, the State Party shall take appropriate measures to meet all subsequent deadlines.

28. The State Party shall continue to submit detailed annual plans for destruction in accordance with paragraph 29 and annual reports on the destruction of Category 1 chemical weapons in accordance with paragraph 36, until all Category 1 chemical weapons are destroyed. In addition, not later than at the end of each 90 days of the extension period, the State Party shall report to the Executive Council on its

destruction activity. The Executive Council shall review progress towards completion of destruction and take the necessary measures to document this progress. All information concerning the destruction activities during the extension period shall be provided by the Executive Council to States Parties, upon request.

***Detailed Annual Plans for Destruction***

29. The detailed annual plans for destruction shall be submitted to the Technical Secretariat not less than 60 days before each annual destruction period begins pursuant to Article IV, paragraph 7 (a), and shall specify:

- (a) The quantity of each specific type of chemical weapon to be destroyed at each destruction facility and the inclusive dates when the destruction of each specific type of chemical weapon will be accomplished;
- (b) The detailed site diagram for each chemical weapons destruction facility and any changes to previously submitted diagrams; and
- (c) The detailed schedule of activities for each chemical weapons destruction facility for the upcoming year, identifying time required for design, construction or modification of the facility, installation of equipment, equipment check-out and operator training, destruction operations for each specific type of chemical weapon, and scheduled periods of inactivity.

30. A State Party shall provide, for each of its chemical weapons destruction facilities, detailed facility information to assist the Technical Secretariat in developing preliminary inspection procedures for use at the facility.

31. The detailed facility information for each destruction facility shall include the following information:

- (a) Name, address and location;
- (b) Detailed, annotated facility drawings;
- (c) Facility design drawings, process drawings, and piping and instrumentation design drawings;
- (d) Detailed technical descriptions, including design drawings and instrument specifications, for the equipment required for: removing the chemical fill from the munitions, devices, and containers; temporarily storing the drained chemical fill; destroying the chemical agent; and destroying the munitions, devices, and containers;

- 
- (e) Detailed technical descriptions of the destruction process, including material flow rates, temperatures and pressures, and designed destruction efficiency;
  - (f) Design capacity for each specific type of chemical weapon;
  - (g) A detailed description of the products of destruction and the method of their ultimate disposal;
  - (h) A detailed technical description of measures to facilitate inspections in accordance with this Convention;
  - (i) A detailed description of any temporary holding area at the destruction facility that will be used to provide chemical weapons directly to the destruction facility, including site and facility drawings and information on the storage capacity for each specific type of chemical weapon to be destroyed at the facility;
  - (j) A detailed description of the safety and medical measures in force at the facility;
  - (k) A detailed description of the living quarters and working premises for the inspectors; and
  - (l) Suggested measures for international verification.

32. A State Party shall provide, for each of its chemical weapons destruction facilities, the plant operations manuals, the safety and medical plans, the laboratory operations and quality assurance and control manuals, and the environmental permits that have been obtained, except that this shall not include material previously provided.

33. A State Party shall promptly notify the Technical Secretariat of any developments that could affect inspection activities at its destruction facilities.

34. Deadlines for submission of the information specified in paragraphs 30 to 32 shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i).

35. After a review of the detailed facility information for each destruction facility, the Technical Secretariat, if the need arises, shall enter into consultation with the State Party concerned in order to ensure that its chemical weapons destruction facilities are designed to assure the destruction of chemical weapons, to allow advanced planning on how verification measures may be applied and to ensure that the application of verification measures is consistent with proper facility operation, and that the facility operation allows appropriate verification.

### ***Annual Reports on Destruction***

36. Information regarding the implementation of plans for destruction of chemical weapons shall be submitted to the Technical Secretariat pursuant to Article IV, paragraph 7 (b), not later than 60 days after the end of each annual destruction period and shall specify the actual amounts of chemical weapons which were destroyed during the previous year at each destruction facility. If appropriate, reasons for not meeting destruction goals should be stated.

### **D. Verification**

#### ***Verification of Declarations of Chemical Weapons Through On-site Inspection***

37. The purpose of the verification of declarations of chemical weapons shall be to confirm through on-site inspection the accuracy of the relevant declarations made pursuant to Article III.

38. The inspectors shall conduct this verification promptly after a declaration is submitted. They shall, *inter alia*, verify the quantity and identity of chemicals, types and number of munitions, devices and other equipment.

39. The inspectors shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the chemical weapons at each storage facility.

40. As the inventory progresses, inspectors shall install such agreed seals as may be necessary to clearly indicate if any stocks are removed, and to ensure the securing of the storage facility during the inventory. After completion of the inventory, such seals will be removed unless otherwise agreed.

#### ***Systematic Verification of Storage Facilities***

41. The purpose of the systematic verification of storage facilities shall be to ensure that no undetected removal of chemical weapons from such facilities takes place.

42. The systematic verification shall be initiated as soon as possible after the declaration of chemical weapons is submitted and shall continue until all chemical weapons have been removed from the storage facility. It shall in accordance with the facility agreement, combine on-site inspection and monitoring with on-site instruments.

43. When all chemical weapons have been removed from the storage facility, the Technical Secretariat shall confirm the declaration of the State Party to that effect. After this confirmation, the Technical

Secretariat shall terminate the systematic verification of the storage facility and shall promptly remove any monitoring instruments installed by the inspectors.

### ***Inspections and Visits***

44. The particular storage facility to be inspected shall be chosen by the Technical Secretariat in such a way as to preclude the prediction of precisely when the facility is to be inspected. The guidelines for determining the frequency of systematic on-site inspections shall be elaborated by the Technical Secretariat, taking into account the recommendations to be considered and approved by the Conference pursuant to Article VIII, paragraph 21(i).

45. The Technical Secretariat shall notify the inspected State Party of its decision to inspect or visit the storage facility 48 hours before the planned arrival of the inspection team at the facility for systematic inspections or visits. In cases of inspections or visits to resolve urgent problems, this period may be shortened. The Technical Secretariat shall specify the purpose of the inspection or visit.

46. The inspected State Party shall make any necessary preparations for the arrival of the inspectors and shall ensure their expeditious transportation from their point of entry to the storage facility. The facility agreement will specify administrative arrangements for inspectors.

47. The inspected State Party shall provide the inspection team upon its arrival at the chemical weapons storage facility to carry out an inspection, with the following data on the facility:

- (a) The number of storage buildings and storage locations;
- (b) For each storage building and storage location, the type and the identification number or designation, shown on the site diagram; and
- (c) For each storage building and storage location at the facility, the number of items of each specific type of chemical weapon, and, for containers that are not part of binary munitions, the actual quantity of chemical fill in each container.

48. In carrying out an inventory, within the time available, inspectors shall have the right:

- (a) To use any of the following inspection techniques:
  - (i) inventory all the chemical weapons stored at the facility;
  - (ii) inventory all the chemical weapons stored in specific buildings or locations at the facility, as chosen by the inspectors; or

- (iii) inventory all the chemical weapons of one or more specific types stored at the facility, as chosen by the inspectors; and
  - (b) To check all items inventoried against agreed records.
49. Inspectors shall, in accordance with facility agreements:
- (a) Have unimpeded access to all parts of the storage facilities including any munitions, devices, bulk containers, or other containers therein. While conducting their activity, inspectors shall comply with the safety regulations at the facility. The items to be inspected will be chosen by the inspectors; and
  - (b) Have the right, during the first and any subsequent inspection of each chemical weapons storage facility, to designate munitions, devices, and containers from which samples are to be taken, and to affix to such munitions, devices, and containers a unique tag that will indicate an attempt to remove or alter the tag. A sample shall be taken from a tagged item at a chemical weapons storage facility or a chemical weapons destruction facility as soon as it is practically possible in accordance with the corresponding destruction programmes, and, in any case, not later than by the end of the destruction operations.

### ***Systematic Verification of the Destruction of Chemical Weapons***

50. The purpose of verification of destruction of chemical weapons shall be:

- (a) To confirm the identity and quantity of the chemical weapons stocks to be destroyed; and
- (b) To confirm that these stocks have been destroyed.

51. Chemical weapons destruction operations during the first 390 days after the entry into force of this Convention shall be governed by transitional verification arrangements. Such arrangements, including a transitional facility agreement, provisions for verification through on-site inspection and monitoring with on-site instruments, and the time-frame for application of the arrangements, shall be agreed between the Organisation and the inspected State Party. These arrangements shall be approved by the Executive Council not later than 60 days after this Convention enters into force for the State Party, taking into account the recommendations of the Technical Secretariat, which shall be based on an evaluation of the detailed facility information provided

in accordance with paragraph 31 and a visit to the facility. The Executive Council shall, at its first session, establish the guidelines for such transitional verification arrangements, based on recommendations to be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i). The transitional verification arrangements shall be designed to verify, throughout the entire transitional period, the destruction of chemical weapons in accordance with the purposes set forth in paragraph 50, and to avoid hampering ongoing destruction operations.

52. The provisions of paragraphs 53 to 61 shall apply to chemical weapons destruction operations that are to begin not earlier than 390 days after the entry into force of this Convention.

53. On the basis of this Convention and the detailed destruction facility information, and as the case may be, on experience from previous inspections, the Technical Secretariat shall prepare a draft plan for inspecting the destruction of chemical weapons at each destruction facility. The plan shall be completed and provided to the inspected State Party for comment not less than 270 days before the facility begins destruction operations pursuant to this Convention. Any differences between the Technical Secretariat and the inspected State Party should be resolved through consultations. Any unresolved matter shall be forwarded to the Executive Council for appropriate action with a view to facilitating the full implementation of this Convention.

54. The Technical Secretariat shall conduct an initial visit to each chemical weapons destruction facility of the inspected State Party not less than 240 days before each facility begins destruction operations pursuant to this Convention, to allow it to familiarise itself with the facility and assess the adequacy of the inspection plan.

55. In the case of an existing facility where chemical weapons destruction operations have already been initiated, the inspected State Party shall not be required to decontaminate the facility before the Technical Secretariat conducts an initial visit. The duration of the visit shall not exceed five days and the number of visiting personnel shall not exceed 15.

56. The agreed detailed plans for verification, with an appropriate recommendation by the Technical Secretariat, shall be forwarded to the Executive Council for review. The Executive Council shall review the plans with a view to approving them, consistent with verification objectives and obligations under this Convention. It should also confirm

that verification schemes for destruction are consistent with verification aims and are efficient and practical. This review should be completed not less than 180 days before the destruction period begins.

57. Each member of the Executive Council may consult with the Technical Secretariat on any issues regarding the adequacy of the plan for verification. If there are no objections by any member of the Executive Council, the plan shall be put into action.

58. If there are any difficulties, the Executive Council shall enter into consultations with the State Party to reconcile them. If any difficulties remain unresolved they shall be referred to the Conference.

59. The detailed facility agreements for chemical weapons destruction facilities shall specify, taking into account the specific characteristics of the destruction facility and its mode of operation:

- (a) Detailed on-site inspection procedures; and
- (b) Provisions for verification through continuous monitoring with on-site instruments and physical presence of inspectors.

60. Inspectors shall be granted access to each chemical weapons destruction facility not less than 60 days before the commencement of the destruction, pursuant to this Convention, at the facility. Such access shall be for the purpose of supervising the installation of the inspection equipment, inspecting this equipment and testing its operation, as well as for the purpose of carrying out a final engineering review of the facility. In the case of an existing facility where chemical weapons destruction operations have already been initiated, destruction operations shall be stopped for the minimum amount of time required, not to exceed 60 days, for installation and testing of the inspection equipment. Depending on the results of the testing and review, the State Party and the Technical Secretariat may agree on additions or changes to the detailed facility agreement for the facility.

61. The inspected State Party shall notify, in writing, the inspection team leader at a chemical weapons destruction facility not less than four hours before the departure of each shipment of chemical weapons from a chemical weapons storage facility to that destruction facility. This notification shall specify the name of the storage facility, the estimated times of departure and arrival, the specific types and quantities of chemical weapons being transported, whether any tagged items are being moved, and the method of transportation. This notification may include notification of more than one shipment. The inspection team leader shall be promptly notified, in writing, of any changes in this information.

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***Chemical Weapons Storage Facilities at Chemical Weapons Destruction Facilities***

62. The inspectors shall verify the arrival of the chemical weapons at the destruction facility and the storing of these chemical weapons. The inspectors shall verify the inventory of each shipment, using agreed procedures consistent with facility safety regulations, prior to the destruction of the chemical weapons. They shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the chemical weapons prior to destruction.

63. As soon and as long as chemical weapons are stored at chemical weapons storage facilities located at chemical weapons destruction facilities, these storage facilities shall be subject to systematic verification in conformity with the relevant facility agreements.

64. At the end of an active destruction phase, inspectors shall make an inventory of the chemical weapons, that have been removed from the storage facility, to be destroyed. They shall verify the accuracy of the inventory of the chemical weapons remaining, employing inventory control procedures as referred to in paragraph 62.

***Systematic On-site Verification Measures at Chemical Weapons Destruction Facilities***

65. The inspectors shall be granted access to conduct their activities at the chemical weapons destruction facilities and the chemical weapons storage facilities located at such facilities during the entire active phase of destruction.

66. At each chemical weapons destruction facility, to provide assurance that no chemical weapons are diverted and that the destruction process has been completed, inspectors shall have the right to verify through their physical presence and monitoring with on-site instruments:

- (a) The receipt of chemical weapons at the facility;
- (b) The temporary holding area for chemical weapons and the specific type and quantity of chemical weapons stored in that area;
- (c) The specific type and quantity of chemical weapons being destroyed;
- (d) The process of destruction;
- (e) The end-product of destruction;
- (f) The mutilation of metal parts; and
- (g) The integrity of the destruction process and of the facility as a whole.

67. Inspectors shall have the right to tag, for sampling, munitions, devices, or containers located in the temporary holding areas at the chemical weapons destruction facilities.

68. To the extent that it meets inspection requirements, information from routine facility operations, with appropriate data authentication, shall be used for inspection purposes.

69. After the completion of each period of destruction, the Technical Secretariat shall confirm the declaration of the State Party, reporting the completion of destruction of the designated quantity of chemical weapons.

70. Inspectors shall, in accordance with facility agreements:

- (a) Have unimpeded access to all parts of the chemical weapons destruction facilities and the chemical weapons storage facilities located at such facilities, including any munitions, devices, bulk containers, or other containers, therein. The items to be inspected shall be chosen by the inspectors in accordance with the verification plan that has been agreed to by the inspected State Party and approved by the Executive Council;
- (b) Monitor the systematic on-site analysis of samples during the destruction process; and
- (c) Receive, if necessary, samples taken at their request from any devices, bulk containers and other containers at the destruction facility or the storage facility thereat.

### ***PART-IV(B)***

## **OLD CHEMICAL WEAPONS AND ABANDONED CHEMICAL WEAPONS**

### **A. General**

1. Old chemical weapons shall be destroyed as provided for in Section B.

2. Abandoned chemical weapons, including those which also meet the definition of Article II, paragraph 5 (b), shall be destroyed as provided for in Section C.

### **B. Regime for Old Chemical Weapons**

3. A State Party which has on its territory old chemical weapons as defined in Article II, paragraph 5 (a), shall, not later than 30 days after this Convention enters into force for it, submit to the Technical Secretariat all available relevant information, including, to the extent

possible, the location, type, quantity and the present condition of these old chemical weapons.

In the case of old chemical weapons as defined in Article II, paragraph 5 (b), the State Party shall submit to the Technical Secretariat a declaration pursuant to Article III, paragraph 1 (b) (i), including, to the extent possible, the information specified in Part IV (A), paragraphs 1 to 3, of this Annex.

4. A State Party which discovers old chemical weapons after this Convention enters into force for it shall submit to the Technical Secretariat the information specified in paragraph 3 not later than 180 days after the discovery of the old chemical weapons.

5. The Technical Secretariat shall conduct an initial inspection, and any further inspections as may be necessary, in order to verify the information submitted pursuant to paragraphs 3 and 4 and in particular to determine whether the chemical weapons meet the definition of old chemical weapons as specified in Article II, paragraph 5. Guidelines to determine the usability of chemical weapons produced between 1925 and 1946 shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i).

6. A State Party shall treat old chemical weapons that have been confirmed by the Technical Secretariat as meeting the definition in Article II, paragraph 5 (a), as toxic waste. It shall inform the Technical Secretariat of the steps being taken to destroy or otherwise dispose of such old chemical weapons as toxic waste in accordance with its national legislation.

7. Subject to paragraphs 3 to 5, a State Party shall destroy old chemical weapons that have been confirmed by the Technical Secretariat as meeting the definition in Article II, paragraph 5 (b), in accordance with Article IV and Part IV (A) of this Annex. Upon request of a State Party, the Executive Council may, however, modify the provisions on time-limit and order of destruction of these old chemical weapons, if it determines that doing so would not pose a risk to the object and purpose of this Convention. The request shall contain specific proposals for modification of the provisions and a detailed explanation of the reasons for the proposed modification.

### **C. Regime for Abandoned Chemical Weapons**

8. A State Party on whose territory there are abandoned chemical weapons (hereinafter referred to as the "Territorial State Party") shall, not later than 30 days after this Convention enters into force for it, submit to the Technical Secretariat all available relevant information

concerning the abandoned chemical weapons. This information shall include, to the extent possible, the location, type, quantity and the present condition of the abandoned chemical weapons as well as information on the abandonment.

9. A State Party which discovers abandoned chemical weapons after this Convention enters into force for it shall, not later than 180 days after the discovery, submit to the Technical Secretariat all available relevant information concerning the discovered abandoned chemical weapons. This information shall include, to the extent possible, the location, type, quantity and the present condition of the abandoned chemical weapons as well as information on the abandonment.

10. A State Party which has abandoned chemical weapons on the territory of another State Party (hereinafter referred to as the "Abandoning State Party") shall, not later than 30 days after this Convention enters into force for it, submit to the Technical Secretariat all available relevant information concerning the abandoned chemical weapons. This information shall include, to the extent possible, the location, type, quantity as well as information on the abandonment, and the condition of the abandoned chemical weapons.

11. The Technical Secretariat shall conduct an initial inspection, and any further inspections as may be necessary, in order to verify all available relevant information submitted pursuant to paragraphs 8 to 10 and determine whether systematic verification in accordance with Part IV (A), paragraphs 41 to 43, of this Annex is required. It shall, if necessary, verify the origin of the abandoned chemical weapons and establish evidence concerning the abandonment and the identity of the Abandoning State.

12. The report of the Technical Secretariat shall be submitted to the Executive Council, the Territorial State Party, and to the Abandoning State Party or the State Party declared by the Territorial State Party or identified by the Technical Secretariat as having abandoned the chemical weapons. If one of the States Parties directly concerned is not satisfied with the report it shall have the right to settle the matter in accordance with provisions of this Convention or bring the issue to the Executive Council with a view to settling the matter expeditiously.

13. Pursuant to Article I, paragraph 3, the Territorial State Party shall have the right to request the State Party which has been established as the Abandoning State Party pursuant to paragraphs 8 to 12 to enter into consultations for the purpose of destroying the abandoned chemical weapons in cooperation with the Territorial State

Party. It shall immediately inform the Technical Secretariat of this request.

14. Consultations between the Territorial State Party and the Abandoning State Party with a view to establishing a mutually agreed plan for destruction shall begin not later than 30 days after the Technical Secretariat has been informed of the request referred to in paragraph 13. The mutually agreed plan for destruction shall be transmitted to the Technical Secretariat not later than 180 days after the Technical Secretariat has been informed of the request referred to in paragraph 13. Upon the request of the Abandoning State Party and the Territorial State Party, the Executive Council may extend the time-limit for transmission of the mutually agreed plan for destruction.

15. For the purpose of destroying abandoned chemical weapons, the Abandoning State Party shall provide all necessary financial, technical, expert, facility as well as other resources. The Territorial State Party shall provide appropriate cooperation.

16. If the Abandoning State cannot be identified or is not a State Party, the Territorial State Party, in order to ensure the destruction of these abandoned chemical weapons, may request the Organisation and other States Parties to provide assistance in the destruction of these abandoned chemical weapons.

17. Subject to paragraphs 8 to 16, Article IV and Part IV (A) of this Annex shall also apply to the destruction of abandoned chemical weapons. In the case of abandoned chemical weapons which also meet the definition of old chemical weapons in Article II, paragraph 5 (b), the Executive Council, upon the request of the Territorial State Party, individually or together with the Abandoning State Party, may modify or in exceptional cases suspend the application of provisions on destruction, if it determines that doing so would not pose a risk to the object and purpose of this Convention. In the case of abandoned chemical weapons which do not meet the definition of old chemical weapons in Article II, paragraph 5 (b), the Executive Council, upon the request of the Territorial State Party, individually or together with the Abandoning State Party, may in exceptional circumstances modify the provisions on the time-limit and the order of destruction, if it determines that doing so would not pose a risk to the object and purpose of this Convention. Any request as referred to in this paragraph shall contain specific proposals for modification of the provisions and a detailed explanation of the reasons for the proposed modification.

18. States Parties may conclude between themselves agreements or arrangements concerning the destruction of abandoned chemical

weapons. The Executive Council may, upon request of the Territorial State Party, individually or together with the Abandoning State Party, decide that selected provisions of such agreements or arrangements take precedence over provisions of this Section, if it determines that the agreement or arrangement ensures the destruction of the abandoned chemical weapons in accordance with paragraph 17.

## ***PART-V***

### **DESTRUCTION OF CHEMICAL WEAPONS PRODUCTION FACILITIES AND ITS VERIFICATION PURSUANT TO ARTICLE V**

#### **A. Declarations**

##### ***Declarations of Chemical Weapons Production Facilities***

1. The declaration of chemical weapons production facilities by a State Party pursuant to Article III, paragraph 1 (c) (ii), shall contain for each facility:

- (a) The name of the facility, the names of the owners, and the names of the companies or enterprises operating the facility since 1 January 1946;
- (b) The precise location of the facility, including the address, location of the complex, location of the facility within the complex including the specific building and structure number, if any;
- (c) A statement whether it is a facility for the manufacture of chemicals that are defined as chemical weapons or whether it is a facility for the filling of chemical weapons, or both;
- (d) The date when the construction of the facility was completed and the periods during which any modifications to the facility were made, including the installation of new or modified equipment, that significantly changed the production process characteristics of the facility;
- (e) Information on the chemicals defined as chemical weapons that were manufactured at the facility; the munitions, devices, and containers that were filled at the facility; and the dates of the beginning and cessation of such manufacture or filling:
  - (i) For chemicals defined as chemical weapons that were manufactured at the facility, such information shall be expressed in terms of the specific types of chemicals

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- manufactured, indicating the chemical name in accordance with the current International Union of Pure and Applied Chemistry (IUPAC) nomenclature, structural formula, and the Chemical Abstracts Service registry number, if assigned, and in terms of the amount of each chemical expressed by weight of chemical in tonnes;
- (ii) For munitions, devices and containers that were filled at the facility, such information shall be expressed in terms of the specific type of chemical weapons filled and the weight of the chemical fill per unit;
- (f) The production capacity of the chemical weapons production facility:
- (i) For a facility where chemical weapons were manufactured, production capacity shall be expressed in terms of the annual quantitative potential for manufacturing a specific substance on the basis of the technological process actually used or, in the case of processes not actually used, planned to be used at the facility;
  - (ii) For a facility where chemical weapons were filled, production capacity shall be expressed in terms of the quantity of chemical that the facility can fill into each specific type of chemical weapon a year;
- (g) For each chemical weapons production facility that has not been destroyed, a description of the facility including:
- (i) A site diagram;
  - (ii) A process flow diagram of the facility; and
  - (iii) An inventory of buildings at the facility, and specialised equipment at the facility and of any spare parts for such equipment;
- (h) The present status of the facility, stating:
- (i) The date when chemical weapons were last produced at the facility;
  - (ii) Whether the facility has been destroyed, including the date and manner of its destruction; and
  - (iii) Whether the facility has been used or modified before entry into force of this Convention for an activity not related to the production of chemical weapons, and if so,

information on what modifications have been made, the date such non-chemical weapons related activity began and the nature of such activity, indicating, if applicable, the kind of product;

- (i) A specification of the measures that have been taken by the State Party for closure of, and a description of the measures that have been or will be taken by the State Party to inactivate the facility;
- (j) A description of the normal pattern of activity for safety and security at the inactivated facility; and
- (k) A statement as to whether the facility will be converted for the destruction of chemical weapons and, if so, the dates for such conversions.

***Declarations of Chemical Weapons Production Facilities Pursuant to Article III, Paragraph 1 (c)(iii)***

2. The declaration of chemical weapons production facilities pursuant to Article III, paragraph 1 (c) (iii), shall contain all information specified in paragraph 1 above. It is the responsibility of the State Party on whose territory the facility is or has been located to make appropriate arrangements with the other State to ensure that the declarations are made. If the State Party on whose territory the facility is or has been located is not able to fulfil this obligation, it shall state the reasons therefor.

***Declarations of Past Transfers and Receipts***

3. A State Party that has transferred or received chemical weapons production equipment since 1 January 1946 shall declare these transfers and receipts pursuant to Article III, paragraph 1 (c) (iv), and in accordance with paragraph 5 below. When not all the specified information is available for transfer and receipt of such equipment for the period between 1 January 1946 and 1 January 1970, the State Party shall declare whatever information is still available to it and provide an explanation as to why it cannot submit a full declaration.

4. Chemical weapons production equipment referred to in paragraph 3 means:

- (a) Specialised equipment;
- (b) Equipment for the production of equipment specifically designed for use directly in connection with chemical weapons employment; and

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- (c) Equipment designed or used exclusively for producing non-chemical parts for chemical munitions.
5. The declaration concerning transfer and receipt of chemical weapons production equipment shall specify:
- (a) Who received/transferred the chemical weapons production equipment;
  - (b) The identity of such equipment;
  - (c) The date of transfer or receipt;
  - (d) Whether the equipment was destroyed, if known; and
  - (e) Current disposition, if known.

***Submission of General Plans for Destruction***

6. For each chemical weapons production facility, a State Party shall supply the following information:

- (a) Envisaged time-frame for measures to be taken; and
- (b) Methods of destruction.

7. For each chemical weapons production facility that a State Party intends to convert temporarily into a chemical weapons destruction facility, the State Party shall supply the following information:

- (a) Envisaged time-frame for conversion into a destruction facility;
- (b) Envisaged time-frame for utilising the facility as a chemical weapons destruction facility;
- (c) Description of the new facility;
- (d) Method of destruction of special equipment;
- (e) Time-frame for destruction of the converted facility after it has been utilised to destroy chemical weapons; and
- (f) Method of destruction of the converted facility.

***Submission of Annual Plans for Destruction and Annual Reports on Destruction***

8. The State Party shall submit an annual plan for destruction not less than 90 days before the beginning of the coming destruction year. The annual plan shall specify:

- (a) Capacity to be destroyed;
- (b) Name and location of the facilities where destruction will take place;

- (c) List of buildings and equipment that will be destroyed at each facility; and
- (d) Planned method(s) of destruction.

9. A State Party shall submit an annual report on destruction not later than 90 days after the end of the previous destruction year. The annual report shall specify:

- (a) Capacity destroyed;
- (b) Name and location of each facility where destruction took place;
- (c) List of buildings and equipment that were destroyed at each facility;
- (d) Methods of destruction.

10. For a chemical weapons production facility declared pursuant to Article III, paragraph 1 (c) (iii), it is the responsibility of the State Party on whose territory the facility is or has been located to make appropriate arrangements to ensure that the declarations specified in paragraphs 6 to 9 above are made. If the State Party on whose territory the facility is or has been located is not able to fulfil this obligation, it shall state the reasons therefor.

## **B. Destruction**

### ***General Principles for Destruction of Chemical Weapons Production Facilities***

11. Each State Party shall decide on methods to be applied for the destruction of chemical weapons production facilities, according to the principles laid down in Article V and in this Part.

### ***Principles and Methods for Closure of a Chemical Weapons Production Facility***

12. The purpose of the closure of a chemical weapons production facility is to render it inactive.

13. Agreed measures for closure shall be taken by a State Party with due regard to the specific characteristics of each facility. Such measures shall include, *inter alia*:

- (a) Prohibition of occupation of the specialised buildings and standard buildings of the facility except for agreed activities;
- (b) Disconnection of equipment directly related to the production of chemical weapons, including, *inter alia*, process control equipment and utilities;

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- (c) Decommissioning of protective installations and equipment used exclusively for the safety of operations of the chemical weapons production facility;
  - (d) Installation of blind flanges and other devices to prevent the addition of chemicals to, or the removal of chemicals from, any specialised process equipment for synthesis, separation or purification of chemicals defined as a chemical weapon, any storage tank, or any machine for filling chemical weapons, the heating, cooling, or supply of electrical or other forms of power to such equipment, storage tanks, or machines; and
  - (e) Interruption of rail, road and other access routes for heavy transport to the chemical weapons production facility except those required for agreed activities.

14. While the chemical weapons production facility remains closed, a State Party may continue safety and physical security activities at the facility.

#### ***Technical Maintenance of Chemical Weapons Production Facilities Prior to Their Destruction***

15. A State Party may carry out standard maintenance activities at chemical weapons production facilities only for safety reasons, including visual inspection, preventive maintenance, and routine repairs.

16. All planned maintenance activities shall be specified in the general and detailed plans for destruction. Maintenance activities shall not include:

- (a) Replacement of any process equipment;
- (b) Modification of the characteristics of the chemical process equipment;
- (c) Production of chemicals of any type.

17. All maintenance activities shall be subject to monitoring by the Technical Secretariat.

#### ***Principles and Methods for Temporary Conversion of Chemical Weapons Production Facilities into Chemical Weapons Destruction Facilities***

18. Measures pertaining to the temporary conversion of chemical weapons production facilities into chemical weapons destruction facilities shall ensure that the regime for the temporarily converted

facilities is at least as stringent as the regime for chemical weapons production facilities that have not been converted.

19. Chemical weapons production facilities converted into chemical weapons destruction facilities before entry into force of this Convention shall be declared under the category of chemical weapons production facilities.

They shall be subject to an initial visit by inspectors, who shall confirm the correctness of the information about these facilities. Verification that the conversion of these facilities was performed in such a manner as to render them inoperable as chemical weapons production facilities shall also be required, and shall fall within the framework of measures provided for the facilities that are to be rendered inoperable not later than 90 days after entry into force of this Convention.

20. A State Party that intends to carry out a conversion of chemical weapons production facilities shall submit to the Technical Secretariat, not later than 30 days after this Convention enters into force for it, or not later than 30 days after a decision has been taken for temporary conversion, a general facility conversion plan, and subsequently shall submit annual plans.

21. Should a State Party have the need to convert to a chemical weapons destruction facility an additional chemical weapons production facility that had been closed after this Convention entered into force for it, it shall inform the Technical Secretariat thereof not less than 150 days before conversion. The Technical Secretariat, in conjunction with the State Party, shall make sure that the necessary measures are taken to render that facility, after its conversion, inoperable as a chemical weapons production facility.

22. A facility converted for the destruction of chemical weapons shall not be more fit for resuming chemical weapons production than a chemical weapons production facility which has been closed and is under maintenance. Its reactivation shall require no less time than that required for a chemical weapons production facility that has been closed and is under maintenance.

23. Converted chemical weapons production facilities shall be destroyed not later than 10 years after entry into force of this Convention.

24. Any measures for the conversion of any given chemical weapons production facility shall be facility-specific and shall depend upon its individual characteristics.

25. The set of measures carried out for the purpose of converting a chemical weapons production facility into a chemical weapons destruction facility shall not be less than that which is provided for the disabling of other chemical weapons production facilities to be carried out not later than 90 days after this Convention enters into force for the State Party.

***Principles and Methods Related to Destruction of a Chemical Weapons Production Facility***

26. A State Party shall destroy equipment and buildings covered by the definition of a chemical weapons production facility as follows:

- (a) All specialised equipment and standard equipment shall be physically destroyed;
- (b) All specialised buildings and standard buildings shall be physically destroyed.

27. A State Party shall destroy facilities for producing unfilled chemical munitions and equipment for chemical weapons employment as follows:

- (a) Facilities used exclusively for production of non-chemical parts for chemical munitions or equipment specifically designed for use directly in connection with chemical weapons employment, shall be declared and destroyed. The destruction process and its verification shall be conducted according to the provisions of Article V and this Part of this Annex that govern destruction of chemical weapons production facilities;
- (b) All equipment designed or used exclusively for producing non-chemical parts for chemical munitions shall be physically destroyed. Such equipment, which includes specially designed moulds and metal-forming dies, may be brought to a special location for destruction;
- (c) All buildings and standard equipment used for such production activities shall be destroyed or converted for purposes not prohibited under this Convention, with confirmation, as necessary, through consultations and inspections as provided for under Article IX;
- (d) Activities for purposes not prohibited under this Convention may continue while destruction or conversion proceeds.

***Order of Destruction***

28. The order of destruction of chemical weapons production facilities is based on the obligations specified in Article I and the other

Articles of this Convention, including obligations regarding systematic on-site verification. It takes into account interests of States Parties for undiminished security during the destruction period; confidence-building in the early part of the destruction stage; gradual acquisition of experience in the course of destroying chemical weapons production facilities; and applicability irrespective of the actual characteristics of the facilities and the methods chosen for their destruction. The order of destruction is based on the principle of levelling out.

29. A State Party shall, for each destruction period, determine which chemical weapons production facilities are to be destroyed and carry out the destruction in such a way that not more than what is specified in paragraphs 30 and 31 remains at the end of each destruction period. A State Party is not precluded from destroying its facilities at a faster pace.

30. The following provisions shall apply to chemical weapons production facilities that produce Schedule 1 chemicals:

- (a) A State Party shall start the destruction of such facilities not later than one year after this Convention enters into force for it, and shall complete it not later than 10 years after entry into force of this Convention. For a State which is a Party at the entry into force of this Convention, this overall period shall be divided into three separate destruction periods, namely, years 2-5, years 6-8, and years 9-10. For States which become a Party after entry into force of this Convention, the destruction periods shall be adapted, taking into account paragraphs 28 and 29;
- (b) Production capacity shall be used as the comparison factor for such facilities. It shall be expressed in agent tonnes, taking into account the rules specified for binary chemical weapons;
- (c) Appropriate agreed levels of production capacity shall be established for the end of the eighth year after entry into force of this Convention. Production capacity that exceeds the relevant level shall be destroyed in equal increments during the first two destruction periods;
- (d) A requirement to destroy a given amount of capacity shall entail a requirement to destroy any other chemical weapons production facility that supplied the Schedule 1 facility or filled the Schedule 1 chemical produced there into munitions or devices;

- (e) Chemical weapons production facilities that have been converted temporarily for destruction of chemical weapons shall continue to be subject to the obligation to destroy capacity according to the provisions of this paragraph.

31. A State Party shall start the destruction of chemical weapons production facilities not covered in Paragraph 30 not later than one year after this convention enters into force for it, and complete it not later than five years after entry into force of this convention.

### ***Detailed Plans for Destruction***

32. Not less than 180 days before the destruction of a chemical weapons production facility starts, a State Party shall provide to the Technical Secretariat the detailed plans for destruction of the facility, including proposed measures for verification of destruction referred to in paragraph 33 (f), with respect to, *inter alia*:

- (a) Timing of the presence of the inspectors at the facility to be destroyed; and
- (b) Procedures for verification of measures to be applied to each item on the declare inventory.

33. The detailed plans for destruction of each chemical weapons production facility shall contain:

- (a) Detailed time schedule of the destruction process;
- (b) Layout of the facility;
- (c) Process flow diagram;
- (d) Detailed inventory of equipment, buildings and other items to be destroyed;
- (e) Measures to be applied to each item on the inventory;
- (f) Proposed measures for verification;
- (g) Security/safety measures to be observed during the destruction of the facility; and
- (h) Working and living conditions to be provided for inspectors.

34. If a State Party intends to convert temporarily a chemical weapons production facility into a chemical weapons destruction facility, it shall notify the Technical Secretariat not less than 150 days before undertaking any conversion activities. The notification shall:

- (a) Specify the name, address, and location of the facility;
- (b) Provide a site diagram indicating all structures and areas that will be involved in the destruction of chemical weapons

- and also identify all structures of the chemical weapons production facility that are to be temporarily converted;
- (c) Specify the types of chemical weapons, and the type and quantity of chemical fill to be destroyed;
  - (d) Specify the destruction method;
  - (e) Provide a process flow diagram, indicating which portions of the production process and specialised equipment will be converted for the destruction of chemical weapons;
  - (f) Specify the seals and inspection equipment potentially affected by the conversion, if applicable; and
  - (g) Provide a schedule identifying: The time allocated to design, temporary conversion of the facility, installation of equipment, equipment check-out, destruction operations, and closure.

35. In relation to the destruction of a facility that was temporarily converted for destruction of chemical weapons, information shall be provided in accordance with paragraphs 32 and 33.

### ***Review of Detailed Plans***

36. On the basis of the detailed plan for destruction and proposed measures for verification submitted by the State Party, and on experience from previous inspections, the Technical Secretariat shall prepare a plan for verifying the destruction of the facility, consulting closely with the State Party. Any differences between the Technical Secretariat and the State Party concerning appropriate measures should be resolved through consultations. Any unresolved matters shall be forwarded to the Executive Council for appropriate action with a view to facilitating the full implementation of this Convention.

37. To ensure that the provisions of Article V and this Part are fulfilled, the combined plans for destruction and verification shall be agreed upon between the Executive Council and the State Party. This agreement should be completed, not less than 60 days before the planned initiation of destruction.

38. Each member of the Executive Council may consult with the Technical Secretariat on any issues regarding the adequacy of the combined plan for destruction and verification. If there are no objections by any member of the Executive Council, the plan shall be put into action.

39. If there are any difficulties, the Executive Council shall enter into consultations with the State Party to reconcile them. If any

difficulties remain unresolved they shall be referred to the Conference. The resolution of any differences over methods of destruction shall not delay the execution of other parts of the destruction plan that are acceptable.

40. If agreement is not reached with the Executive Council on aspects of verification, or if the approved verification plan cannot be put into action, verification of destruction shall proceed through continuous monitoring with on-site instruments and physical presence of inspectors.

41. Destruction and verification shall proceed according to the agreed plan. The verification shall not unduly interfere with the destruction process and shall be conducted through the presence of inspectors on-site to witness the destruction.

42. If required verification or destruction actions are not taken as planned, all States Parties shall be so informed.

### **C. Verification**

#### ***Verification of Declarations of Chemical Weapons Production Facilities Through On-site Inspection***

43. The Technical Secretariat shall conduct an initial inspection of each chemical weapons production facility in the period between 90 and 120 days after this Convention enters into force for the State Party.

44. The purposes of the initial inspection shall be:

- (a) To confirm that the production of chemical weapons has ceased and that the facility has been inactivated in accordance with this Convention;
- (b) To permit the Technical Secretariat to familiarise itself with the measures that have been taken to cease production of chemical weapons at the facility;
- (c) To permit the inspectors to install temporary seals;
- (d) To permit the inspectors to confirm the inventory of buildings and specialised equipment;
- (e) To obtain information necessary for planning inspection activities at the facility, including use of tamper-indicating seals and other agreed equipment, which shall be installed pursuant to the detailed facility agreement for the facility; and
- (f) To conduct preliminary discussions regarding a detailed agreement on inspection procedures at the facility.

45. Inspectors shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the declared items at each chemical weapons production facility.

46. Inspectors shall install such agreed devices as may be necessary to indicate if any resumption of production of chemical weapons occurs or if any declared item is removed. They shall take the necessary precaution not to hinder closure activities by the inspected State Party. Inspectors may return to maintain and verify the integrity of the devices.

47. If, on the basis of the initial inspection, the Director-General believes that additional measures are necessary to inactivate the facility in accordance with this Convention, the Director-General may request, not later than 135 days after this Convention enters into force for a State Party, that such measures be implemented by the inspected State Party not later than 180 days after this Convention enters into force for it. At its discretion, the inspected State Party may satisfy the request. If it does not satisfy the request, the inspected State Party and the Director-General shall consult to resolve the matter.

***Systematic Verification of Chemical Weapons Production Facilities and Cessation of Their Activities***

48. The purpose of the systematic verification of a chemical weapons production facility shall be to ensure that any resumption of production of chemical weapons or removal of declared items will be detected at this facility.

49. The detailed facility agreement for each chemical weapons production facility shall specify:

- (a) Detailed on-site inspection procedures, which may include:
  - (i) Visual examinations;
  - (ii) Checking and servicing of seals and other agreed devices; and
  - (iii) Obtaining and analysing samples;
- (b) Procedures for using tamper-indicating seals and other agreed equipment to prevent the undetected reactivation of the facility, which shall specify:
  - (i) The type, placement, and arrangements for installation; and
  - (ii) The maintenance of such seals and equipment; and
- (c) Other agreed measures.

50. The seals or other approved equipment provided for in a detailed agreement on inspection measures for that facility shall be placed not later than 240 days after this Convention enters into force for a State Party. Inspectors shall be permitted to visit each chemical weapons production facility for the installation of such seals or equipment.

51. During each calendar year, the Technical Secretariat shall be permitted to conduct up to four inspections of each chemical weapons production facility.

52. The Director-General shall notify the inspected State Party of his decision to inspect or visit a chemical weapons production facility 48 hours before the planned arrival of the inspection team at the facility for systematic inspections or visits. In the case of inspections or visits to resolve urgent problems, this period may be shortened. The Director-General shall specify the purpose of the inspection or visit.

53. Inspectors shall, in accordance with the facility agreements, have unimpeded access to all parts of the chemical weapons production facilities. The items on the declared inventory to be inspected shall be chosen by the inspectors.

54. The guidelines for determining the frequency of systematic on-site inspections shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i). The particular production facility to be inspected shall be chosen by the Technical Secretariat in such a way as to preclude the prediction of precisely when the facility is to be inspected.

### ***Verification of Destruction of Chemical Weapons Production Facilities***

55. The purpose of systematic verification of the destruction of chemical weapons production facilities shall be to confirm that the facility is destroyed in accordance with the obligations under this Convention and that each item on the declared inventory is destroyed in accordance with the agreed detailed plan for destruction.

56. When all items on the declared inventory have been destroyed, the Technical Secretariat shall confirm the declaration of the State Party to that effect. After this confirmation, the Technical Secretariat shall terminate the systematic verification of the chemical weapons production facility and shall promptly remove all devices and monitoring instruments installed by the inspectors.

57. After this confirmation, the State Party shall make the declaration that the facility has been destroyed.

### ***Verification of Temporary Conversion of a Chemical Weapons Production Facility into a Chemical Weapons Destruction Facility***

58. Not later than 90 days after receiving the initial notification of the intent to convert temporarily a production facility, the inspectors shall have the right to visit the facility to familiarise themselves with the proposed temporary conversion and to study possible inspection measures that will be required during the conversion.

59. Not later than 60 days after such a visit, the Technical Secretariat and the inspected State Party shall conclude a transition agreement containing additional inspection measures for the temporary conversion period. The transition agreement shall specify inspection procedures, including the use of seals, monitoring equipment, and inspections, that will provide confidence that no chemical weapons production takes place during the conversion process. This agreement shall remain in force from the beginning of the temporary conversion activity until the facility begins operation as a chemical weapons destruction facility.

60. The inspected State Party shall not remove or convert any portion of the facility, or remove or modify any seal or other agreed inspection equipment that may have been installed pursuant to this Convention until the transition agreement has been concluded.

61. Once the facility begins operation as a chemical weapons destruction facility, it shall be subject to the provisions of Part IV (A) of this Annex applicable to chemical weapons destruction facilities. Arrangements for the pre-operation period shall be governed by the transition agreement.

62. During destruction operations the inspectors shall have access to all portions of the temporarily converted chemical weapons production facilities, including those that are not directly involved with the destruction of chemical weapons.

63. Before the commencement of work at the facility to convert it temporarily for chemical weapons destruction purposes and after the facility has ceased to function as a facility for chemical weapons destruction, the facility shall be subject to the provisions of this Part applicable to chemical weapons production facilities.

### **D. Conversion of Chemical Weapons Production Facilities to Purposes Not Prohibited Under this Convention**

#### ***Procedures for Requesting Conversion***

64. A request to use a chemical weapons production facility for purposes not prohibited under this Convention may be made for any

facility that a State Party is already using for such purposes before this Convention enters into force for it, or that it plans to use for such purposes.

65. For a chemical weapons production facility that is being used for purposes not prohibited under this Convention when this Convention enters into force for the State Party, the request shall be submitted to the Director-General not later than 30 days after this Convention enters into force for the State Party. The request shall contain, in addition to data submitted in accordance with paragraph 1 (h) (iii), the following information:

- (a) A detailed justification for the request;
- (b) A general facility conversion plan that specifies:
  - (i) The nature of the activity to be conducted at the facility;
  - (ii) If the planned activity involves production, processing, or consumption of chemicals: the name of each of the chemicals, the flow diagram of the facility, and the quantities planned to be produced, processed, or consumed annually;
  - (iii) Which buildings or structures are proposed to be used and what modifications are proposed, if any;
  - (iv) Which buildings or structures have been destroyed or are proposed to be destroyed and the plans for destruction;
  - (v) What equipment is to be used in the facility;
  - (vi) What equipment has been removed and destroyed and what equipment is proposed to be removed and destroyed and the plans for its destruction;
  - (vii) The proposed schedule for conversion, if applicable; and
  - (viii) The nature of the activity of each other facility operating at the site; and
- (c) A detailed explanation of how measures set forth in subparagraph (b), as well as any other measures proposed by the State Party, will ensure the prevention of standby chemical weapons production capability at the facility.

66. For a chemical weapons production facility that is not being used for purposes not prohibited under this Convention when this Convention enters into force for the State Party, the request shall be submitted to the Director-General not later than 30 days after the decision to convert, but in no case later than four years after this

Convention enters into force for the State Party. The request shall contain the following information:

- (a) detailed justification for the request, including its economic needs;
- (b) A general facility conversion plan that specifies:
  - (i) The nature of the activity planned to be conducted at the facility;
  - (ii) If the planned activity involves production, processing, or consumption of chemicals: the name of each of the chemicals, the flow diagram of the facility, and the quantities planned to be produced, processed, or consumed annually;
  - (iii) Which buildings or structures are proposed to be retained and what modifications are proposed, if any;
  - (iv) Which buildings or structures have been destroyed or are proposed to be destroyed and the plans for destruction;
  - (v) What equipment is proposed for use in the facility;
  - (vi) What equipment is proposed to be removed and destroyed and the plans for its destruction;
  - (vii) The proposed schedule for conversion; and
  - (viii) The nature of the activity of each other facility operating at the site; and
- (c) A detailed explanation of how the measures set forth in subparagraph (b), as well as any other measures proposed by the State Party, will ensure the prevention of standby chemical weapons production capability at the facility.

67. The State Party may propose in its request any other measures it deems appropriate to build confidence.

### ***Actions Pending a Decision***

68. Pending a decision of the Conference, a State Party may continue to use for purposes not prohibited under this Convention a facility that was being used for such purposes before this Convention enters into force for it, but only if the State Party certifies in its request that no specialised equipment and no specialised buildings are being used and that the specialised equipment and specialised buildings have been rendered inactive using the methods specified in paragraph 13.

69. If the facility, for which the request was made, was not being used for purposes not prohibited under this Convention before this Convention enters into force for the State Party, or if the certification required in paragraph 68 is not made, the State Party shall cease immediately all activity pursuant to Article V, paragraph 4. The State Party shall close the facility in accordance with paragraph 13 not later than 90 days after this Convention enters into force for it.

### ***Conditions for Conversion***

70. As a condition for conversion of a chemical weapons production facility for purposes not prohibited under this Convention, all specialised equipment at the facility must be destroyed and all special features of buildings and structures that distinguish them from buildings and structures normally used for purposes not prohibited under this Convention and not involving Schedule 1 chemicals must be eliminated.

71. A converted facility shall not be used:

- (a) For any activity involving production, processing, or consumption of a Schedule 1 chemical or a Schedule 2 chemical; or
- (b) For the production of any highly toxic chemical, including any highly toxic organophosphorus chemical, or for any other activity that would require special equipment for handling highly toxic or highly corrosive chemicals, unless the Executive Council decides that such production or activity would pose no risk to the object and purpose of this Convention, taking into account criteria for toxicity, corrosiveness and, if applicable, other technical factors, to be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i).

72. Conversion of a chemical weapons production facility shall be completed not later than six years after entry into force of this Convention.

### ***Decisions by the Executive Council and the Conference***

73. Not later than 90 days after receipt of the request by the Director-General, an initial inspection of the facility shall be conducted by the Technical Secretariat. The purpose of this inspection shall be to determine the accuracy of the information provided in the request, to obtain information on the technical characteristics of the proposed converted facility, and to assess the conditions under which use for purposes not prohibited under this Convention may be permitted. The

Director-General shall promptly submit a report to the Executive Council, the Conference, and all States Parties containing his recommendations on the measures necessary to convert the facility to purposes not prohibited under this Convention and to provide assurance that the converted facility will be used only for purposes not prohibited under this Convention.

74. If the facility has been used for purposes not prohibited under this Convention before this Convention enters into force for the State Party, and is continuing to be in operation, but the measures required to be certified under paragraph 68 have not been taken, the Director-General shall immediately inform the Executive Council, which may require implementation of measures it deems appropriate *inter alia*, shut-down of the facility and removal of specialised equipment and modification of buildings or structures. The Executive Council shall stipulate the deadline for implementation of these measures and shall suspend consideration of the request pending their satisfactory completion. The facility shall be inspected promptly after the expiration of the deadline to determine whether the measures have been implemented. If not, the State Party shall be required to shut down completely all facility operations.

75. As soon as possible after receiving the report of the Director-General, the Conference, upon recommendation of the Executive Council, shall decide, taking into account the report and any views expressed by States Parties, whether to approve the request, and shall establish the conditions upon which approval is contingent. If any State Party objects to approval of the request and the associated conditions, consultations shall be undertaken among interested States Parties for up to 90 days to seek a mutually acceptable solution. A decision on the request and associated conditions, along with any proposed modifications thereto, shall be taken, as a matter of substance, as soon as possible after the end of the consultation period.

76. If the request is approved, a facility agreement shall be completed not later than 90 days after such a decision is taken. The facility agreement shall contain the conditions under which the conversion and use of the facility is permitted, including measures for verification. Conversion shall not begin before the facility agreement is concluded.

### ***Detailed Plans for Conversion***

77. Not less than 180 days before conversion of a chemical weapons production facility is planned to begin, the State Party shall provide the Technical Secretariat with the detailed plans for conversion of the

facility, including proposed measures for verification of conversion, with respect to, *inter alia*:

- (a) Timing of the presence of the inspectors at the facility to be converted; and
- (b) Procedures for verification of measures to be applied to each item on the declared inventory.

78. The detailed plan for conversion of each chemical weapons production facility shall contain:

- (a) Detailed time schedule of the conversion process;
- (b) Layout of the facility before and after conversion;
- (c) Process flow diagram of the facility before, and as appropriate, after the conversion;
- (d) Detailed inventory of equipment, buildings and structures and other items to be destroyed and of the buildings and structures to be modified;
- (e) Measures to be applied to each item on the inventory, if any;
- (f) Proposed measures for verification;
- (g) Security/safety measures to be observed during the conversion of the facility; and
- (h) Working and living conditions to be provided for inspectors.

### ***Review of Detailed Plans***

79. On the basis of the detailed plan for conversion and proposed measures for verification submitted by the State Party, and on experience from previous inspections, the Technical Secretariat shall prepare a plan for verifying the conversion of the facility, consulting closely with the State Party. Any differences between the Technical Secretariat and the State Party concerning appropriate measures shall be resolved through consultations. Any unresolved matters shall be forwarded to the Executive Council for appropriate action with a view to facilitate the full implementation of this Convention.

80. To ensure that the provisions of Article V and this Part are fulfilled, the combined plans for conversion and verification shall be agreed upon between the Executive Council and the State Party. This agreement shall be completed not less than 60 days before conversion is planned to begin.

81. Each member of the Executive Council may consult with the Technical Secretariat on any issue regarding the adequacy of the

combined plan for conversion and verification. If there are no objections by any member of the Executive Council, the plan shall be put into action.

82. If there are any difficulties, the Executive Council should enter into consultations with the State Party to reconcile them. If any difficulties remain unresolved, they should be referred to the Conference. The resolution of any differences over methods of conversion should not delay the execution of other parts of the conversion plan that are acceptable.

83. If agreement is not reached with the Executive Council on aspects of verification, or if the approved verification plan cannot be put into action, verification of conversion shall proceed through continuous monitoring with on-site instruments and physical presence of inspectors.

84. Conversion and verification shall proceed according to the agreed plan. The verification shall not unduly interfere with the conversion process and shall be conducted through the presence of inspectors to confirm the conversion.

85. For the 10 years after the Director-General certifies that conversion is complete, the State Party shall provide to inspectors unimpeded access to the facility at any time. The inspectors shall have the right to observe all areas, all activities, and all items of equipment at the facility. The inspectors shall have the right to verify that the activities at the facility are consistent with any conditions established under this Section, by the Executive Council and the Conference. The inspectors shall also have the right, in accordance with provisions of Part II, Section E, of this Annex to receive samples from any area of the facility and to analyse them to verify the absence of Schedule 1 chemicals, their stable by-products and decomposition products and of Schedule 2 chemicals and to verify that the activities at the facility are consistent with any other conditions on chemical activities established under this Section, by the Executive Council and the Conference. The inspectors shall also have the right to managed access, in accordance with Part X, Section C, of this Annex, to the plant site at which the facility is located. During the 10-year period, the State Party shall report annually on the activities at the converted facility. Upon completion of the 10-year period, the Executive Council, taking into account recommendations of the Technical Secretariat, shall decide on the nature of continued verification measures.

86. Costs of verification of the converted facility shall be allocated in accordance with Article V, paragraph 19.

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**PART-VI****ACTIVITIES NOT PROHIBITED UNDER THIS  
CONVENTION IN ACCORDANCE WITH ARTICLE VI*****REGIME FOR SCHEDULE 1 CHEMICALS AND  
FACILITIES RELATED  
TO SUCH CHEMICAL*****A. General Provision**

1. A State Party shall not produce, acquire, retain or use Schedule 1 chemicals outside the territories of States Parties and shall not transfer such chemicals outside its territory except to another State Party.

2. A State Party shall not produce, acquire, retain, transfer or use Schedule 1 chemicals unless:

- (a) The chemicals are applied to research, medical, pharmaceutical or protective purposes; and
- (b) The types and quantities of chemicals are strictly limited to those which can be justified for such purposes; and
- (c) The aggregate amount of such chemicals at any given time for such purposes is equal to or less than one tonne; and
- (d) The aggregate amount for such purposes acquired by a State Party in any year through production, withdrawal from chemical weapons stocks and transfer is equal to or less than one tonne.

**B. Transfers**

3. A State Party may transfer Schedule 1 chemicals outside its territory only to another State Party and only for research, medical, pharmaceutical or protective purposes in accordance with paragraph 2.

4. Chemicals transferred shall not be retransferred to a third State.

5. Not less than 30 days before any transfer to another State Party both States Parties shall notify the Technical Secretariat of the transfer.

6. Each State Party shall make a detailed annual declaration regarding transfers during the previous year. The declaration shall be submitted not later than 90 days after the end of that year and shall for each Schedule 1 chemical that has been transferred include the following information:

- (a) The chemical name, structural formula and Chemical Abstracts Service registry number, if assigned;

- (b) The quantity acquired from other States or transferred to other States Parties. For each transfer the quantity, recipient and purpose shall be included.

## **C. Production**

### ***General Principles for Production***

7. Each State Party, during production under paragraphs 8 to 12, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State Party shall conduct such production in accordance with its national standards for safety and emissions.

### ***Single Small-Scale Facility***

8. Each State Party that produces Schedule 1 chemicals for research, medical, pharmaceutical or protective purposes shall carry out the production at a single small-scale facility approved by the State Party, except as set forth in paragraphs 10, 11 and 12.

9. The production at a single small-scale facility shall be carried out in reaction vessels in production lines not configured for continuous operation. The volume of such a reaction vessel shall not exceed 100 litres, and the total volume of all reaction vessels with a volume exceeding 5 litres shall not be more than 500 litres.

### ***Other Facilities***

10. Production of Schedule 1 chemicals in aggregate quantities not exceeding 10 kg per year may be carried out for protective purposes at one facility outside a single small-scale facility. This facility shall be approved by the State Party.

11. Production of Schedule 1 chemicals in quantities of more than 100 g per year may be carried out for research, medical or pharmaceutical purposes outside a single small-scale facility in aggregate quantities not exceeding 10 kg per year per facility. These facilities shall be approved by the State Party.

12. Synthesis of Schedule 1 chemicals for research, medical or pharmaceutical purposes, but not for protective purposes, may be carried out at laboratories in aggregate quantities less than 100g per year per facility. These facilities shall not be subject to any obligation relating to declaration and verification as specified in Sections D and E.

## D. Declarations

### *Single Small-Scale Facility*

13. Each State Party that plans to operate a single small-scale facility shall provide the Technical Secretariat with the precise location and a detailed technical description of the facility, including an inventory of equipment and detailed diagrams. For existing facilities, this initial declaration shall be provided not later than 30 days after this Convention enters into force for the State Party. Initial declarations on new facilities shall be provided not less than 180 days before operations are to begin.

14. Each State Party shall give advance notification to the Technical Secretariat of planned changes related to the initial declaration. The notification shall be submitted not less than 180 days before the changes are to take place.

15. A State Party producing Schedule 1 chemicals at a single small-scale facility shall make a detailed annual declaration regarding the activities of the facility for the previous year. The declaration shall be submitted not later than 90 days after the end of that year and shall include:

- (a) Identification of the facility;
- (b) For each Schedule 1 chemical produced, acquired, consumed or stored at the facility, the following information:
  - (i) The chemical name, structural formula and Chemical Abstracts Service registry number, if assigned;
  - (ii) The methods employed and quantity produced;
  - (iii) The name and quantity of precursors listed in Schedules 1, 2, or 3 used for production of Schedule 1 chemicals;
  - (iv) The quantity consumed at the facility and the purpose(s) of the consumption;
  - (v) The quantity received from or shipped to other facilities in the State Party. For each shipment the quantity, recipient and purpose should be included;
  - (vi) The maximum quantity stored at any time during the year; and
  - (vii) The quantity stored at the end of the year; and
- (c) Information on any changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility including inventories of equipment and detailed diagrams.

16. Each State Party producing Schedule 1 chemicals at a single small-scale facility shall make a detailed annual declaration regarding the projected activities and the anticipated production at the facility for the coming year. The declaration shall be submitted not less than 90 days before the beginning of that year and shall include:

- (a) Identification of the facility;
- (b) For each Schedule 1 chemical anticipated to be produced, consumed or stored at the facility, the following information:
  - (i) The chemical name, structural formula and Chemical Abstracts Service registry number, if assigned;
  - (ii) The quantity anticipated to be produced and the purpose of the production; and
- (c) Information on any anticipated changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility including inventories of equipment and detailed diagrams.

***Other Facilities Referred to in Paragraphs 10 and 11***

17. For each facility, a State Party shall provide the Technical Secretariat with the name, location and a detailed technical description of the facility or its relevant part(s) as requested by the Technical Secretariat. The facility producing Schedule 1 chemicals for protective purposes shall be specifically identified. For existing facilities, this initial declaration shall be provided not later than 30 days after this Convention enters into force for the State Party. Initial declarations on new facilities shall be provided not less than 180 days before operations are to begin.

18. Each State Party shall give advance notification to the Technical Secretariat of planned changes related to the initial declaration. The notification shall be submitted not less than 180 days before the changes are to take place.

19. Each State Party shall, for each facility, make a detailed annual declaration regarding the activities of the facility for the previous year. The declaration shall be submitted not later than 90 days after the end of that year and shall include:

- (a) Identification of the facility;
- (b) For each Schedule 1 chemical the following information:
  - (i) The chemical name, structural formula and Chemical Abstracts Service registry number, if assigned;

- (ii) The quantity produced and, in case of production for protective purposes, methods employed;
  - (iii) The name and quantity of precursors listed in Schedules 1, 2, or 3, used for production of Schedule 1 chemicals;
  - (iv) The quantity consumed at the facility and the purpose of the consumption;
  - (v) The quantity transferred to other facilities within the State Party. For each transfer the quantity, recipient and purpose should be included;
  - (vi) The maximum quantity stored at any time during the year; and
  - (vii) The quantity stored at the end of the year; and
- (c) Information on any changes at the facility or its relevant parts during the year compared to previously submitted detailed technical description of the facility.

20. Each State Party shall, for each facility, make a detailed annual declaration regarding the projected activities and the anticipated production at the facility for the coming year. The declaration shall be submitted not less than 90 days before the beginning of that year and shall include:

- (a) Identification of the facility;
- (b) For each Schedule 1 chemical the following information:
  - (i) The chemical name, structural formula and Chemical Abstracts Service registry number, if assigned; and
  - (ii) The quantity anticipated to be produced, the time periods when the production is anticipated to take place and the purposes of the production; and
- (c) Information on any anticipated changes at the facility or its relevant parts, during the year compared to previously submitted detailed technical descriptions of the facility.

## **E. Verification**

### ***Single Small-Scale Facility***

21. The aim of verification activities at the single small-scale facility shall be to verify that the quantities of Schedule 1 chemicals produced are correctly declared and, in particular, that their aggregate amount does not exceed 1 tonne.

22. The facility shall be subject to systematic verification through on-site inspection and monitoring with on-site instruments.

23. The number, intensity, duration, timing and mode of inspections for a particular facility shall be based on the risk to the object and purpose of this Convention posed by the relevant chemicals, the characteristics of the facility and the nature of the activities carried out there. Appropriate guidelines shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i).

24. The purpose of the initial inspection shall be to verify information provided concerning the facility, including verification of the limits on reaction vessels set forth in paragraph 9.

25. Not later than 180 days after this Convention enters into force for a State Party, it shall conclude a facility agreement, based on a model agreement, with the Organisation, covering detailed inspection procedures for the facility.

26. Each State Party planning to establish a single small-scale facility after this Convention enters into force for it shall conclude a facility agreement, based on a model agreement, with the organisation, covering detailed inspection procedures for the facility before it begins operation or is used.

27. A model for agreements shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i).

***Other Facilities Referred to in Paragraphs 10 and 11***

28. The aim of verification activities at any facility referred to in paragraphs 10 and 11 shall be to verify that:

- (a) The facility is not used to produce any Schedule 1 chemical, except for the declared chemicals;
- (b) The quantities of Schedule 1 chemicals produced, processed or consumed are correctly declared and consistent with needs for the declared purpose; and
- (c) The Schedule 1 chemical is not diverted or used for other purposes.

29. The facility shall be subject to systematic verification through on-site inspection and monitoring with on-site instruments.

30. The number, intensity, duration, timing and mode of inspections for a particular facility shall be based on the risk to the object and purpose of this Convention posed by the quantities of chemicals produced, the characteristics of the facility and the nature of the activities carried out there. Appropriate guidelines shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i).

31. Not later than 180 days after this Convention enters into force for a State Party, it shall conclude facility agreements with the Organisation, based on a model agreement covering detailed inspection procedures for each facility.

32. Each State Party planning to establish such a facility after entry into force of this Convention shall conclude a facility agreement with the Organisation before the facility begins operation or is used.

## ***PART-VII***

### **ACTIVITIES NOT PROHIBITED UNDER THIS CONVENTION IN ACCORDANCE WITH ARTICLE VI**

#### ***REGIME FOR SCHEDULE 2 CHEMICALS AND FACILITIES RELATED TO SUCH CHEMICALS***

##### **A. Declarations**

###### ***Declarations of Aggregate National Data***

1. The initial and annual declarations to be provided by each State Party pursuant to Article VI, paragraphs 7 and 8, shall include aggregate national data for the previous calendar year on the quantities produced, processed, consumed, imported and exported of each Schedule 2 chemical, as well as a quantitative specification of import and export for each country involved.

2. Each State Party shall submit:

- (a) Initial declarations pursuant to paragraph 1 not later than 30 days after this Convention enters into force for it; and, starting in the following calendar year,
- (b) Annual declarations not later than 90 days after the end of the previous calendar year.

###### ***Declarations of Plant Sites Producing, Processing or Consuming Schedule 2 Chemicals***

3. Initial and annual declarations are required for all plant sites that comprise one or more plant(s) which produced, processed or consumed during any of the previous three calendar years or is anticipated to produce, process or consume in the next calendar year more than:

- (a) 1 kg of a chemical designated "\*" in Schedule 2, part A;
- (b) 100 kg of any other chemical listed in Schedule 2, part A; or
- (c) 1 tonne of a chemical listed in Schedule 2, part B.

4. Each State Party shall submit:

- (a) Initial declarations pursuant to paragraph 3 not later than 30 days after this Convention enters into force for it; and, starting in the following calendar year;
- (b) Annual declarations on past activities not later than 90 days after the end of the previous calendar year;
- (c) Annual declarations on anticipated activities not later than 60 days before the beginning of the following calendar year. Any such activity additionally planned after the annual declaration has been submitted shall be declared not later than five days before this activity begins.

5. Declarations pursuant to paragraph 3 are generally not required for mixtures containing a low concentration of a Schedule 2 chemical. They are only required, in accordance with guidelines, in cases where the ease of recovery from the mixture of the Schedule 2 chemical and its total weight are deemed to pose a risk to the object and purpose of this Convention. These guidelines shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i).

6. Declarations of a plant site pursuant to paragraph 3 shall include:

- (a) The name of the plant site and the name of the owner, company, or enterprise operating it;
- (b) Its precise location including the address; and
- (c) The number of plants within the plant site which are declared pursuant to Part VIII of this Annex.

7. Declarations of a plant site pursuant to paragraph 3 shall also include, for each plant which is located within the plant site and which falls under the specifications set forth in paragraph 3, the following information:

- (a) The name of the plant and the name of the owner, company, or enterprise operating it;
- (b) Its precise location within the plant site including the specific building or structure number, if any;
- (c) Its main activities;
- (d) Whether the plant:
  - (i) Produces, processes, or consumes the declared Schedule 2 chemical(s);
  - (ii) Is dedicated to such activities or multi-purpose; and
  - (iii) Performs other activities with regard to the declared Schedule 2 chemical(s), including a specification of that other activity (e.g. storage); and

- (e) The production capacity of the plant for each declared Schedule 2 chemical.

8. Declarations of a plant site pursuant to paragraph 3 shall also include the following information on each Schedule 2 chemical above the declaration threshold:

- (a) The chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service registry number, if assigned;
- (b) In the case of the initial declaration: the total amount produced, processed, consumed, imported and exported by the plant site in each of the three previous calendar years;
- (c) In the case of the annual declaration on past activities: the total amount produced, processed, consumed, imported and exported by the plant site in the previous calendar year;
- (d) In the case of the annual declaration on anticipated activities: the total amount anticipated to be produced, processed or consumed by the plant site in the following calendar year, including the anticipated time periods for production, processing or consumption; and
- (e) The purposes for which the chemical was or will be produced, processed or consumed:
  - (i) Processing and consumption on-site with a specification of the product types;
  - (ii) Sale or transfer within the territory or to any other place under the jurisdiction or control of the State Party, with a specification whether to other industry, trader or other destination and, if possible, of final product types;
  - (iii) Direct export, with a specification of the States involved;  
or
  - (iv) Other, including a specification of these other purposes.

***Declarations on Past Production of Schedule 2 Chemicals for Chemical Weapons Purposes***

9. Each State Party shall, not later than 30 days after this Convention enters into force for it, declare all plant sites comprising plants that produced at any time since 1 January 1946 a Schedule 2 chemical for chemical weapons purposes.

10. Declarations of a plant site pursuant to paragraph 9 shall include:

- (a) The name of the plant site and the name of the owner, company, or enterprise operating it;
- (b) Its precise location including the address;
- (c) For each plant which is located within the plant site, and which falls under the specifications set forth in paragraph 9, the same information as required under paragraph 7, subparagraphs (a) to (e); and
- (d) For each Schedule 2 chemical produced for chemical weapons purposes:
  - (i) The chemical name, common or trade name used by the plant site for chemical weapons production purposes, structural formula, and Chemical Abstracts Service registry number, if assigned;
  - (ii) The dates when the chemical was produced and the quantity produced; and
  - (iii) The location to which the chemical was delivered and the final product produced there, if known.

### ***Information to States Parties***

11. A list of plant sites declared under this Section together with the information provided under paragraphs 6, 7 (a), 7 (c), 7 (d) (i), 7 (d) (iii), 8 (a) and 10 shall be transmitted by the Technical Secretariat to States Parties upon request.

## **B. Verification**

### ***General***

12. Verification provided for in Article VI, paragraph 4, shall be carried out through on-site inspection at those of the declared plant sites that comprise one or more plants which produced, processed or consumed during any of the previous three calendar years or are anticipated to produce, process or consume in the next calendar year more than:

- (a) 10 kg of a chemical designated "\*" in Schedule 2, part A;
- (b) 1 tonne of any other chemical listed in Schedule 2, part A;  
or
- (c) 10 tonnes of a chemical listed in Schedule 2, part B.

13. The programme and budget of the Organisation to be adopted by the Conference pursuant to Article VIII, paragraph 21 (a) shall contain, as a separate item, a programme and budget for verification

under this Section. In the allocation of resources made available for verification under Article VI, the Technical Secretariat shall, during the first three years after the entry into force of this Convention, give priority to the initial inspections of plant sites declared under Section A. The allocation shall thereafter be reviewed on the basis of the experience gained.

14. The Technical Secretariat shall conduct initial inspections and subsequent inspections in accordance with paragraphs 15 to 22.

### ***Inspection Aims***

15. The general aim of inspections shall be to verify that activities are in accordance with obligations under this Convention and consistent with the information to be provided in declarations. Particular aims of inspections at plant sites declared under Section A shall include verification of:

- (a) The absence of any Schedule 1 chemical, especially its production, except if in accordance with Part VI of this Annex;
- (b) Consistency with declarations of levels of production, processing or consumption of Schedule 2 chemicals; and
- (c) Non-diversion of Schedule 2 chemicals for activities prohibited under this Convention.

### ***Initial Inspections***

16. Each plant site to be inspected pursuant to paragraph 12 shall receive an initial inspection as soon as possible but preferably not later than three years after entry into force of this Convention. Plant sites declared after this period shall receive an initial inspection not later than one year after production, processing or consumption is first declared. Selection of plant sites for initial inspections shall be made by the Technical Secretariat in such a way as to preclude the prediction of precisely when the plant site is to be inspected.

17. During the initial inspection, a draft facility agreement for the plant site shall be prepared unless the inspected State Party and the Technical Secretariat agree that it is not needed.

18. With regard to frequency and intensity of subsequent inspections, inspectors shall during the initial inspection assess the risk to the object and purpose of this Convention posed by the relevant chemicals, the characteristics of the plant site and the nature of the activities carried out there, taking into account, *inter alia*, the following criteria:

- (a) The toxicity of the scheduled chemicals and of the end-products produced with it, if any;
- (b) The quantity of the scheduled chemicals typically stored at the inspected site;
- (c) The quantity of feedstock chemicals for the scheduled chemicals typically stored at the inspected site;
- (d) The production capacity of the Schedule 2 plants; and
- (e) The capability and convertibility for initiating production, storage and filling of toxic chemicals at the inspected site.

### ***Inspections***

19. Having received the initial inspection, each plant site to be inspected pursuant to paragraph 12 shall be subject to subsequent inspections.

20. In selecting particular plant sites for inspection and in deciding on the frequency and intensity of inspections, the Technical Secretariat shall give due consideration to the risk to the object and purpose of this Convention posed by the relevant chemical, the characteristics of the plant site and the nature of the activities carried out there, taking into account the respective facility agreement as well as the results of the initial inspections and subsequent inspections.

21. The Technical Secretariat shall choose a particular plant site to be inspected in such a way as to preclude the prediction of exactly when it will be inspected.

22. No plant site shall receive more than two inspections per calendar year under the provisions of this Section. This, however, shall not limit inspections pursuant to Article IX.

### ***Inspection Procedures***

23. In addition to agreed guidelines, other relevant provisions of this Annex and the Confidentiality Annex, paragraphs 24 to 30 below shall apply.

24. A facility agreement for the declared plant site shall be concluded not later than 90 days after completion of the initial inspection between the inspected State Party and the Organisation unless the inspected State Party and the Technical Secretariat agree that it is not needed. It shall be based on a model agreement and govern the conduct of inspections at the declared plant site. The agreement shall specify the frequency and intensity of inspections as well as detailed inspection procedures, consistent with paragraphs 25 to 29.

25. The focus of the inspection shall be the declared Schedule 2 plant(s) within the declared plant site. If the inspection team requests access to other parts of the plant site, access to these areas shall be granted in accordance with the obligation to provide clarification pursuant to Part II, paragraph 51, of this Annex and in accordance with the facility agreement, or, in the absence of a facility agreement, in accordance with the rules of managed access as specified in Part X, Section C, of this Annex.

26. Access to records shall be provided, as appropriate, to provide assurance that there has been no diversion of the declared chemical and that production has been consistent with declarations.

27. Sampling and analysis shall be undertaken to check for the absence of undeclared scheduled chemicals.

28. Areas to be inspected may include:

- (a) Areas where feed chemicals (reactants) are delivered or stored;
- (b) Areas where manipulative processes are performed upon the reactants prior to addition to the reaction vessels;
- (c) Feed lines as appropriate from the areas referred to in subparagraph (a) or subparagraph (b) to the reaction vessels together with any associated valves, flow meters, etc.;
- (d) The external aspect of the reaction vessels and ancillary equipment;
- (e) Lines from the reaction vessels leading to long- or short-term storage or to equipment further processing the declared Schedule 2 chemicals;
- (f) Control equipment associated with any of the items under subparagraphs (a) to (e);
- (g) Equipment and areas for waste and effluent handling;
- (h) Equipment and areas for disposition of chemicals not up to specification.

29. The period of inspection shall not last more than 96 hours; however, extensions may be agreed between the inspection team and the inspected State Party.

### ***Notification of Inspection***

30. A State Party shall be notified by the Technical Secretariat of the inspection not less than 48 hours before the arrival of the inspection team at the plant site to be inspected.

### **C. Transfers to States Not Party to This Convention**

31. Schedule 2 chemicals shall only be transferred to or received from States Parties. This obligation shall take effect three years after entry into force of this Convention.

32. During this interim three-year period, each State Party shall require an end-use certificate, as specified below, for transfers of Schedule 2 chemicals to States not Party to this Convention. For such transfers, each State Party shall adopt the necessary measures to ensure that the transferred chemicals shall only be used for purposes not prohibited under this Convention. *Inter alia*, the State Party shall require from the recipient State a certificate stating, in relation to the transferred chemicals:

- (a) That they will only be used for purposes not prohibited under this Convention;
- (b) That they will not be re-transferred;
- (c) Their types and quantities;
- (d) Their end-use(s); and
- (e) The name(s) and address(es) of the end-user(s).

## ***PART-VIII***

### **ACTIVITIES NOT PROHIBITED UNDER THIS CONVENTION IN ACCORDANCE WITH ARTICLE VI**

#### ***REGIME FOR SCHEDULE 3 CHEMICALS AND FACILITIES RELATED TO SUCH CHEMICALS***

##### **A. Declarations**

###### ***Declarations of Aggregate National Data***

1. The initial and annual declarations to be provided by a State Party pursuant to Article VI, paragraphs 7 and 8, shall include aggregate national data for the previous calendar year on the quantities produced, imported and exported of each Schedule 3 chemical, as well as a quantitative specification of import and export for each country involved.

2. Each State Party shall submit:

- (a) Initial declarations pursuant to paragraph 1 not later than 30 days after this Convention enters into force for it; and, starting in the following calendar year,

- (b) Annual declarations not later than 90 days after the end of the previous calendar year.

### ***Declarations of Plant Sites Producing Schedule 3 Chemicals***

3. Initial and annual declarations are required for all plant sites that comprise one or more plants which produced during the previous calendar year or are anticipated to produce in the next calendar year more than 30 tonnes of a Schedule 3 chemical.

4. Each State Party shall submit:

- (a) Initial declarations pursuant to paragraph 3 not later than 30 days after this Convention enters into force for it; and, starting in the following calendar year;
- (b) Annual declarations on past activities not later than 90 days after the end of the previous calendar year;
- (c) Annual declarations on anticipated activities not later than 60 days before the beginning of the following calendar year. Any such activity additionally planned after the annual declaration has been submitted shall be declared not later than five days before this activity begins.

5. Declarations pursuant to paragraph 3 are generally not required for mixtures containing a low concentration of a Schedule 3 chemical. They are only required, in accordance with guidelines, in such cases where the ease of recovery from the mixture of the Schedule 3 chemical and its total weight are deemed to pose a risk to the object and purpose of this Convention. These guidelines shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i).

6. Declarations of a plant site pursuant to paragraph 3 shall include:

- (a) The name of the plant site and the name of the owner, company, or enterprise operating it;
- (b) Its precise location including the address; and
- (c) The number of plants within the plant site which are declared pursuant to Part VII of this Annex.

7. Declarations of a plant site pursuant to paragraph 3 shall also include, for each plant which is located within the plant site and which falls under the specifications set forth in paragraph 3, the following information:

- (a) The name of the plant and the name of the owner, company, or enterprise operating it;
- (b) Its precise location within the plant site, including the specific building or structure number, if any;
- (c) Its main activities.

8. Declarations of a plant site pursuant to paragraph 3 shall also include the following information on each Schedule 3 chemical above the declaration threshold:

- (a) The chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service registry number, if assigned;
- (b) The approximate amount of production of the chemical in the previous calendar year, or, in case of declarations on anticipated activities, anticipated for the next calendar year, expressed in the ranges: 30 to 200 tonnes, 200 to 1,000 tonnes, 1,000 to 10,000 tonnes, 10,000 to 100,000 tonnes and above 100,000 tonnes; and
- (c) The purposes for which the chemical was or will be produced.

***Declarations on Past Production of Schedule 3 Chemicals for Chemical Weapons Purposes***

9. Each State Party shall, not later than 30 days after this Convention enters into force for it, declare all plant sites comprising plants that produced at any time since 1 January 1946 a Schedule 3 chemical for chemical weapons purposes.

10. Declarations of a plant site pursuant to paragraph 9 shall include:

- (a) The name of the plant site and the name of the owner, company, or enterprise operating it;
- (b) Its precise location including the address;
- (c) For each plant which is located within the plant site, and which falls under the specifications set forth in paragraph 9, the same information as required under paragraph 7, subparagraphs (a) to (c); and
- (d) For each Schedule 3 chemical produced for chemical weapons purposes:
  - (i) The chemical name, common or trade name used by the plant site for chemical weapons production purposes, structural formula, and Chemical Abstracts Service registry number, if assigned;
  - (ii) The dates when the chemical was produced and the quantity produced; and
  - (iii) The location to which the chemical was delivered and the final product produced there, if known.

***Information to States Parties***

11. A list of plant sites declared under this Section together with the information provided under paragraphs 6, 7 (a), 7 (c), 8 (a) and 10

shall be transmitted by the Technical Secretariat to States Parties upon request.

## **B. Verification**

### ***General***

12. Verification provided for in paragraph 5 of Article VI shall be carried out through on-site inspections at those declared plant sites which produced during the previous calendar year or are anticipated to produce in the next calendar year in excess of 200 tonnes aggregate of any Schedule 3 chemical above the declaration threshold of 30 tonnes.

13. The programme and budget of the Organisation to be adopted by the Conference pursuant to Article VIII, paragraph 21 (a), shall contain, as a separate item, a programme and budget for verification under this Section taking into account Part VII, paragraph 13, of this Annex.

14. Under this Section, the Technical Secretariat shall randomly select plant sites for inspection through appropriate mechanisms, such as the use of specially designed computer software, on the basis of the following weighting factors:

- (a) Equitable geographical distribution of inspections; and
- (b) The information on the declared plant sites available to the Technical Secretariat, related to the relevant chemical, the characteristics of the plant site and the nature of the activities carried out there.

15. No plant site shall receive more than two inspections per year under the provisions of this Section. This, however, shall not limit inspections pursuant to Article IX.

16. In selecting plant sites for inspection under this Section, the Technical Secretariat shall observe the following limitation for the combined number of inspections to be received by a State Party per calendar year under this Part and Part IX of this Annex: the combined number of inspections shall not exceed three plus 5 per cent of the total number of plant sites declared by a State Party under both this Part and Part IX of this Annex, or 20 inspections, whichever of these two figures is lower.

### ***Inspection Aims***

17. At plant sites declared under Section A, the general aim of inspections shall be to verify that activities are consistent with the information to be provided in declarations. The particular aim of inspections shall be the verification of the absence of any Schedule 1

chemical, especially its production, except if in accordance with Part VI of this Annex.

### ***Inspection Procedures***

18. In addition to agreed guidelines, other relevant provisions of this Annex and the Confidentiality Annex, paragraphs 19 to 25 below shall apply.

19. There shall be no facility agreement, unless requested by the inspected State Party.

20. The focus of the inspections shall be the declared Schedule 3 plant(s) within the declared plant site. If the inspection team, in accordance with Part II, paragraph 51, of this Annex, requests access to other parts of the plant site for clarification of ambiguities, the extent of such access shall be agreed between the inspection team and the inspected State Party.

21. The inspection team may have access to records in situations in which the inspection team and the inspected State Party agree that such access will assist in achieving the objectives of the inspection.

22. Sampling and on-site analysis may be undertaken to check for the absence of undeclared scheduled chemicals. In case of unresolved ambiguities, samples may be analysed in a designated off-site laboratory, subject to the inspected State Party's agreement.

23. Areas to be inspected may include:

- (a) Areas where feed chemicals (reactants) are delivered or stored;
- (b) Areas where manipulative processes are performed upon the reactants prior to addition to the reaction vessel;
- (c) Feed lines as appropriate from the areas referred to in subparagraph (a) or subparagraph (b) to the reaction vessel together with any associated valves, flow meters, etc.;
- (d) The external aspect of the reaction vessels and ancillary equipment;
- (e) Lines from the reaction vessels leading to long- or short-term storage or to equipment further processing the declared Schedule 3 chemicals;
- (f) Control equipment associated with any of the items under subparagraphs (a) to (e);
- (g) Equipment and areas for waste and effluent handling;
- (h) Equipment and areas for disposition of chemicals not up to specification.

24. The period of inspection shall not last more than 24 hours; however, extensions may be agreed between the inspection team and the inspected State Party.

### ***Notification of Inspection***

25. A State Party shall be notified by the Technical Secretariat of the inspection not less than 120 hours before the arrival of the inspection team at the plant site to be inspected.

### **C. Transfers to State Not Party to This Convention**

26. When transferring Schedule 3 chemicals to States not Party to this Convention, each State Party shall adopt the necessary measures to ensure that the transferred chemicals shall only be used for purposes not prohibited under this Convention. *Inter alia*, the State Party shall require from the recipient State a certificate stating, in relation to the transferred chemicals:

- (a) That they will only be used for purposes not prohibited under this Convention;
- (b) That they will not be re-transferred;
- (c) Their types and quantities;
- (d) Their end-use(s); and
- (e) The name(s) and address(es) of the end-user(s).

27. Five years after entry into force of this Convention, the Conference shall consider the need to establish other measures regarding transfers of Schedule 3 chemicals to States not Party to this Convention.

## ***PART-IX***

### **ACTIVITIES NOT PROHIBITED UNDER THIS CONVENTION IN ACCORDANCE WITH ARTICLE VI**

#### ***REGIME FOR OTHER CHEMICAL PRODUCTION FACILITIES***

##### **A. Declarations**

##### ***List of Other Chemical Production Facilities***

1. The initial declaration to be provided by each State Party pursuant to Article VI, paragraph 7, shall include a list of all plant sites that:

- (a) Produced by synthesis during the previous calendar year more than 200 tonnes of unscheduled discrete organic chemicals; or

- (b) Comprise one or more plants which produced by synthesis during the previous calendar year more than 30 tonnes of an unscheduled discrete organic chemical containing the elements phosphorus, sulphur or fluorine (hereinafter referred to as "PSF-plants" and "PSF-chemical").

2. The list of other chemical production facilities to be submitted pursuant to paragraph 1 shall not include plant sites that exclusively produced explosives or hydrocarbons.

3. Each State Party shall submit its list of other chemical production facilities pursuant to paragraph 1 as part of its initial declaration not later than 30 days after this Convention enters into force for it. Each State Party shall, not later than 90 days after the beginning of each following calendar year, provide annually the information necessary to update the list.

4. The list of other chemical production facilities to be submitted pursuant to paragraph 1 shall include the following information on each plant site:

- (a) The name of the plant site and the name of the owner, company, or enterprise operating it;
- (b) The precise location of the plant site including its address;
- (c) Its main activities; and
- (d) The approximate number of plants producing the chemicals specified in paragraph 1 in the plant site.

5. With regard to plant sites listed pursuant to paragraph 1 (a), the list shall also include information on the approximate aggregate amount of production of the unscheduled discrete organic chemicals in the previous calendar year expressed in the ranges: under 1,000 tonnes, 1,000 to 10,000 tonnes and above 10,000 tonnes.

6. With regard to plant sites listed pursuant to paragraph 1 (b), the list shall also specify the number of PSF-plants within the plant site and include information on the approximate aggregate amount of production of PSF-chemicals produced by each PSF-plant in the previous calendar year expressed in the ranges: under 200 tonnes, 200 to 1,000 tonnes, 1,000 to 10,000 tonnes and above 10,000 tonnes.

### ***Assistance by the Technical Secretariat***

7. If a State Party, for administrative reasons, deems it necessary to ask for assistance in compiling its list of chemical production facilities pursuant to paragraph 1, it may request the Technical Secretariat to provide such assistance. Questions as to the completeness of the list

shall then be resolved through consultations between the State Party and the Technical Secretariat.

### ***Information to States Parties***

8. The lists of other chemical production facilities submitted pursuant to paragraph 1, including the information provided under paragraph 4, shall be transmitted by the Technical Secretariat to States Parties upon request.

## **B. Verification**

### ***General***

9. Subject to the provisions of Section C, verification as provided for in Article VI, paragraph 6, shall be carried out through on-site inspection at:

- (a) Plant sites listed pursuant to paragraph 1 (a); and
- (b) Plant sites listed pursuant to paragraph 1 (b) that comprise one or more PSF-plants which produced during the previous calendar year more than 200 tonnes of a PSF-chemical.

10. The programme and budget of the Organisation to be adopted by the Conference pursuant to Article VIII, paragraph 21 (a), shall contain, as a separate item, a programme and budget for verification under this Section after its implementation has started.

11. Under this Section, the Technical Secretariat shall randomly select plant sites for inspection through appropriate mechanisms, such as the use of specially designed computer software, on the basis of the following weighting factors:

- (a) Equitable geographical distribution of inspections;
- (b) The information on the listed plant sites available to the Technical Secretariat, related to the characteristics of the plant site and the activities carried out there; and
- (c) Proposals by States Parties on a basis to be agreed upon in accordance with paragraph 25.

12. No plant site shall receive more than two inspections per year under the provisions of this Section. This, however, shall not limit inspections pursuant to Article IX.

13. In selecting plant sites for inspection under this Section, the Technical Secretariat shall observe the following limitation for the combined number of inspections to be received by a State Party per calendar year under this Part and Part VIII of this Annex: the combined number of inspections shall not exceed three plus 5 per cent of the

total number of plant sites declared by a State Party under both this Part and Part VIII of this Annex, or 20 inspections, whichever of these two figures is lower.

### ***Inspection Aims***

14. At plant sites listed under Section A, the general aim of inspections shall be to verify that activities are consistent with the information to be provided in declarations. The particular aim of inspections shall be the verification of the absence of any Schedule 1 chemical, especially its production, except if in accordance with Part VI of this Annex.

### ***Inspection Procedures***

15. In addition to agreed guidelines, other relevant provisions of this Annex and the Confidentiality Annex, paragraphs 16 to 20 below shall apply.

16. There shall be no facility agreement, unless requested by the inspected State Party.

17. The focus of inspection at a plant site selected for inspection shall be the plant(s) producing the chemicals specified in paragraph 1, in particular the PSF-plants listed pursuant to paragraph 1 (b). The inspected State Party shall have the right to manage access to these plants in accordance with the rules of managed access as specified in Part X, Section C, of this Annex. If the inspection team, in accordance with Part II, paragraph 51, of this Annex, requests access to other parts of the plant site for clarification of ambiguities, the extent of such access shall be agreed between the inspection team and the inspected State Party.

18. The inspection team may have access to records in situations in which the inspection team and the inspected State Party agree that such access will assist in achieving the objectives of the inspection.

19. Sampling and on-site analysis may be undertaken to check for the absence of undeclared scheduled chemicals. In cases of unresolved ambiguities, samples may be analysed in a designated off-site laboratory, subject to the inspected State Party's agreement.

20. The period of inspection shall not last more than 24 hours; however, extensions may be agreed between the inspection team and the inspected State Party.

### ***Notification of Inspection***

21. A State Party shall be notified by the Technical Secretariat of the inspection not less than 120 hours before the arrival of the inspection team at the plant site to be inspected.

## **C. Implementation and Review of Section B**

### ***Implementation***

22. The implementation of Section B shall start at the beginning of the fourth year after entry into force of this Convention unless the Conference, at its regular session in the third year after entry into force of this Convention, decides otherwise.

23. The Director-General shall, for the regular session of the Conference in the third year after entry into force of this Convention, prepare a report which outlines the experience of the Technical Secretariat in implementing the provisions of Parts VII and VIII of this Annex as well as of Section A of this Part.

24. At its regular session in the third year after entry into force of this Convention, the Conference, on the basis of a report of the Director-General, may also decide on the distribution of resources available for verification under Section B between "PSF-plants" and other chemical production facilities. Otherwise, this distribution shall be left to the expertise of the Technical Secretariat and be added to the weighting factors in paragraph 11.

25. At its regular session in the third year after entry into force of this Convention, the Conference, upon advice of the Executive Council, shall decide on which basis (e.g. regional) proposals by States Parties for inspections should be presented to be taken into account as a weighting factor in the selection process specified in paragraph 11.

### ***Review***

26. At the first special session of the Conference convened pursuant to Article VIII, paragraph 22, the provisions of this Part of the Verification Annex shall be re-examined in the light of a comprehensive review of the overall verification regime for the chemical industry (Article VI, Parts VII to IX of this Annex) on the basis of the experience gained. The Conference shall then make recommendations so as to improve the effectiveness of the verification regime.

## ***PART-X***

### **CHALLENGE INSPECTIONS PURSUANT TO ARTICLE IX**

#### **A. Designation and Selection of Inspectors and Inspection Assistants**

1. Challenge inspections pursuant to Article IX shall only be performed by inspectors and inspection assistants especially designated

for this function. In order to designate inspectors and inspection assistants for challenge inspections pursuant to Article IX, the Director-General shall, by selecting inspectors and inspection assistants from among the inspectors and inspection assistants for routine inspection activities, establish a list of proposed inspectors and inspection assistants. It shall comprise a sufficiently large number of inspectors and inspection assistants having the necessary qualification, experience, skill and training, to allow for flexibility in the selection of the inspectors, taking into account their availability, and the need for rotation. Due regard shall be paid also to the importance of selecting inspectors and inspection assistants on as wide a geographical basis as possible. The designation of inspectors and inspection assistants shall follow the procedures provided for under Part II, Section A, of this Annex.

2. The Director-General shall determine the size of the inspection team and select its members taking into account the circumstances of a particular request. The size of the inspection team shall be kept to a minimum necessary for the proper fulfilment of the inspection mandate. No national of the requesting State Party or the inspected State Party shall be a member of the inspection team.

## **B. Pre-Inspection Activities**

3. Before submitting the inspection request for a challenge inspection, the State Party may seek confirmation from the Director-General that the Technical Secretariat is in a position to take immediate action on the request. If the Director-General cannot provide such confirmation immediately, he shall do so at the earliest opportunity, in keeping with the order of requests for confirmation. He shall also keep the State Party informed of when it is likely that immediate action can be taken. Should the Director-General reach the conclusion that timely action on requests can no longer be taken, he may ask the Executive Council to take appropriate action to improve the situation in the future.

### ***Notification***

4. The inspection request for a challenge inspection to be submitted to the Executive Council and the Director-General shall contain at least the following information:

- (a) The State Party to be inspected and, if applicable, the Host State;
- (b) The point of entry to be used;

- (c) The size and type of the inspection site;
- (d) The concern regarding possible non-compliance with this Convention including a specification of the relevant provisions of this Convention about which the concern has arisen, and of the nature and circumstances of the possible non-compliance as well as all appropriate information on the basis of which the concern has arisen; and
- (e) The name of the observer of the requesting State Party.

The requesting State Party may submit any additional information it deems necessary.

5. The Director-General shall within one hour acknowledge to the requesting State Party receipt of its request.

6. The requesting State Party shall notify the Director-General of the location of the inspection site in due time for the Director-General to be able to provide this information to the inspected State Party not less than 12 hours before the planned arrival of the inspection team at the point of entry.

7. The inspection site shall be designated by the requesting State Party as specifically as possible by providing a site diagram related to a reference point with geographic coordinates, specified to the nearest second if possible. If possible, the requesting State Party shall also provide a map with a general indication of the inspection site and a diagram specifying as precisely as possible the requested perimeter of the site to be inspected.

8. The requested perimeter shall:

- (a) Run at least a 10 metre distance outside any buildings or other structures;
- (b) Not cut through existing security enclosures; and
- (c) Run at least a 10 metre distance outside any existing security enclosures that the requesting State Party intends to include within the requested perimeter.

9. If the requested perimeter does not conform with the specifications of paragraph 8, it shall be redrawn by the inspection team so as to conform with that provision.

10. The Director-General shall, not less than 12 hours before the planned arrival of the inspection team at the point of entry, inform the Executive Council about the location of the inspection site as specified in paragraph 7.

11. Contemporaneously with informing the Executive Council according to paragraph 10, the Director-General shall transmit the inspection request to the inspected State Party including the location

of the inspection site as specified in paragraph 7. This notification shall also include the information specified in Part II, paragraph 32, of this Annex.

12. Upon arrival of the inspection team at the point of entry, the inspected State Party shall be informed by the inspection team of the inspection mandate.

### ***Entry into Territory of the Inspected State Party or the Host State***

13. The Director-General shall, in accordance with Article IX, paragraphs 13 to 18, dispatch an inspection team as soon as possible after an inspection request has been received. The inspection team shall arrive at the point of entry specified in the request in the minimum time possible, consistent with the provisions of paragraphs 10 and 11.

14. If the requested perimeter is acceptable to the inspected State Party, it shall be designated as the final perimeter as early as possible, but in no case later than 24 hours after the arrival of the inspection team at the point of entry. The inspected State Party shall transport the inspection team to the final perimeter of the inspection site. If the inspected State Party deems it necessary, such transportation may begin up to 12 hours before the expiry of the time period specified in this paragraph for the designation of the final perimeter. Transportation shall, in any case, be completed not later than 36 hours after the arrival of the inspection team at the point of entry.

15. For all declared facilities, the procedures in subparagraphs (a) and (b) shall apply. (For the purposes of this Part, "declared facility" means all facilities declared pursuant to Articles III, IV, and V. With regard to Article VI, "declared facility" means only facilities declared pursuant to Part VI of this Annex, as well as declared plants specified by declarations pursuant to Part VII, paragraphs 7 and 10 (c), and Part VIII, paragraphs 7 and 10 (c), of this Annex.)

- (a) If the requested perimeter is contained within or conforms with the declared perimeter, the declared perimeter shall be considered the final perimeter. The final perimeter may, however, if agreed by the inspected State Party, be made smaller in order to conform with the perimeter requested by the requesting State Party.
- (b) The inspected State Party shall transport the inspection team to the final perimeter as soon as practicable, but in any case shall ensure their arrival at the perimeter not later than 24 hours after the arrival of the inspection team at the point of entry.

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***Alternative Determination of Final Perimeter***

16. At the point of entry, if the inspected State Party cannot accept the requested perimeter, it shall propose an alternative perimeter as soon as possible, but in any case not later than 24 hours after the arrival of the inspection team at the point of entry. In case of differences of opinion, the inspected State Party and the inspection team shall engage in negotiations with the aim of reaching agreement on a final perimeter.

17. The alternative perimeter should be designated as specifically as possible in accordance with paragraph 8. It shall include the whole of the requested perimeter and should, as a rule, bear a close relationship to the latter, taking into account natural terrain features and man-made boundaries. It should normally run close to the surrounding security barrier if such a barrier exists. The inspected State Party should seek to establish such a relationship between the perimeters by a combination of at least two of the following means:

- (a) An alternative perimeter that does not extend to an area significantly greater than that of the requested perimeter;
- (b) An alternative perimeter that is a short, uniform distance from the requested perimeter;
- (c) At least part of the requested perimeter is visible from the alternative perimeter.

18. If the alternative perimeter is acceptable to the inspection team, it shall become the final perimeter and the inspection team shall be transported from the point of entry to that perimeter. If the inspected State Party deems it necessary, such transportation may begin up to 12 hours before the expiry of the time period specified in paragraph 16 for proposing an alternative perimeter. Transportation shall, in any case, be completed not later than 36 hours after the arrival.

19. If a final perimeter is not agreed, the perimeter negotiations shall be concluded as early as possible, but in no case shall they continue more than 24 hours after the arrival of the inspection team at the point of entry. If no agreement is reached, the inspected State Party shall transport the inspection team to a location at the alternative perimeter. If the inspected State Party deems it necessary, such transportation may begin up to 12 hours before the expiry of the time period specified in paragraph 16 for proposing an alternative perimeter. Transportation shall, in any case, be completed not later than 36 hours after the arrival of the inspection team at the point of entry.

20. Once at the location, the inspected State Party shall provide the inspection team with prompt access to the alternative perimeter to facilitate negotiations and agreement on the final perimeter and access within the final perimeter.

21. If no agreement is reached within 72 hours after the arrival of the inspection team at the location, the alternative perimeter shall be designated the final perimeter.

### ***Verification of Location***

22. To help establish that the inspection site to which the inspection team has been transported corresponds to the inspection site specified by the requesting State Party, the inspection team shall have the right to use approved location-finding equipment and have such equipment installed according to its directions. The inspection team may verify its location by reference to local landmarks identified from maps. The inspected State Party shall assist the inspection team in this task.

### ***Securing the Site, Exit Monitoring***

23. Not later than 12 hours after the arrival of the inspection team at the point of entry, the inspected State Party shall begin collecting factual information of all vehicular exit activity from all exit points for all land, air, and water vehicles of the requested perimeter. It shall provide this information to the inspection team upon its arrival at the alternative or final perimeter, whichever occurs first.

24. This obligation may be met by collecting factual information in the form of traffic logs, photographs, video recordings, or data from chemical evidence equipment provided by the inspection team to monitor such exit activity. Alternatively, the inspected State Party may also meet this obligation by allowing one or more members of the inspection team independently to maintain traffic logs, take photographs, make video recordings of exit traffic, or use chemical evidence equipment, and conduct other activities as may be agreed between the inspected State Party and the inspection team.

25. Upon the inspection team's arrival at the alternative perimeter or final perimeter, whichever occurs first, securing the site, which means exit monitoring procedures by the inspection team, shall begin.

26. Such procedures shall include: the identification of vehicular exits, the making of traffic logs, the taking of photographs, and the making of video recordings by the inspection team of exits and exit traffic. The inspection team has the right to go, under escort, to any other part of the perimeter to check that there is no other exit activity.

27. Additional procedures for exit monitoring activities as agreed upon by the inspection team and the inspected State Party may include, *inter alia*:

- (a) Use of Sensors;
- (b) Random selective access;
- (c) Sample analysis.

28. All activities for securing the site and exit monitoring shall take place within a band around the outside of the perimeter, not exceeding 50 metres in width, measured outward.

29. The inspection team has the right to inspect on a managed access basis vehicular traffic exiting the site. The inspected State Party shall make every reasonable effort to demonstrate to the inspection team that any vehicle, subject to inspection, to which the inspection team is not granted full access, is not being used for purposes related to the possible non-compliance concerns raised in the inspection request.

30. Personnel and vehicles entering and personnel and personal passenger vehicles exiting the site are not subject to inspection.

31. The application of the above procedures may continue for the duration of the inspection, but may not unreasonably hamper or delay the normal operation of the facility.

### ***Pre-inspection Briefing and Inspection Plan***

32. To facilitate development of an inspection plan, the inspected State Party shall provide a safety and logistical briefing to the inspection team prior to access.

33. The pre-inspection briefing shall be held in accordance with Part II, paragraph 37, of this Annex. In the course of the pre-inspection briefing, the inspected State Party may indicate to the inspection team the equipment, documentation, or areas it considers sensitive and not related to the purpose of the challenge inspection. In addition, personnel responsible for the site shall brief the inspection team on the physical layout and other relevant characteristics of the site. The inspection team shall be provided with a map or sketch drawn to scale showing all structures and significant geographic features at the site. The inspection team shall also be briefed on the availability of facility personnel and records.

34. After the pre-inspection briefing, the inspection team shall prepare, on the basis of the information available and appropriate to it, an initial inspection plan which specifies the activities to be carried

out by the inspection team, including the specific areas of the site to which access is desired. The inspection plan shall also specify whether the inspection team will be divided into subgroups. The inspection plan shall be made available to the representatives of the inspected State Party and the inspection site. Its implementation shall be consistent with the provisions of Section C, including those related to access and activities.

### ***Perimeter Activities***

35. Upon the inspection team's arrival at the final or alternative perimeter, whichever occurs first, the team shall have the right to commence immediately perimeter activities in accordance with the procedures set forth under this Section, and to continue these activities until the completion of the challenge inspection.

36. In conducting the perimeter activities, the inspection team shall have the right to:

- (a) Use monitoring instruments in accordance with Part II, paragraphs 27 to 30, of this Annex;
- (b) Take wipes, air, soil or effluent samples; and
- (c) Conduct any additional activities which may be agreed between the inspection team and the inspected State Party.

37. The perimeter activities of the inspection team may be conducted within a band around the outside of the perimeter up to 50 metres in width measured outward from the perimeter. If the inspected State Party agrees, the inspection team may also have access to any building or structure within the perimeter band. All directional monitoring shall be oriented inward. For declared facilities, at the discretion of the inspected State Party, the band could run inside, outside, or on both sides of the declared perimeter.

## **C. Conduct of Inspections**

### ***General Rules***

38. The inspected State Party shall provide access within the requested perimeter as well as, if different, the final perimeter. The extent and nature of access to a particular place or places within these perimeters shall be negotiated between the inspection team and the inspected State Party on a managed access basis.

39. The inspected State Party shall provide access within the requested perimeter as soon as possible, but in any case not later than 108 hours after the arrival of the inspection team at the point of entry

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in order to clarify the concern regarding possible non-compliance with this Convention raised in the inspection request.

40. Upon the request of the inspection team, the inspected State Party may provide aerial access to the inspection site.

41. In meeting the requirement to provide access as specified in paragraph 38, the inspected State Party shall be under the obligation to allow the greatest degree of access taking into account any constitutional obligations it may have with regard to proprietary rights or searches and seizures. The inspected State Party has the right under managed access to take such measures as are necessary to protect national security. The provisions in this paragraph may not be invoked by the inspected State Party to conceal evasion of its obligations not to engage in activities prohibited under this Convention.

42. If the inspected State Party provides less than full access to places, activities, or information, it shall be under the obligation to make every reasonable effort to provide alternative means to clarify the possible non-compliance concern that generated the challenge inspection.

43. Upon arrival at the final perimeter of facilities declared pursuant to Articles IV, V and VI, access shall be granted following the pre-inspection briefing and discussion of the inspection plan which shall be limited to the minimum necessary and in any event shall not exceed three hours. For facilities declared pursuant to Article III, paragraph 1 (d), negotiations shall be conducted and managed access commenced not later than 12 hours after arrival at the final perimeter.

44. In carrying out the challenge inspection in accordance with the inspection request, the inspection team shall use only those methods necessary to provide sufficient relevant facts to clarify the concern about possible non-compliance with the provisions of this Convention, and shall refrain from activities not relevant thereto. It shall collect and document such facts as are related to the possible non-compliance with this Convention by the inspected State Party, but shall neither seek nor document information which is clearly not related thereto, unless the inspected State Party expressly requests it to do so. Any material collected and subsequently found not to be relevant shall not be retained.

45. The inspection team shall be guided by the principle of conducting the challenge inspection in the least intrusive manner possible, consistent with the effective and timely accomplishment of its mission. Wherever possible, it shall begin with the least intrusive

procedures it deems acceptable and proceed to more intrusive procedures only as it deems necessary.

### ***Managed Access***

46. The inspection team shall take into consideration suggested modifications of the inspection plan and proposals which may be made by the inspected State Party, at whatever stage of the inspection including the pre-inspection briefing, to ensure that sensitive equipment, information or areas, not related to chemical weapons, are protected.

47. The inspected State Party shall designate the perimeter entry/exit points to be used for access. The inspection team and the inspected State Party shall negotiate: the extent of access to any particular place or places within the final and requested perimeters as provided in paragraph 48; the particular inspection activities, including sampling, to be conducted by the inspection team; the performance of particular activities by the inspected State Party; and the provision of particular information by the inspected State Party.

48. In conformity with the relevant provisions in the Confidentiality Annex, the inspected State Party shall have the right to take measures to protect sensitive installations and prevent disclosure of confidential information and data not related to chemical weapons. Such measures may include, *inter alia*:

- (a) Removal of sensitive papers from office spaces;
- (b) Shrouding of sensitive displays, stores, and equipment;
- (c) Shrouding of sensitive pieces of equipment, such as computer or electronic systems;
- (d) Logging off of computer systems and turning off of data indicating devices;
- (e) Restriction of sample analysis to presence or absence of chemicals listed in Schedules 1, 2 and 3 or appropriate degradation products;
- (f) Using random selective access techniques whereby the inspectors are requested to select a given percentage or number of buildings of their choice to inspect; the same principle can apply to the interior and content of sensitive buildings;
- (g) In exceptional cases, giving only individual inspectors access to certain parts of the inspection site.

49. The inspected State Party shall make every reasonable effort to demonstrate to the inspection team that any object, building,

structure, container or vehicle to which the inspection team has not had full access, or which has been protected in accordance with paragraph 48, is not used for purposes related to the possible non-compliance concerns raised in the inspection request.

50. This may be accomplished by means of, *inter alia*, the partial removal of a shroud or environmental protection cover, at the discretion of the inspected State Party, by means of a visual inspection of the interior of an enclosed space from its entrance, or by other methods.

51. In the case of facilities declared pursuant to Articles IV, V and VI, the following shall apply:

- (a) For facilities with facility agreements, access and activities within the final perimeter shall be unimpeded within the boundaries established by the agreements;
- (b) For facilities without facility agreements, negotiation of access and activities shall be governed by the applicable general inspection guidelines established under this Convention;
- (c) Access beyond that granted for inspections under Articles IV, V and VI shall be managed in accordance with procedures of this section.

52. In the case of facilities declared pursuant to Article III, paragraph 1 (d), the following shall apply: if the inspected State Party, using procedures of paragraphs 47 and 48, has not granted full access to areas or structures not related to chemical weapons, it shall make every reasonable effort to demonstrate to the inspection team that such areas or structures are not used for purposes related to the possible non-compliance concerns raised in the inspection request.

### ***Observer***

53. In accordance with the provisions of Article IX, paragraph 12, on the participation of an observer in the challenge inspection, the requesting State Party shall liaise with the Technical Secretariat to coordinate the arrival of the observer at the same point of entry as the inspection team within a reasonable period of the inspection team's arrival.

54. The observer shall have the right throughout the period of inspection to be in communication with the embassy of the requesting State Party located in the inspected State Party or in the Host State or, in the case of absence of an embassy, with the requesting State Party itself. The inspected State Party shall provide means of communication to the observer.

55. The observer shall have the right to arrive at the alternative or final perimeter of the inspection site, wherever the inspection team arrives first, and to have access to the inspection site as granted by the inspected State Party. The observer shall have the right to make recommendations to the inspection team, which the team shall take into account to the extent it deems appropriate. Throughout the inspection, the inspection team shall keep the observer informed about the conduct of the inspection and the findings.

56. Throughout the in-country period, the inspected State Party shall provide or arrange for the amenities necessary for the observer such as communication means, interpretation services, transportation, working space, lodging, meals and medical care. All the costs in connection with the stay of the observer on the territory of the inspected State Party or the Host State shall be borne by the requesting State Party.

### ***Duration of Inspection***

57. The period of inspection shall not exceed 84 hours, unless extended by agreement with the inspected State Party.

## **D. Post-Inspection Activities**

### ***Departure***

58. Upon completion of the post-inspection procedures at the inspection site, the inspection team and the observer of the requesting State Party shall proceed promptly to a point of entry and shall then leave the territory of the inspected State Party in the minimum time possible.

### ***Reports***

59. The inspection report shall summarise in a general way the activities conducted by the inspection team and the factual findings of the inspection team, particularly with regard to the concerns regarding possible non-compliance with this Convention cited in the request for the challenge inspection, and shall be limited to information directly related to this Convention. It shall also include an assessment by the inspection team of the degree and nature of access and cooperation granted to the inspectors and the extent to which this enabled them to fulfil the inspection mandate. Detailed information relating to the concerns regarding possible non-compliance with this Convention cited in the request for the challenge inspection shall be submitted as an Appendix to the final report and be retained within the Technical Secretariat under appropriate safeguards to protect sensitive information.

60. The inspection team shall, not later than 72 hours after its return to its primary work location, submit a preliminary inspection report, having taken into account, *inter alia*, paragraph 17 of the Confidentiality Annex, to the Director-General. The Director-General shall promptly transmit the preliminary inspection report to the requesting State Party, the inspected State Party and to the Executive Council.

61. A draft final inspection report shall be made available to the inspected State Party not later than 20 days after the completion of the challenge inspection. The inspected State Party has the right to identify any information and data not related to chemical weapons which should, in its view, due to its confidential character, not be circulated outside the Technical Secretariat. The Technical Secretariat shall consider proposals for changes to the draft final inspection report made by the inspected State Party and, using its own discretion, wherever possible, adopt them. The final report shall then be submitted not later than 30 days after the further distribution and consideration in accordance with Article IX, paragraphs 21 to 25.

## ***PART-XI***

### **INVESTIGATIONS IN CASES OF ALLEGED USE OF CHEMICAL WEAPONS**

#### **A. General**

1. Investigations of alleged use of chemical weapons, or of alleged use of riot control agents as a method of warfare, initiated pursuant to Articles IX or X, shall be conducted in accordance with this Annex and detailed procedures to be established by the Director-General.

2. The following additional provisions address specific procedures required in cases of alleged use of chemical weapons.

#### **B. Pre-Inspection Activities**

##### ***Request for an Investigation***

3. The request for an investigation of an alleged use of chemical weapons to be submitted to the Director-General, to the extent possible, should include the following information:

- (a) The State Party on whose territory use of chemical weapons is alleged to have taken place;
- (b) The point of entry or other suggested safe routes of access;
- (c) Location and characteristics of the areas where chemical weapons are alleged to have been used;

- (d) When chemical weapons are alleged to have been used;
- (e) Types of chemical weapons believed to have been used;
- (f) Extent of alleged use;
- (g) Characteristics of the possible toxic chemicals;
- (h) Effects on humans, animals and vegetation;
- (i) Request for specific assistance, if applicable.

4. The State Party which has requested an investigation may submit at any time any additional information it deems necessary.

### ***Notification***

5. The Director-General shall immediately acknowledge receipt to the requesting State Party of its request and inform the Executive Council and all States Parties.

6. If applicable, the Director-General shall notify the State Party on whose territory an investigation has been requested. The Director-General shall also notify other States Parties if access to their territories might be required during the investigation.

### ***Assignment of Inspection Team***

7. The Director-General shall prepare a list of qualified experts whose particular field of expertise could be required in an investigation of alleged use of chemical weapons and constantly keep this list updated. This list shall be communicated, in writing, to each State Party not later than 30 days after entry into force of this Convention and after each change to the list. A qualified expert included in this list shall be regarded as designated unless a State Party, not later than 30 days after its receipt of the list, declares its non-acceptance in writing.

8. The Director-General shall select the leader and members of an inspection team from the inspectors and inspection assistants already designated for challenge inspections taking into account the circumstances and specific nature of a particular request. In addition, members of the inspection team may be selected from the list of qualified experts when, in the view of the Director-General, expertise not available among inspectors already designated is required for the proper conduct of a particular investigation.

9. When briefing the inspection team, the Director-General shall include any additional information provided by the requesting State Party, or any other sources, to ensure that the inspection can be carried out in the most effective and expedient manner.

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### ***Dispatch of Inspection Team***

10. Immediately upon the receipt of a request for an investigation of alleged use of chemical weapons the Director-General shall, through contacts with the relevant States Parties, request and confirm arrangements for the safe reception of the team.

11. The Director-General shall dispatch the team at the earliest opportunity, taking into account the safety of the team.

12. If the inspection team has not been dispatched within 24 hours from the receipt of the request, the Director-General shall inform the Executive Council and the States Parties concerned about the reasons for the delay.

### ***Briefings***

13. The inspection team shall have the right to be briefed by representatives of the inspected State Party upon arrival and at any time during the inspection.

14. Before the commencement of the inspection the inspection team shall prepare an inspection plan to serve, *inter alia*, as a basis for logistic and safety arrangements. The inspection plan shall be updated as need arises.

## **C. Conduct of Inspections**

### ***Access***

15. The inspection team shall have the right of access to any and all areas which could be affected by the alleged use of chemical weapons. It shall also have the right of access to hospitals, refugee camps and other locations it deems relevant to the effective investigation of the alleged use of chemical weapons. For such access, the inspection team shall consult with the inspected State Party.

### ***Sampling***

16. The inspection team shall have the right to collect samples of types, and in quantities it considers necessary. If the inspection team deems it necessary, and if so requested by it, the inspected State Party shall assist in the collection of samples under the supervision of inspectors or inspection assistants. The inspected State Party shall also permit and cooperate in the collection of appropriate control samples from areas neighbouring the site of the alleged use and from other areas as requested by the inspection team.

17. Samples of importance in the investigation of alleged use include toxic chemicals, munitions and devices, remnants of munitions and

devices, environmental samples (air, soil, vegetation, water, snow, etc.) and biomedical samples from human or animal sources (blood, urine, excreta, tissue etc.).

18. If duplicate samples cannot be taken and the analysis is performed at off-site laboratories, any remaining sample shall, if so requested, be returned to the inspected State Party after the completion of the analysis.

#### ***Extension of Inspection Site***

19. If the inspection team during an inspection deems it necessary to extend the investigation into a neighbouring State Party, the Director-General shall notify that State Party about the need for access to its territory and request and confirm arrangements for the safe reception of the team.

#### ***Extension of Inspection Duration***

20. If the inspection team deems that safe access to a specific area relevant to the investigation is not possible, the requesting State Party shall be informed immediately. If necessary, the period of inspection shall be extended until safe access can be provided and the inspection team will have concluded its mission.

#### ***Interviews***

21. The inspection team shall have the right to interview and examine persons who may have been affected by the alleged use of chemical weapons. It shall also have the right to interview eyewitnesses of the alleged use of chemical weapons and medical personnel, and other persons who have treated or have come into contact with persons who may have been affected by the alleged use of chemical weapons. The inspection team shall have access to medical histories, if available, and be permitted to participate in autopsies, as appropriate, of persons who may have been affected by the alleged use of chemical weapons.

### **D. Reports**

#### ***Procedures***

22. The inspection team shall, not later than 24 hours after its arrival on the territory of the inspected State Party, send a situation report to the Director-General. It shall further throughout the investigation send progress reports as necessary.

23. The inspection team shall, not later than 72 hours after its return to its primary work location, submit a preliminary report to the

Director-General. The final report shall be submitted to the Director-General not later than 30 days after its return to its primary work location. The Director-General shall promptly transmit the preliminary and final reports to the Executive Council and to all States Parties.

### **Contents**

24. The situation report shall indicate any urgent need for assistance and any other relevant information. The progress reports shall indicate any further need for assistance that might be identified during the course of the investigation.

25. The final report shall summarise the factual findings of the inspection, particularly with regard to the alleged use cited in the request. In addition, a report of an investigation of an alleged use shall include a description of the investigation process, tracing its various stages, with special reference to:

- (a) The locations and time of sampling and on-site analyses; and
- (b) Supporting evidence, such as the records of interviews, the results of medical examinations and scientific analyses, and the documents examined by the inspection team.

26. If the inspection team collects through, *inter alia*, identification of any impurities or other substances during laboratory analysis of samples taken, any information in the course of its investigation that might serve to identify the origin of any chemical weapons used, that information shall be included in the report.

## **E. States Not Party to This Convention**

27. In the case of alleged use of chemical weapons involving a State not Party to this Convention or in territory not controlled by a State Party, the Organisation shall closely cooperate with the Secretary-General of the United Nations. If so requested, the Organisation shall put its resources at the disposal of the Secretary-General of the United Nations.

## **A. General Principles for the Handling of Confidential Information**

1. The obligation to protect confidential information shall pertain to the verification of both civil and military activities and facilities. Pursuant to the general obligations set forth in Article VIII, the Organisation shall:

- (a) Require only the minimum amount of information and data necessary for the timely and efficient carrying out of its responsibilities under this Convention;
- (b) Take the necessary measures to ensure that inspectors and other staff members of the Technical Secretariat meet the highest standards of efficiency, competence, and integrity;
- (c) Develop agreements and regulations to implement the provisions of this Convention and shall specify as precisely as possible the information to which the Organisation shall be given access by a State Party.

2. The Director-General shall have the primary responsibility for ensuring the protection of confidential information. The Director-General shall establish a stringent regime governing the handling of confidential information by the Technical Secretariat, and in doing so, shall observe the following guidelines:

- (a) Information shall be considered confidential if:
  - (i) It is so designated by the State Party from which the information was obtained and to which the information refers; or
  - (ii) In the judgement of the Director-General, its unauthorised disclosure could reasonably be expected to cause damage to the State Party to which it refers or to the mechanisms for implementation of this Convention;
- (b) All data and documents obtained by the Technical Secretariat shall be evaluated by the appropriate unit of the Technical Secretariat in order to establish whether they contain confidential information. Data required by States Parties to be assured of the continued compliance with this Convention by other States Parties shall be routinely provided to them. Such data shall encompass:
  - (i) The initial and annual reports and declarations provided by States Parties under Articles III, IV, V and VI, in accordance with the provisions set forth in the Verification Annex;
  - (ii) General reports on the results and effectiveness of verification activities; and
  - (iii) Information to be supplied to all States Parties in accordance with the provisions of this Convention;

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- (c) No information obtained by the Organisation in connection with the implementation of this Convention shall be published or otherwise released, except, as follows:
- (i) General information on the implementation of this Convention may be compiled and released publicly in accordance with the decisions of the Conference or the Executive Council;
  - (ii) Any information may be released with the express consent of the State Party to which the information refers;
  - (iii) Information classified as confidential shall be released by the Organisation only through procedures which ensure that the release of information only occurs in strict conformity with the needs of this Convention. Such procedures shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i);
- (d) The level of sensitivity of confidential data or documents shall be established, based on criteria to be applied uniformly in order to ensure their appropriate handling and protection. For this purpose, a classification system shall be introduced, which by taking into account of relevant work undertaken in the preparation of this Convention shall provide for clear criteria ensuring the inclusion of information into appropriate categories of confidentiality and the justified durability of the confidential nature of information. While providing for the necessary flexibility in its implementation the classification system shall protect the rights of States Parties providing confidential information. A classification system shall be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i);
- (e) Confidential information shall be stored securely at the premises of the Organisation. Some data or documents may also be stored with the National Authority of a State Party. Sensitive information, including, *inter alia*, photographs, plans and other documents required only for the inspection of a specific facility may be kept under lock and key at this facility;
- (f) To the greatest extent consistent with the effective implementation of the verification provisions of this Convention, information shall be handled and stored by the Technical Secretariat in a form that precludes direct identification of the facility to which it pertains;

- (g) The amount of confidential information removed from a facility shall be kept to the minimum necessary for the timely and effective implementation of the verification provisions of this Convention; and
- (h) Access to confidential information shall be regulated in accordance with its classification. The dissemination of confidential information within the Organisation shall be strictly on a need-to-know basis.

3. The Director-General shall report annually to the Conference on the implementation of the regime governing the handling of confidential information by the Technical Secretariat.

4. Each State Party shall treat information which it receives from the Organisation in accordance with the level of confidentiality established for that information. Upon request, a State Party shall provide details on the handling of information provided to it by the Organisation.

## **B. Employment and Conduct of Personnel in Technical Secretariat**

5. Conditions of staff employment shall be such as to ensure that access to and handling of confidential information shall be in conformity with the procedures established by the Director-General in accordance with Section A.

6. Each position in the Technical Secretariat shall be governed by a formal position description that specifies the scope of access to confidential information, if any, needed in that position.

7. The Director-General, the inspectors and the other members of the staff shall not disclose even after termination of their functions to any unauthorised persons any confidential information coming to their knowledge in the performance of their official duties. They shall not communicate to any State, organisation or person outside the Technical Secretariat any information to which they have access in connection with their activities in relation to any State Party.

8. In the discharge of their functions inspectors shall only request the information and data which are necessary to fulfil their mandate. They shall not make any records of information collected incidentally and not related to verification of compliance with this Convention.

9. The staff shall enter into individual secrecy agreements with the Technical Secretariat covering their period of employment and a period of five years after it is terminated.

10. In order to avoid improper disclosures, inspectors and staff members shall be appropriately advised and reminded about security considerations and of the possible penalties that they would incur in the event of improper disclosure.

11. Not less than 30 days before an employee is given clearance for access to confidential information that refers to activities on the territory or in any other place under the jurisdiction or control of a State Party, the State Party concerned shall be notified of the proposed clearance. For inspectors the notification of a proposed designation shall fulfil this requirement.

12. In evaluating the performance of inspectors and any other employees of the Technical Secretariat, specific attention shall be given to the employee's record regarding protection of confidential information.

### **C. Measures to Protect Sensitive Installation and Prevent Disclosure of Confidential Data in the Course of On-site Verification Activities**

13. States Parties may take such measures as they deem necessary to protect confidentiality, provided that they fulfil their obligations to demonstrate compliance in accordance with the relevant Articles and the Verification Annex. When receiving an inspection, the State Party may indicate to the inspection team the equipment, documentation or areas that it considers sensitive and not related to the purpose of the inspection.

14. Inspection teams shall be guided by the principle of conducting on-site inspections in the least intrusive manner possible consistent with the effective and timely accomplishment of their mission. They shall take into consideration proposals which may be made by the State Party receiving the inspection, at whatever stage of the inspection, to ensure that sensitive equipment or information, not related to chemical weapons, is protected.

15. Inspection teams shall strictly abide by the provisions set forth in the relevant Articles and Annexes governing the conduct of inspections. They shall fully respect the procedures designed to protect sensitive installations and to prevent the disclosure of confidential data.

16. In the elaboration of arrangements and facility agreements, due regard shall be paid to the requirement of protecting confidential information. Agreements on inspection procedures for individual facilities shall also include specific and detailed arrangements with regard to the determination of those areas of the facility to which

inspectors are granted access, the storage of confidential information on-site, the scope of the inspection effort in agreed areas, the taking of samples and their analysis, the access to records and the use of instruments and continuous monitoring equipment.

17. The report to be prepared after each inspection shall only contain facts relevant to compliance with this Convention. The report shall be handled in accordance with the regulations established by the Organisation governing the handling of confidential information. If necessary, the information contained in the report shall be processed into less sensitive forms before it is transmitted outside the Technical Secretariat and the inspected State Party.

#### **D. Procedures in Case of Breaches or Alleged Breaches of Confidentiality**

18. The Director-General shall establish necessary procedures to be followed in case of breaches or alleged breaches of confidentiality, taking into account recommendations to be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (i).

19. The Director-General shall oversee the implementation of individual secrecy agreements. The Director-General shall promptly initiate an investigation if, in his judgement, there is sufficient indication that obligations concerning the protection of confidential information have been violated. The Director-General shall also promptly initiate an investigation if an allegation concerning a breach of confidentiality is made by a State Party.

20. The Director-General shall impose appropriate punitive and disciplinary measures on staff members who have violated their obligations to protect confidential information. In cases of serious breaches, the immunity from jurisdiction may be waived by the Director-General.

21. States Parties shall, to the extent possible, cooperate and support the Director-General in investigating any breach or alleged breach of confidentiality and in taking appropriate action in case a breach has been established.

22. The Organisation shall not be held liable for any breach of confidentiality committed by members of the Technical Secretariat.

23. For breaches involving both a State Party and the Organisation, a "Commission for the settlement of disputes related to confidentiality", set up as a subsidiary organ of the Conference, shall consider the case. This Commission shall be appointed by the Conference. Rules governing its composition and operating procedures shall be adopted by the Conference at its first session.

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## Convention on the Safety of United Nations and Associated Personnel

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9 December 1994

The States Parties to this Convention

*Deeply concerned* over the growing number of deaths and injuries resulting from deliberate attacks against United Nations and associated personnel.

*Bearing in mind* that attacks against, or other mistreatment of, personnel who act on behalf of the United Nations are unjustifiable and unacceptable, by whomsoever committed,

*Recognising* that United Nations operations are conducted in the common interest of the international community and in accordance with the principles and purposes of the Charter of the United Nations,

*Acknowledging* the important contribution that United Nations and associated personnel make in respect of United Nations efforts in the fields of preventive diplomacy, peacemaking, peace-keeping, peace-building and humanitarian and other operations.

*Conscious of* the existing arrangements for ensuring the safety of United Nations and associated personnel, including the steps taken by the principal organs of the United Nations, in this regard,

*Recognising* none the less that existing measures of protection for United Nations and associated personnel are inadequate,

*Acknowledging* that the effectiveness and safety of operations are enhanced where such operations are conducted with the consent and cooperation of the host State.

*Appealing* to all States in which United Nations personnel are deployed and to all others on whom such personnel may rely, to provide

comprehensive support aimed at facilitating the conduct and fulfilling the mandate of United Nations operations,

*Convinced* that there is an urgent need to adopt appropriate and effective measures for the prevention of attacks committed against United Nations and associated personnel and for the punishment of those who have committed such attacks,

*Have agreed* as follows:

## **Article I**

### **Definitions**

For the purposes of this Convention:

- (a) "United Nations personnel" means:
  - (i) Persons engaged or deployed by the Secretary-General of the United Nations as members of the military, police or civilian components of a United Nations operation;
  - (ii) Other officials and experts on mission of the United Nations or its specialised agencies or the International Atomic Energy Agency who are present in an official capacity in the area where a United Nations operation is being conducted;
- (b) "Associated personnel" means:
  - (i) Persons assigned by a Government or an inter-governmental organisation with the agreement of the competent organ of the United Nations;
  - (ii) Persons engaged by the Secretary-General of the United Nations or by a specialised agency or by the international Atomic Energy Agency;
  - (iii) Persons deployed by a humanitarian non-governmental organisation or agency under an agreement with the Secretary-General of the United Nations or with a specialised agency or with the International Atomic Energy Agency, to carry out activities in support of the fulfilment of the mandate of a United Nations operation;
- (c) "United Nations operation" means an operation established by the competent organ of the United Nations in accordance with the Charter of the United Nations and conducted under United Nations authority and control:
  - (i) Where the operation is for the purpose of maintaining or restoring international peace and security; or

- (ii) Where the Security Council or the General Assembly has declared, for the purposes of this Convention, that there exists an exceptional risk to the safety of the personnel participating in the operation;
- (d) "Host State" means a State in whose territory a United Nations operation is conducted;
- (e) "Transit State" means a State, other than the host State, in whose territory United Nations and associated personnel or their equipment are in transit or temporarily present in connection with a United Nations operation.

## **Article 2**

### **Scope of Application**

1. This Convention applies in respect of United Nations and associated personnel and United Nations operations, as defined in article 1.

2. This Convention shall not apply to a United Nations operation authorised by the Security Council as an enforcement action under Chapter VII of the Charter of the United Nations in which any of the personnel are engaged as combatants against organised armed forces and to which the law of international armed conflict applies.

## **Article 3**

### **Identification**

1. The military and police components of a United Nations operation and their vehicles, vessels and aircraft shall bear distinctive identification. Other personnel, vehicles, vessels and aircraft involved in the United Nations operation shall be appropriately identified unless otherwise decided by the Secretary-General of the United Nations.

2. All United Nations and associated personnel shall carry appropriate identification documents.

## **Article 4**

### **Agreements on the Status of the Operation**

The host State and the United Nations shall conclude as soon as possible an agreement on the status of the United Nations operation and all personnel engaged in the operation including, *inter alia*, provisions on privileges and immunities for military and police components of the operation.

## **Article 5**

### **Transit**

A transit State shall facilitate the unimpeded transit of United Nations and associated personnel and their equipment to and from the host State.

## **Article 6**

### **Respect for Laws and Regulations**

1. Without prejudice to such privileges and immunities as they may enjoy or to the requirements of their duties, United Nations and associated personnel shall:

- (a) Respect the laws and regulations of the host State and the transit State; and
- (b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

2. The Secretary-General of the United Nations shall take all appropriate measures to ensure the observance of these obligations.

## **Article 7**

### **Duty to Ensure the Safety and Security of United Nations and Associated Personnel**

1. United Nations and associated personnel, their equipment and premises shall not be made the object of attack or of any action that prevents them from discharging their mandate.

2. States Parties shall take all appropriate measures to ensure the safety and security of United Nations and associated personnel. In particular, States Parties shall take all appropriate steps to protect United Nations and associated personnel who are deployed in their territory from the crimes set out in article 9.

3. States Parties shall cooperate with the United Nations and other States Parties as appropriate, in the implementation of this Convention, particularly in any case where the host State is unable itself to take the required measures.

## **Article 8**

### **Duty to Release or Return United Nations and Associated Personnel Captured or Detained**

Except as otherwise provided in an applicable status-of-forces agreement, if United Nations or associated personnel are captured or

detained in the course of the performance of their duties and their identification has been established, they shall not be subjected to interrogation and they shall be promptly released and returned to United Nations or other appropriate authorities. Pending their release such personnel shall be treated in accordance with universally recognised standards of human rights and the principles and spirit of the Geneva Conventions of 1949.

### ***Article 9***

#### **Crimes against United Nations and Associated Personnel**

1. The intentional commission of:
  - (a) A murder, kidnapping or other attack upon the person of liberty of any United Nations or associated personnel;
  - (b) A violent attack upon the official premises, the private accommodation or the means of transportation of any United Nations or associated personnel likely to endanger his or her person or liberty;
  - (c) A threat to commit any such attack with the objective of compelling a physical or juridical person to do or to refrain from doing any act;
  - (d) An attempt to commit any such attack; and (c) An act constituting participation as an accomplice in any such attack, or in an attempt to commit such attack, or in organising or ordering others to commit such attack, shall be made by each State Party a crime under its national law.

2. Each State Party shall make the crimes set out in paragraph 1 punishable by appropriate penalties which shall take into account their grave nature.

### ***Article 10***

#### **Establishment of Jurisdiction**

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 in the following cases:

- (a) When the crime is committed in the territory of that State or on board a ship or aircraft registered in that State;
- (b) When the alleged offender is a national of that State.

2. A State Party may also establish its jurisdiction over any such crime when it is committed:

- (a) By a stateless person whose habitual residence is in that State; or
- (b) With respect to a national of that State; or
- (c) In an attempt to compel that State to do or to abstain from doing any act.

3. Any State Party which has established jurisdiction as mentioned in paragraph 2 shall notify the Secretary-General of the United Nations. If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General of the United Nations.

4. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 in cases where the alleged offender is present in its territory and it does not extradite such person pursuant to article 15 to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2.

5. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

### ***Article 11***

#### **Prevention of Crimes against United Nations and Associated Personnel**

States Parties shall cooperate in the prevention of the crimes set out in article 9, particularly by:

- (a) Taking all practicable measures to prevent preparations in their respective territories for the commission of those crimes within or outside their territories; and
- (b) Exchanging information in accordance with their national law and coordinating the taking of administrative and other measures as appropriate to prevent the commission of those crimes.

### ***Article 12***

#### **Communication of Information**

1. Under the conditions provided for in its national law, the State Party in whose territory a crime set out in article 9 has been committed shall, if it has reason to believe that an alleged offender has fled from its territory, communicate to the Secretary-General of the United Nations and, directly or through the Secretary-General, to the State or States concerned all the pertinent facts regarding the crime

committed and all available information regarding the identity of the alleged offender.

2. Whenever a crime set out in article 9 has been committed, any State Party which has information concerning the victim and circumstances of the crime shall endeavour to transmit such information, under the conditions provided for in its national law, fully and promptly to the Secretary-General of the United Nations and the State or States concerned.

### ***Article 13***

#### **Measures to Ensure Prosecution or Extradition**

1. Where the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take the appropriate measures under its national law to ensure that person's presence for the purpose of prosecution or extradition.

2. Measures taken in accordance with paragraph 1 shall be notified, in conformity with national law and without delay, to the Secretary-General of the United Nations and, either directly or through the Secretary-General, to:

- (a) The State where the crime was committed;
- (b) The State or States of which the alleged offender is a national or, if such person is a stateless person, in whose territory that person has his or her habitual residence;
- (c) The State or States of which the victim is a national; and
- (d) Other interested States.

### ***Article 14***

#### **Prosecution of Alleged Offenders**

The State Party in whose territory the alleged offender is present shall, if it does not extradite that person, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the law of that State. Those authorities shall take their decision, in the same manner as in the case of an ordinary offence of a grave nature under the law of that State.

### ***Article 15***

#### **Extradition of Alleged Offenders**

1. To the extent that the crimes set out in article 9 are not extraditable offences in any extradition treaty existing between States

Parties, they shall be deemed to be included as such therein. States Parties undertake to include those crimes as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of those crimes. Extradition shall be subject to the conditions provided in the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognise those crimes as extraditable offences between themselves subject to the conditions provided in the law of the requested State.

4. Each of those crimes shall be treated, for the purposes of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2 of article 10.

### ***Article 16***

#### **Mutual Assistance in Criminal Matters**

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the crimes set out in article 9, including assistance in obtaining evidence at their disposal necessary for the proceedings. The law of the requested State shall apply in all cases.

2. The provisions of paragraph 1 shall not affect obligations concerning mutual assistance embodied in any other treaty.

### ***Article 17***

#### **Fair Treatment**

1. Any person regarding whom investigations or proceedings are being carried out in connection with any of the crimes set out in article 9 shall be guaranteed fair treatment, a fair trial and full protection of his or her rights at all stages of the investigations or proceedings.

2. Any alleged offender shall be entitled:

- (a) To communicate without delay with the nearest appropriate representative of the State or States of which such person is a national or which is otherwise entitled to protect that

person's rights or, if such person is a stateless person, of the State which, at that person's request, is willing to protect that person's rights; and

- (b) To be visited by a representative of that State or those States.

### ***Article 18***

#### **Notification of Outcome of Proceedings**

The State Party where an alleged offender is prosecuted shall communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to other States Parties.

### ***Article 19***

#### **Dissemination**

The States Parties undertake to disseminate this Convention as widely as possible and, in particular, to include the study thereof, as well as relevant provisions of international humanitarian law, in their programmes of military instruction.

### ***Article 20***

#### **Savings Clauses**

Nothing in this Convention shall affect:

- (a) The applicability of international humanitarian law and universally recognised standards of human rights as contained in international instruments in relation to the protection of United Nations operation and United Nations and associated personnel or the responsibility of such personnel to respect such law and standards;
- (b) The rights and obligations of States, consistent with the Charter of the United Nations, regarding the consent to entry of persons into their territories;
- (c) The obligation of United Nations and associated personnel to act in accordance with the terms of the mandate of a United Nations operation;
- (d) The right of States which voluntarily contribute personnel to a United Nations operation to withdraw their personnel from participation in such operation; or
- (e) The entitlement to appropriate compensation payable in the event of death, disability, injury or illness attributable to peace-

keeping service by persons voluntarily contributed by States to United Nations operations.

### ***Article 21***

#### **Right of Self-Defence**

Nothing in this Convention shall be construed so as to derogate from the right to act in self-defence.

### ***Article 22***

#### **Dispute Settlement**

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organisation of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by application in conformity with the Statute of the Court.

2. Each State Party may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by all or part of paragraph 1. The other States Parties shall not be bound by paragraph 1 or the relevant part thereof with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

### ***Article 23***

#### **Review Meetings**

At the request of one or more States Parties, and if approved by a majority of States Parties, the Secretary-General of the United Nations shall convene a meeting of the States Parties to review the implementation of the Convention, and any problems encountered with regard to its application.

### ***Article 24***

#### **Signature**

This Convention shall be open for signature by all States, until 31 December 1995, at United Nations Headquarters in New York.

**Article 25****Ratification, Acceptance or Approval**

This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

**Article 26****Accession**

This Convention shall be open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

**Article 27****Entry into Force**

1. This Convention shall enter into force thirty days after twenty-two instruments of ratification, acceptance, approval or accession have been deposited with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after, the deposit by such State of its instrument of ratification, acceptance, approval or accession.

**Article 28****Denunciation**

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

# 192

## **Final Document of the Extraordinary Conference of the States Parties to the CFE Treaty\***

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*Oslo, 5 June 1992*

The Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, the Kingdom of Belgium, the Republic of Bulgaria, Canada, the Czech and Slovak Federal Republic, the Kingdom of Denmark, the French Republic, the Republic of Georgia, the Federal Republic of Germany, the Hellenic Republic, the Republic of Hungary, the Republic of Iceland, the Italian Republic, the Republic of Kazakhstan, the Grand Duchy of Luxembourg, the Republic of Moldova, the Kingdom of the Netherlands, the Kingdom of Norway, the Republic of Poland, the Portuguese Republic, Romania, the Russian Federation, the Kingdom of Spain, the Republic of Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which are the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, hereinafter referred to as the States Parties,

Reaffirming their determination to bring into force the Treaty on Conventional Armed Forces in Europe of November 19, 1990, hereinafter referred to as the Treaty, by the time of the Helsinki Summit Meeting of the Conference on Security and Cooperation in Europe on July 9-10, 1992. Desiring to meet the objectives and requirements of the Treaty while responding to the historic changes which have occurred in Europe since the Treaty was signed,

Recalling in this context the undertaking in paragraph 4 of the Joint Declaration of Twenty-Two States signed in Paris on November

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\* Document issued at the Extraordinary Conference, 5 June 1992, Oslo. Text obtained from the Royal Norwegian Ministry of Foreign Affairs.

19, 1990, to maintain only such military capabilities as are necessary to prevent war and provide for effective defence and to bear in mind the relationship between military capabilities and doctrines, and confirming their commitment to that undertaking,

Having met together at an Extraordinary Conference chaired by the Kingdom of Spain in Oslo on June 5, 1992, pursuant to Article XXI, paragraph 2, of the Treaty, as provisionally applied,

Have agreed as follows:

1. The understandings, notifications, confirmations and commitments contained or referred to in this Final Document and its Annexes A and B, together with the deposit of instruments of ratification by all the States Parties, shall be deemed as fulfilling the requirements for entry into force of the Treaty in accordance with its provisions. Accordingly, the Treaty shall enter into force 10 days after the last such instrument has been deposited.

2. In this context, the States Parties note the Agreement of May 15, 1992, on the Principles and Procedures of Implementation of the Treaty on Conventional Armed Forces in Europe, the four Protocols to that Agreement and the Joint Declaration of May 15, 1992, in relation to the Treaty on Conventional Armed Forces in Europe, as transmitted on June 1, 1992, by that Agreement's Depository to all States Parties to the Treaty. In this regard, Articles 1, 2, 3, 4, 5, 6, 10, 11, and 12 of that Agreement, the four Protocols to that Agreement, and the Joint Declaration of May 15, 1992, in relation to the Treaty on Conventional Armed Forces in Europe contain necessary confirmations and information.

3. The States Parties confirm the understandings as elaborated in the Joint Consultative Group, and specified in Annex A of this Final Document.

4. The States Parties confirm all decisions and recommendations adopted by the Joint Consultative Group.

5. This Final Document in no way alters the rights and obligations of the States Parties as set forth in the Treaty and its associated documents.

6. This final document shall enter into force upon signature by all of the States Parties.

7. This final document, together with its Annexes A and B, which are integral to it, in all the official languages of the Conference on Security and Cooperation in Europe, shall be deposited with the Government of the Kingdom of the Netherlands, as the designated

Depositary for the Treaty, which shall circulate copies of this Final Document to all the States Parties.

## **ANNEX A**

### **UNDERSTANDINGS**

1. The first paragraph of the Preamble of the Treaty shall be understood to read:

“the Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, the Kingdom of Belgium, the Republic of Bulgaria, Canada, the Czech and Slovak Federal Republic, the Kingdom of Denmark, the French Republic, the Republic of Georgia, the Federal Republic of Germany, the Hellenic Republic, the Republic of Hungary, the Republic of Iceland, the Italian Republic, the Republic of Kazakhstan, the Grand Duchy of Luxembourg, the Republic of Moldova, the Kingdom of the Netherlands, the Kingdom of Norway, the Republic of Poland, the Portuguese Republic, Romania, the Russian Federation, the Kingdom of Spain, the Republic of Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America, hereinafter referred to as the States Parties,”.

2. The second paragraph of the Preamble of the Treaty shall be understood to read:

“Guided by the Mandate for Negotiation on Conventional Armed Forces in Europe of January 10, 1989,”.

The third paragraph of the Preamble of the Treaty shall be understood to read:

“Guided by the objectives and the purposes of the Conference on Security and Cooperation in Europe, within the framework of which the negotiation of this Treaty was conducted in Vienna beginning on March 9, 1989,”.

3. With regard to the ninth paragraph of the Preamble of the Treaty, it is noted that the Treaty of Warsaw of 1955 is no longer in force, and that some of the States Parties in the first group specified in paragraph 4 of this Annex did not sign or accede to that Treaty.

4. The “groups of States Parties” referred to in paragraph 1(a) of Article II of the Treaty shall be understood to consist of:

“the Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, the Republic of Bulgaria, the Czech and Slovak Federal Republic, the Republic of Georgia, the Republic of Hungary, the Republic of Kazakhstan, the Republic of Moldova, the Republic of Poland, Romania, the Russian Federation, and Ukraine,”

and

“the Kingdom of Belgium, Canada, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the Hellenic Republic, the

Republic of Iceland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, the Portuguese Republic, the Kingdom of Spain, the Republic of Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America.”.

5. The first two sentences of paragraph 1(b) of Article II of the Treaty shall be understood to read:

“the term ‘area of application’ means the entire land territory of the States Parties in Europe from the Atlantic Ocean to the Ural Mountains, which includes all the European island territories of the States Parties, including the Faroe Islands of the Kingdom of Denmark, Svalbard including Bear Island of the Kingdom of Norway, the Islands of Azores and Madeira of the Portuguese Republic, the Canary Islands of the Kingdom of Spain and Franz Josef Land and Novaya Zemlya of the Russian Federation. In the case of the Russian Federation and the Republic of Kazakhstan, the area of application includes all territory lying west of the Ural River and the Caspian Sea.”.

6. In Article IV of the Treaty, in accordance with the map provided by the former Union of Soviet Socialist Republics at signature of the Treaty:

— the second sentence of the second part of paragraph 1 shall be understood to read:

“such designated permanent storage sites may also be located in the Republic of Moldova, that part of Ukraine comprising the portion of the former Odessa Military District on its territory, and that part of the territory of the Russian Federation comprising the southern part of the Leningrad Military District.”

— the first sentence of paragraph 2 shall be understood to read:

“within the area consisting of the entire land territory in Europe, which includes all the European island territories, of the Republic of Belarus, the Kingdom of Belgium, the Czech and Slovak Federal Republic, the Kingdom of Denmark including the Faroe islands, the French Republic, the Federal Republic of Germany, the Republic of Hungary, the Italian Republic, that part of the Republic of Kazakhstan within the area of application, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Poland, the Portuguese Republic including the islands of Azores and Madeira, that part of the Russian Federation comprising the portion of the former Baltic Military District on its territory, the Moscow Military District and the portion of the Volga-Ural Military

District on its territory west of the Ural Mountains, the Kingdom of Spain including the Canary Islands, that part of the territory of Ukraine comprising the former Carpathian and former Kiev Military Districts and the United Kingdom of Great Britain and Northern Ireland, each State Party shall limit and, as necessary, reduce its battle tanks, armoured combat vehicles and artillery so that, 40 months after entry into force of this Treaty and thereafter, for the group of States Parties to which it belongs the aggregate numbers do not exceed."

- the first sentence of paragraph 3 shall be understood to read:  
"within the area consisting of the entire land territory in Europe, which includes all the European island territories, of the Republic of Belarus, the Kingdom of Belgium, the Czech and Slovak Federal Republic, the Kingdom of Denmark including the Faroe Islands, the French Republic, the Federal Republic of Germany, the Republic of Hungary, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Poland, that part of the Russian Federation comprising the portion of the former Baltic Military District on its territory, that part of the territory of Ukraine comprising the former Carpathian and former Kiev Military Districts and the United Kingdom of Great Britain and Northern Ireland, each State Party shall limit and, as necessary, reduce its battle tanks, armoured combat vehicles and artillery so that, 40 months after entry into force of this Treaty and thereafter, for the group of States Parties to which it belongs the aggregate numbers of active units do not exceed":
- the first sentence in paragraph 3(d) shall be understood to read: "in that part of Ukraine comprising the former Kiev military district, the aggregate numbers in active units and designated permanent storage sites together shall not exceed:".

7. The first sentence of paragraph 1(a) of Article V of the Treaty shall be understood, in accordance with the map provided by the former Union of Soviet Socialist Republics at signature of the Treaty, to read:

"within the area consisting of the entire land territory in Europe, which includes all the European island territories, of the Republic of Armenia, the Republic of Azerbaijan, the Republic of Bulgaria, the Republic of Georgia, the Hellenic Republic, the Republic of Iceland, the Republic of Moldova, the Kingdom of Norway, Romania, that part of the Russian Federation comprising the Leningrad and North Caucasus Military Districts, the part of the Republic of Turkey within the area of application and that part of Ukraine comprising the portion of the former Odessa

Military District on its territory, each State Party shall limit and, as necessary, reduce its battle tanks, armoured combat vehicles and artillery so that, 40 months after entry into force of this Treaty and thereafter, for the group of States Parties to which it belongs the aggregate numbers in active units do not exceed the difference between the overall numerical limitations set forth in Article IV, paragraph 1, and those in Article IV, paragraph 2, that is:".

8. Paragraph 3 of Section I of the Protocol Governing the Categorisation of Combat Helicopters and the Recategorisation of Multi-Purpose Attack Helicopters shall be understood to read:

"Notwithstanding the provisions in paragraph 2 of this Section and as a unique exception to that paragraph, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, the Republic of Georgia, the Republic of Kazakhstan, the Republic of Moldova, the Russian Federation and Ukraine may hold an aggregate total not to exceed 100 M I-24R and M I-24K helicopters equipped for reconnaissance, spotting, or chemical/biological/radiological sampling which shall not be subject to the limitations on attack helicopters in Articles IV and VI of the Treaty. Such helicopters shall be subject to exchange of information in accordance with the Protocol on Information Exchange and to internal inspection in accordance with Section VI, paragraph 30 of the Protocol on Inspection. M I-24R and M I-24K helicopters in excess of this limit shall be categorised as specialised attack helicopters regardless of how they are equipped and shall count against the limitations on attack helicopters in Articles IV and VI of the Treaty."

9. With reference to paragraph 11 of the Protocol on the Joint Consultative Group, the proportion of the expenses of the Joint Consultative Group allocated to the Union of Soviet Socialist Republics shall become the collective responsibility of the Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, the Republic of Georgia, the Republic of Kazakhstan, the Republic of Moldova, the Russian Federation and Ukraine.

## ***ANNEX B***

### **NOTIFICATIONS, CONFIRMATIONS AND COMMITMENTS**

#### **I. Notifications**

1. The States Parties note that each State Party has provided to all other States Parties notifications of maximum levels for its holdings of conventional armaments and equipment limited by the Treaty (Article VII, paragraph 2) in advance of the Extraordinary Conference.

2. Each State Party shall provide the following notifications and information, where applicable, to all other States Parties no later than July 1, 1992:

- (a) in view of the inspection requirements in the Treaty, information on its objects of verification and declared sites effective as of November 19, 1990 (Protocol on Notification and Exchange of Information, Section V and Annex on the Format for the Exchange of Information, Section V);
- (b) list of its points of entry/exit (Annex on Format for the Exchange of Information, Section V, paragraph 3);
- (c) notification of changes to its points of entry/exit (Protocol on Inspection, Section III, paragraph 11);
- (d) lists of its proposed inspectors and transport crew members (Protocol on Inspection, Section III, paragraph 3);
- (e) notification of deletions from the lists of inspectors and transport crew members (Protocol on Inspection, Section III, paragraphs 4 and 7);
- (f) notification of its standing diplomatic clearance numbers for transportation means (Protocol on Inspection, Section III, paragraph 9);
- (g) notification of the official language or languages to be used by inspection teams (Protocol on Inspection, Section III, paragraph 12);
- (h) notification of its active inspection quota for the baseline validation period (Protocol on Inspection, Section II, paragraph 24);
- (i) notification of entry into service of new types, models or versions of conventional armaments and equipment subject to the Treaty (Protocol on Existing Types, Section IV, paragraph 3); (j) notification in the event of destruction by accident, and documentary evidence supporting destruction by accident, of conventional armaments and equipment limited by the Treaty (Protocol on Reduction, Section IX, paragraphs 2 and 3).

## **II. Confirmations**

1. With regard to Article VIII, paragraph 7, of the Treaty, the States Parties confirm that, except as otherwise provided for in the Treaty, their respective reduction liabilities in each category shall be no less than the difference between their respective holdings notified,

in accordance with the Protocol on Information Exchange, as of the signature of the Treaty, and their respective maximum levels for holdings notified pursuant to Article VII. In this regard, for those States Parties that have jointly confirmed the validity for them of holdings as of the signature of the Treaty, the sum of their reduction liabilities in each category shall, except as otherwise provided for in the Treaty, be no less than the difference between the jointly confirmed holdings and the sum of their maximum levels for holdings notified pursuant to Article VII.

2. The States Parties confirm their commitment, in the Declaration of the States Parties to the Treaty on Conventional Armed Forces in Europe with Respect to Personnel Strength of November 19, 1990, not to increase during the period of the negotiations referred to in Article XVIII of the Treaty the total peacetime authorised personnel strength of their conventional armed forces pursuant to the Mandate in the area of application.

3. The States Parties confirm their commitment to the Declaration of the States Parties to the Treaty on Conventional Armed Forces in Europe with Respect to Land-Based Naval Aircraft of November 19, 1990.

4. The States Parties confirm their adherence to the agreement set out in the Statement by the Chairman of the Joint Consultative Group on October 18, 1991.

### **III. Commitments**

#### ***A Costs***

1. In accordance with Article XVI, paragraph 2(f), of the Treaty, and with reference to paragraph 11 of the Protocol on the Joint Consultative Group, the Joint Consultative Group shall review its scale of distribution of expenses after entry into force of the treaty in the light of decisions taken on the scale of distribution of expenses of the Conference on Security and Cooperation in Europe.

#### ***B: Article XII***

1. In order to meet the security interests of all States Parties in light of new circumstances in Europe, the States Parties shall as a first priority seek to reach agreement, immediately after entry into force of the Treaty, on Article XII, paragraph 1, of the Treaty.

2. In this context, the States Parties will cooperate to respect the security objectives of Article XII within the area of application of the Treaty. In particular, no State Party will increase, within the area of

application, its holdings of armoured infantry fighting vehicles held by organisations designed and structured to perform in peacetime internal security functions above that aggregate number held by such organisations at the time of signature of the Treaty, as notified pursuant to the information exchange effective as of November 19, 1990.

3. Notwithstanding the political commitment set forth in paragraph 2 above, any State Party that had an aggregate number of armoured infantry fighting vehicles held by organisations designed and structured to perform in peacetime internal security functions on its territory, as notified effective as of November 19, 1990, that was less than five percent of its maximum levels for holdings for armoured combat vehicles, as notified pursuant to Article VII, paragraph 2, of the Treaty, or less than 100 such armoured infantry fighting vehicles, whichever is greater, will have the right to increase its holdings of such armoured infantry fighting vehicles to an aggregate number not to exceed five percent of its maximum levels for holdings for armoured combat vehicles, as notified pursuant to Article VII, paragraph 2, of the Treaty, or to an aggregate number not to exceed 100, whichever is greater.

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# 193

## **Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to Have Indiscriminate Effects\***

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**OPENED FOR SIGNATURE AT NEW YORK:** 10 April 1981

**ENTERED INTO FORCE:** 2 December 1983

**DEPOSITARY:** Secretary-General of the United Nations

**TOTAL NUMBER OF PARTIES AS OF 31 DECEMBER 1992:** 35

The High Contracting Parties,

Recalling that every State has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Further recalling the general principle of the protection of the civilian population against the effects of hostilities,

Basing themselves on the principle of international law that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, and on the principle that prohibits the employment in armed conflicts of weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering

Also recalling that it is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread long-term and severe damage to the natural environment.

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\* *Final Report of the United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (A/CONF.95/15 and Corr.2, annex).*

Confirming their determination that in cases not covered by this Convention and its annexed Protocols or by other international agreements, the civilian population and the combatants shall at all times remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience,

Desiring to contribute to international detente, the ending of the arms race and the building of confidence among States, and hence to the realisation of the aspiration of all peoples to live in peace,

Recognising the importance of pursuing every effort which may contribute to progress towards general and complete disarmament under strict and effective international control,

Reaffirming the need to continue the codification and progressive development of the rules of international law applicable in armed conflict,

Wishing to prohibit or restrict further the use of certain conventional weapons and believing that the positive results achieved in this area may facilitate the main talks on disarmament with a view to putting an end to the production, stockpiling and proliferation of such weapons,

Emphasising the desirability that all States become parties to this convention and its annexed protocols, especially the militarily significant States,

Bearing in mind that the General Assembly of the United Nations and the United Nations Disarmament Commission may decide to examine the question of a possible broadening of the scope of the prohibitions and restrictions contained in this Convention and its annexed Protocols,

Further bearing in mind that the Committee on Disarmament may decide to consider the question of adopting further measures to prohibit or restrict the use of certain conventional weapons,

Have agreed as follows:

## ***Article 1***

### **Scope of Application**

This Convention and its annexed Protocols shall apply in the situations referred to in Article 2 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, including any situation described in paragraph 4 of Article 1 of Additional Protocol I to these Conventions.

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**Article 2****Relations with other International Agreements**

Nothing in this Convention or its annexed Protocols shall be interpreted as detracting from other obligations imposed upon the High Contracting Parties by international humanitarian law applicable in armed conflict.

**Article 3****Signature**

This Convention shall be open for signature by all States at United Nations Headquarters in New York for a period of twelve months from 10 April 1981.

**Article 4****Ratification, Acceptance, Approval or Accession**

1. This Convention is subject to ratification, acceptance or approval by the Signatories. Any State which has not signed this Convention may accede to it.

2. The instrument of ratification, acceptance, approval or accession shall be deposited with the Depositary.

3. Expressions of consent to be bound by any of the Protocols annexed to this Convention shall be optional for each State, provided that at the time of the deposit of its instrument of ratification, acceptance or approval of this Convention or of accession thereto, that State shall notify the Depositary of its consent to be bound by any two or more of these Protocols.

4. At any time after the deposit of its instrument of ratification, acceptance or approval of this Convention or of accession thereto, a State may notify the Depositary of its consent to be bound by any annexed Protocol by which it is not already bound.

5. Any Protocol by which a High Contracting Party is bound shall for that Party form an integral part of this Convention.

**Article 5****Entry into Force**

1. This Convention shall enter into force six months after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession.

2. For any State which deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the twentieth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force six months after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

3. Each of the Protocols annexed to this Convention shall enter into force six months after the date by which twenty States have notified their consent to be bound by it in accordance with paragraph 3 or 4 of Article 4 of this Convention.

4. For any State which notifies its consent to be bound by a Protocol, annexed to this Convention after the date by which twenty States have notified their consent to be bound by it, the Protocol shall enter into force six months after the date on which that State has notified its consent so to be bound.

### ***Article 6***

#### **Dissemination**

The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate this Convention and those of its annexed Protocols by which they are bound as widely as possible in their respective countries and in particular, to include the study thereof in their programmes of military instruction, so that those instruments may become known to their armed forces.

### ***Article 7***

#### **Treaty Relations upon Entry into Force of this Convention**

1. When one of the parties to a conflict is not bound by an annexed Protocol, the parties bound by this Convention and that annexed Protocol shall remain bound by them in their mutual relations.

2. Any High Contracting Party shall be bound by this Convention and any Protocol annexed thereto which is in force for it, in any situation contemplated by Article 1, in relation to any State which is not a party to this Convention or bound by the relevant annexed Protocol, if the latter accepts and applies this Convention or the relevant Protocol, and so notifies the Depositary.

3. The Depositary shall immediately inform the High Contracting Parties concerned of any notification received under paragraph 2 of this Article.

4. This Convention, and the annexed Protocols by which a High Contracting Party is bound, shall apply with respect to in armed conflict against that High Contracting Party of the type referred to in Article 1, paragraph 4, of Additional Protocol I to the Geneva Conventions of 12 August 1949 for the Protection of War Victims:

- (a) where the High Contracting Party is also a party to Additional Protocol I and an authority referred to in Article 96, paragraph 3, of that Protocol has undertaken to apply the Geneva Conventions and Additional Protocol I in accordance with Article 96, paragraph 3, of the said Protocol, and undertakes to apply this Convention and the relevant annexed Protocols in relation to that conflict; or
- (b) where the High Contracting Party is not a party to Additional Protocol I and an authority of the type referred to in subparagraph (a) above accepts and applies the obligations of the Geneva Conventions and of this Convention and the relevant annexed Protocols in relation to that conflict. Such an acceptance and application shall have in relation to that conflict the following effects:
  - (i) the Geneva Conventions and this Convention and its relevant annexed Protocols are brought into force for the parties to the conflict with immediate effect;
  - (ii) the said authority assumes the same rights and obligations as those which have been assumed by a High Contracting Party to the Geneva Conventions, this Convention and its relevant annexed Protocols; and
  - (iii) the Geneva Conventions, this Convention and its relevant annexed Protocols are equally binding upon all parties to the conflict.

The High Contracting Party and the authority may also agree to accept and apply the obligations of Additional Protocol I to the Geneva Conventions on a reciprocal basis.

## ***Article 8***

### **Review and Amendments**

1. (a) At any time after the entry into force of this Convention any High Contracting Party may propose amendments to this Convention or any annexed Protocol by which it is bound, Any proposal for an amendment shall be communicated to the Depositary, who shall notify it to all the High Contracting

- Parties and shall seek their views on whether a conference should be Convened to consider the proposal. If a majority, that shall not be less than eighteen of the High Contracting Parties, so agree, he shall promptly convene a conference to which all High Contracting Parties shall be invited. States not parties to this Convention shall be invited to the conference as observers.
- (b) Such a conference may agree upon amendments which shall be adopted and shall enter into force in the same manner as this Convention and the annexed Protocols, provided that amendments to this Convention may be adopted only by the High Contracting Parties and that amendments to a specific annexed Protocol may be adopted only by the High Contracting Parties which are bound by that Protocol.
  2. (a) At any time after the entry into force of this Convention any High Contracting Party may propose additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols. Any such proposal for an additional protocol shall be communicated to the Depositary, who shall notify it to all the High contracting parties in accordance with subparagraph 1 (a) of this Article. If a majority, that shall not be less than eighteen of the High Contracting Parties, so agree, the Depositary shall promptly convene a conference to which all states shall be invited.
    - (b) Social conference may agree, with the full participation of all States represented the conference, upon additional protocols which shall be adopted in the same manner as this Convention, shall be annexed thereto and shall enter into force as provided in paragraphs 3 and 4 of Article 5 of this Convention.
  3. (a) If, after a period of ten years following the entry into force of this Convention, no conference has been convened in accordance with subparagraph 1 (a) or 2 (a) of this Article, any High Contracting Party may request the Depositary to convene a conference to which all High Contracting Parties shall be invited to review the scope, and operation of this Convention and the Protocols annexed thereto and to consider any proposal for amendments of this Convention or of the existing Protocols. States not parties to this Convention shall be invited as observers to the conference

The conference may agree upon amendments which shall be adopted and enter into force in accordance with subparagraph 1 (b) above.

- (b) At such conference consideration may also be given to any proposal for additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols.

All States represented at the conference may participate fully in such consideration. Any additional protocols shall be adopted in the same manner as this Convention, shall be annexed thereto and shall enter into force as provided in paragraphs 3 and 4 of Article 5 of this Convention.

- (c) Such a conference may consider whether provision should be made for the convening of a further conference at the request of any High Contracting Party if, after a similar period to that referred to in subparagraph 3 (a) of this Article, no conference has been convened in accordance with subparagraph 1 (a) or 2 (a) of this Article.

## ***Article 9***

### **Denunciation**

1. Any High Contracting Party may denounce this Convention or any of its annexed Protocols by so notifying the Depositary.

2. Any such denunciation shall only take effect one year after receipt by the Depositary of the notification of denunciation. If, however, on the expiry of that year the denouncing High Contracting Party is engaged in one of the situations referred to in Article 1. the Party shall continue to be bound by the obligations of this Convention and of the relevant annexed Protocols until the end of the armed conflict or occupation and, in any case, until the termination of operations connected with the final release, repatriation or reestablishment of the person protected by the rules of international law applicable in armed conflict, and in the case of any annexed Protocol containing provisions concerning situations in which peace-keeping, observation or similar functions are performed by United Nations forces or missions in the area concerned, until the termination of those functions.

3. Any denunciation of this Convention shall be considered as also applying to all annexed Protocols by which the denouncing High Contracting Party is bound.

4. Any denunciation shall have effect only in respect of the denouncing High Contracting Party.

5. Any denunciation shall not affect the obligations already incurred, by reason of an armed conflict under this Convention and its annexed Protocols by such denouncing High Contracting Party in respect of any act committed before this denunciation becomes effective.

### **Article 10**

#### **Depositary**

1. The Secretary-General of the United Nations shall be the Depositary of this Convention and of its annexed Protocols.

2. In addition to his usual functions, the Depositary shall inform all States of :

- (a) signatures affixed to this Convention under Article 3;
- (b) deposits of instruments of ratification, acceptance or approval of or accession to this Convention deposited under Article 4;
- (c) notifications of consent to be bound by annexed Protocols under Article 4;
- (d) the dates of entry into force of this Convention and of each of its annexed Protocols under Articles 5; and
- (e) notifications of denunciation received under Article 9, and their effective date.

### **Article 11**

#### **Authentic Texts**

The original of this Convention with the annexed Protocols, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depositary, who shall transmit certified true copies thereof to all States.

## **PROTOCOL ON NON-DETECTABLE FRAGMENTS (PROTOCOL I)**

It is prohibited to use any weapon the primary effect of which is to injure by fragments which in the human body escape detection by X-rays.

## **PROTOCOL ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF MINES, BOOBY-TRAPS AND OTHER DEVICES (PROTOCOL II)**

### **Article 1**

#### **Material Scope of Application**

This Protocol relates to the use on land of the mines, booby-traps and other devices defined herein, including mines laid to interdict

beaches, waterway crossings or river crossings, but does not apply to the use of antiship mines at sea or in inland waterways.

## ***Article 2***

### **Definitions**

For the purpose of this Protocol:

1. "Mine" means any munition placed under, on or near the ground or other surface area and designed to be detonated or exploded by the presence, proximity or contact of a person or vehicle, and "remotely delivered mine" means any mine so defined delivered by artillery, rocket, mortar or similar means or dropped from an aircraft.

2. "Booby-trap" means any device or material which is designed, constructed or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act.

3. "Other devices" means manually-emplaced munitions and devices designed to kill, injure or damage and which are actuated by remote control or automatically after a lapse of time,

4. "Military objective" means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage.

5. "Civilian objects" are all objects which are not military objectives as defined in paragraph 4.

6. "Recording" means a physical, administrative and technical operation designed to obtain, for the purpose of registration in the official records, all available information facilitating the location of minefields, mines and booby-traps.

## ***Article 3***

### **General Restrictions on the use of Mines Booby-traps and Other Devices**

1. This Article applies to:

- (a) mines;
- (b) booby-traps; and
- (c) other devices.

2. It is prohibited in all circumstances to direct weapons to which this Article applies, either in offence, defence or by way of reprisals, against the civilian population as such or against individual civilians.

3. The indiscriminate use of weapons to which this Article applies is prohibited. Indiscriminate use is any placement of such weapons:

- (a) which is not on, or directed at, a military objective; or
- (b) which employs a method or means of delivery which cannot be directed at a specific military objective; or
- (c) which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

4. All feasible precautions shall be taken to protect civilians from the effects of weapons to which this Article applies. Feasible precautions are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations.

#### **Article 4**

### **Restrictions on the Use of Mines Other than Remotely Delivered Mines, Booby-Traps and Other Devices in Populated Areas**

1. This Article applies to:

- (a) mines other than remotely delivered mines;
- (b) booby-traps; and
- (c) other devices.

2. It is prohibited to use weapons to which this Article applies in any city, town, village or other area containing a similar concentration of civilians in which combat between ground forces is not taking place or does not appear to be imminent, unless either

- (a) they are placed on or in the close vicinity of a military objective belonging to or under the control of an adverse party; or
- (b) measures are taken to protect civilians from their effects, for example, the posting of warning signs, the posting of sentries, the issue of warnings or the provision of fences.

#### **Article 5**

### **Restrictions on the Use of Remotely Delivered Mines**

1. The use of remotely delivered mines is prohibited unless such mines are only used within an area which is itself a military objective or which contains military objectives, and unless:

- 
- (a) their location can be accurately recorded in accordance with Article 7(1)(a); or
  - (b) an effective neutralising mechanism is used on each such mine, that is to say, a self-actuating mechanism which is designed to render a mine harmless or cause it to destroy itself when it is anticipated that the mine will no longer serve the military purpose for which it was placed in position, or a remotely-controlled mechanism which is designed to render harmless or destroy a mine when the mine no longer serves the military purpose for which it was placed in position.

2. Effective advance warning shall be given of any delivery or dropping of remotely delivered mines which may affect the civilian population, unless circumstances do not permit.

### ***Article 6***

#### **Prohibition on the Use of Certain Booby-Traps**

1. Without prejudice to the rules of international law applicable in armed conflict relating to treachery and perfidy, it is prohibited in all circumstances to use:

- (a) any booby-trap in the form of an apparently harmless portable object which is specifically designed and constructed to contain explosive material and to detonate when it is disturbed or approached; or
- (b) booby-traps which are in any way attached to or associated with:
  - (i) internationally recognised protective emblems, signs or signals;
  - (ii) sick, wounded or dead persons;
  - (iii) burial or cremation sites or graves
  - (iv) medical facilities, medical equipment, medical supplies or medical transportation;
  - (v) children's toys or other portable objects or products specially designed for the feeding, health, hygiene, clothing or education of children;
  - (vi) food or drink;
  - (vii) kitchen utensils or appliances except in military establishments, military locations or military supply depots;

- (viii) objects clearly of a religious nature;
- (ix) historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;
- (x) animals or their carcasses.

2. It is prohibited in all circumstances to use any booby-trap which is designed to cause superfluous injury or unnecessary suffering.

### **Article 7**

#### **Recording and Publication of the Location of Minefields, Mines and Booby-traps**

1. The parties to a conflict shall record the location of:
  - (a) all pre-planned minefields laid by them; and
  - (b) all areas in which they have made large-scale and pre-planned use of booby-traps.
2. The parties shall endeavour to ensure the recording of the location of all other minefields, mines and booby-traps which they have laid or placed in position.
3. All such records shall be retained by the parties who shall:
  - (a) immediately after the cessation of active hostilities:
    - (i) take all necessary and appropriate measures, including the use of such records, to protect (civilians from the effects of minefields, mines and booby-traps; and either
    - (ii) in cases where the forces of neither party are in the territory of the adverse party, make available to each other and to the Secretary-General of the United Nations all information in their possession concerning the location of minefields, mines and booby-traps in the territory of the adverse party; or
    - (iii) once complete withdrawal of the forces of the parties from the territory of the adverse party has taken place, make available to the adverse party and to the Secretary-General of the United Nations all information in their possession concerning the location of minefields, mines and booby-traps in the territory of the adverse party;
  - (b) when a United Nations force or mission performs functions in any area, make available to the authority mentioned in Article 8 such information as is required by that Article;

- (c) whenever possible, by mutual agreement, provide for the release of information concerning the location of minefields, mines and booby-traps, particularly in agreements governing the cessation of hostilities.

### ***Article 8***

#### **Protection of United Nations Forces and Missions from the effects of Minefields, Mines and Booby-traps**

1. When a United Nations force or mission performs functions of peace-keeping, observation or similar functions in any area, each party to the conflict shall, if requested by the head of the United Nations force or mission in that area, as far as it is able:

- (a) remove or render harmless all mines or booby-traps in that area;
- (b) take such measures as may be necessary to protect the force or mission from the effects of minefields, mines and booby-traps while carrying out its duties; and
- (c) make available to the head of the United Nations force or mission in that area, all information in the party's possession concerning the location of minefields, mines and booby-traps in that area.

2. When a United Nations fact-finding mission performs functions in any area, any party to the conflict concerned shall provide protection to that mission except where, because of the size of such mission, it cannot (adequately provide such protection. In that case it shall make available to the head of the mission the information in its possession concerning the location of minefields, mines and booby-traps in that area.

### ***Article 9***

#### **International Co-operation in the Removal of Minefields, Mines and Booby-traps**

After the cessation of active hostilities, the parties shall endeavour to reach agreement, both among themselves and, where appropriate, with other States and with international organisations, on the provision of information and technical and material assistance—including, in appropriate circumstances, joint operations—necessary to remove or otherwise render ineffective minefields, mines and booby-traps placed in position during the conflict.

**TECHNICAL ANNEX TO THE PROTOCOL ON  
PROHIBITIONS OR RESTRICTIONS ON THE USE OF  
MINES, BOOBY-TRAPS AND OTHER DEVICES  
(PROTOCOL II)**

***Guidelines on Recording***

Whenever an obligation for the recording of the location of minefields, mines and booby-traps arises under the Protocol, the following guidelines shall be taken into account.

1. With regard to pre-planned minefields and large-scale and pre-planned use of booby-traps

- (a) maps, diagrams or other records should be made in such a way as to indicate the extent of the minefield or booby-trapped area; and
- (b) the location of the minefield or booby-trapped, area should be specified by relation to the co-ordinates of a single reference point and by the estimated dimensions of the area containing mines and booby-traps in relation to that single reference point.

2. With regard to other minefields, mines and booby-traps laid or placed in position:

In so far as possible, the relevant information specified in paragraph 1 above should be recorded so as to enable the areas containing minefields, mines and booby-traps to be identified.

**PROTOCOL ON PROHIBITIONS OR  
RESTRICTIONS ON THE USE OF INCENDIARY  
WEAPONS (PROTOCOL III)**

***Article 1***

**Definitions**

For the purpose of this Protocol:

1. "Incendiary weapon" means any weapon or munition which is primarily designed to set fire to objects or to cause bum injury to persons through the action of flame, heat, or a combination thereof, produced by a chemical reaction of a substance delivered on the target.

- (a) Incendiary weapons can take the from of for example flame-throwers, fougasses, shells, rockets, grenades, mines, bombs and other containers of incendiary substances.

- (b) Incendiary weapons do not include:
- (i) Munitions which may have incidental incendiary effects such as illuminants, tracers, smoke or signalling systems;
  - (ii) Munitions designed to combine penetration, blast or fragmentation effects with an additional incendiary effect, such as armour piercing projectiles, fragmentation shells, explosive bombs and similar combined-effects munitions in which the incendiary effect is not specifically designed to cause burn injury to persons, but to be used against military objectives, such as armoured vehicles, aircraft and installations or facilities.

2. "Concentration of civilians" means any concentration of civilians, be it permanent or temporary, such as in inhabited parts of cities, or inhabited towns or villages, or as in camps or columns of refugees or evacuees, or groups of nomads.

3. "Military objective" means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage.

4. "Civilian objects" are all objects which are not military objectives as defined in paragraph 3.

5. "Feasible precautions" are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations.

## ***Article 2***

### **Protection of Civilians and Civilian Objects**

1. It is prohibited in all circumstances to make the civilian population as such, individual civilians or civilian objects the object of attack by incendiary weapons.

2. It is prohibited in all circumstances to make any military objective located within a concentration of civilians the object of attack by air-delivered incendiary weapons.

3. It is further prohibited to make any military objective located within a concentration of civilians the object of attack by means of incendiary weapons other than air-delivered incendiary weapons, except when such military objective is clearly separated from the concentration of civilians and all feasible precautions are taken with a view to limiting the incendiary effects to the military objective and to avoiding, and in

any event to minimising, incidental loss of civilian life, injury to civilians and damage to civilian objects.

4. It is prohibited to make forests or other kinds of plant cover the object of attack by incendiary weapons except when such natural elements are used to cover, conceal or camouflage combatants or other military objectives, or are themselves military objectives.

## **RESOLUTION ON SMALL-CALIBRE WEAPON**

***Adopted by the Conference at its 7th Plenary Meeting, 23 September 1979***

The United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons,

Recalling the United Nations General Assembly resolution 32/152 of 19 December 1977,

Aware of the continuous development of small-calibre weapon systems (i.e., arms and projectiles),

Anxious to prevent an unnecessary increase of the injurious effects of such weapon systems,

Recalling the agreement embodied in *The Hague Declaration* of 29 July 1899, to abstain, in international armed conflict, from the use of bullets which expand or flatten easily in the human body,

Convinced that it is desirable to establish accurately the wounding effects of current and new generations of small-calibre weapon systems including the various parameters that affect the energy transfer and the wounding mechanism of such systems,

1. Takes note with appreciation of the intensive research carried out nationally and internationally in the area of wound ballistics, in particular relating to small-calibre weapon systems, as documented during the Conference;

2. Considers that this research and the international discussion on the subject has led to an increased understanding of the wounding effects of small-calibre weapon systems and of the parameters involved;

3. Believes that such research, including testing of small-calibre weapon systems, should be continued with a view to developing standardised assessment methodology relative to ballistic parameters and medical effects of such systems;

4. Invites Governments to carry out further research, jointly or individually, on the wounding effects of small-calibre weapon systems and to communicate, where possible, their findings and conclusions;

5. Welcomes the announcement that an international scientific symposium on wound ballistics will be held in Gothenburg, Sweden, in late 1980 or in 1981, and hopes that the results of the symposium will be made available to the United Nations Disarmament Commission. the Committee on Disarmament and other interested fora;

6. Appeals to all Governments to exercise the utmost care in the development of small-calibre weapon systems, so as to avoid an unnecessary escalation of the injurious effects of such systems.

### LIST OF SIGNATORIES AND PARTIES

- (i) Signatures affixed on the original of the Convention deposited with the Secretary-General of the United Nations.
- (ii) Instruments of ratification, acceptance (A) approval (AA) or accession (a) deposited with the Secretary-General of the United Nations.

<i>State</i>	<i>(i) Signature</i>	<i>(ii) Deposit<sup>1</sup></i>
Afghanistan	10 April 1981	—
Argentina	2 December 1981	—
Australia	8 April 1982	29 September 1983
Austria	10 April 1981	14 March 1983
Belarus (byelorussian SSR)	10 April 1981	23 June 1982
Belgium	10 April 1981	—
Benin	—	27 March 1989(a) <sup>2</sup>
Bulgaria	10 April 1981	15 October 1982
Canada	10 April 1981	—
China	14 September 1981 <sup>3</sup>	7 April 1982
Cuba	10 April 1981	2 March 1987
Cyprus	—	12 December 1988(a) <sup>4</sup>
Czechoslovakia	10 April 1981	31 August 1982
Denmark	10 April 1981	7 July 1982
Ecuador	9 September 1981	4 May 1982
Egypt	10 April 1981	—
Finland	10 April 1981	8 May 1982
France	10 April 1981 <sup>5</sup>	4 March 1988 <sup>6</sup>
Germany <sup>7</sup>	10 April 1981	25 November 1992
Greece	10 April 1981	28 January 1992

<i>State</i>	<i>(i) Signature</i>	<i>(ii) Deposit<sup>1</sup></i>
Guatemala	—	21 July 1983(a)
Hungary	10 April 1981	4 June 1982
Iceland	10 April 1981	—
India	15 May 1981	1 March 1984
Ireland	10 April 1981	—
Italy	10 April 1981 <sup>8</sup>	—
Japan	22 September 1981	9 June 1982 (A)
Lao People's Democratic republic	—	3 January 1983(a)
Liechtenstein	11 February 1982	16 August 1989
Luxembourg	10 April 1981	—
Mexico	10 April 1981	11 February 1982
Mongolia	10 April 1981	8 June 1982
Morocco	10 April 1981	—
Netherlands	10 April 1981	18 June 1987(A) <sup>9</sup>
New Zealand	10 April 1981	—
Nicaragua	20 May 1981	—
Niger	—	10 November 1992(a)
Nigeria	26 January 1982	—
Norway	10 April 1981	7 June 1983
Pakistan	26 January 1982	1 April 1985
Philippines	15 May 1981	—
Poland	10 April 1981	2 June 1983
Portugal	10 April 1981	—
Romania	8 April 1982 <sup>10</sup>	—
Russian Federation <sup>11</sup>	10 April 1981	10 June 1982
Sierra Leone	1 May 1981	—
Slovenia	—	25 June 1992(s)
Spain	10 April 1981	—
Sudan	10 April 1981	—
Sweden	10 April 1981	7 July 1982
Switzerland	18 June 1981	20 August 1982
Togo	15 September 1981	—
Tunisia	—	15 May 1987(a)
Turkey	26 March 1982	—

<i>State</i>	<i>(i) Signature</i>	<i>(ii) Deposit<sup>1</sup></i>
Ukraine (Ukrainian SSR)	10 April 1981	23 June 1982
United kingdom of Great Britain and Northern Ireland	10 April 1981 <sup>12</sup>	—
United States of America	8 April 1982 <sup>13</sup>	—
Vietnam	10 April 1981	—
Yugoslavia	5 May 1981	24 May 1983

A dash (—) after the name of a country indicates that the action has not been taken.

1. States ratifying have given notification of their acceptance of Protocols I, II and III, unless indicated otherwise (see footnotes 2 and 6).
2. Accession included acceptance of Protocols I and III.
3. With the following statement:

"1. The Government of the People's Republic of China has decided to sign the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects adopted at the United Nations Conference held in Geneva on 10 October 1980

"2. The Government of the People's Republic of China deems that the basic spirit of the Convention reflects the reasonable demand and good intention of numerous countries and peoples of the world regarding prohibitions or restrictions on the use of certain conventional weapons which are excessively injurious or have indiscriminate effects. This basic spirit conforms to China's consistent position and serves the interest of opposing aggression and maintaining peace.

"3. However, it should be pointed out that the Convention fails to provide for supervision or verification of any violation of its clauses, thus weakening its binding force. The Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices fails to lay down strict restrictions on the use of such weapons by the aggressor on the territory of his victim and to provide adequately for the right of a State victim of an aggression to defend itself by all necessary means. The Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons does not stipulate restrictions on the use of such weapons against combat personnel. Furthermore, the Chinese texts of the Convention and Protocols are not accurate or satisfactory enough. It is the hope of the Chinese Government that these inadequacies can be remedied in due course."

4. With the following declaration:

"The Provisions of Article 7, paragraph 3 (b) and Article 8 of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps

and Other Devices (Protocol II) will be interpreted in such a way that neither the status of peace-keeping forces or mission of the United Nations in Cyprus will be affected nor will additional rights, be *ipso jure* granted to them."

5. With the following declaration:

"After signing the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, the French Government, as it has already had occasion to state

—through its representative to the United Nations Conference on Prohibitions or Restrictions of the Use of Certain Conventional Weapons in Geneva, during the discussion of the proposal concerning verification arrangement submitted by the delegation of the Federal Republic of Germany and of which the French Government became a sponsor, and at the final meeting on 10 October 1980.

—on 20 November 1980 through the representative of the Netherlands, speaking on behalf of the nine States members of the European Community in the First Committee at the thirty-fifth session of the United Nations General Assembly;

"Regrets that thus far it has not been possible for the States which participated in the negotiation of the Convention to reach agreement on the provisions concerning the verification of facts which might be alleged and which might constitute violations of the undertakings subscribed to.

"It therefore reserves the right to submit, possibly in association with other States, proposals aimed at filling that gap at the first conference to be held pursuant to Article 8 of the Convention and to utilize, as appropriate, procedures that would make it possible to bring before the international community facts and information which, if verified, could constitute violations of the provisions of the Convention and the Protocols annexed thereto." With the following statement:

"The application of this Convention will have no effect on the legal status of the parties to a conflict." With the following reservation:

"France, which is not bound by Additional Protocol I of 10 June 1977 to the Geneva Conventions of 12 August 1949:

"Considers that the fourth paragraph of the preamble to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious, or to Have Indiscriminate Effects, which reproduces the provisions of Article 35, paragraph 3, of Additional Protocol I, applies only to States parties to that Protocol,

"States, with reference to the scope of application defined in Article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, that it will apply the provisions of that Convention

and its three Protocols to all the armed conflicts referred to in Articles 2 and 3 common to the Geneva Conventions of 12 August 1949;

“States that as regards the Geneva Conventions of 12 August 1949, the declaration of acceptance and application provided for in Article 7, paragraph 4 (h), of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons will have no effects other than those provided for in Article 3 common to the Geneva Conventions, in so far as that Article is applicable.”

6. Ratification included acceptance of Protocols 1 and II.
7. The German Democratic Republic ratified the Convention on 20 July 1982. See also note 1 in Introduction.
8. With the following statement:

“On 10 October 1980 in Geneva, the representative of Italy at the United Nations Conference which adopted the texts of the Convention and Protocols on Prohibitions and Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, speaking at the closing meeting of the Conference, emphasised that the latter, in an effort to reach a compromise between what was desirable and what was possible, had probably achieved the maximum results feasible in the circumstances prevailing at that time.

“However, he observed in his statement that one of the objectives which had not been achieved at the Conference, to his Government’s great regret, was the inclusion in the text of the Convention, in accordance with a proposal originated by the Federal Republic of Germany, of an Article on the establishment of a consultative committee of experts competent to verify facts which might be alleged and which might constitute violations of the undertakings subscribed to.

“On the same occasion, the representative of Italy expressed the wish that proposal, which was aimed at strengthening the credibility and effectiveness of the Convention, should be reconsidered at the earliest opportunity within the framework of the mechanisms for the amendment of the Convention expressly provided for in that instrument.

“Subsequently, through the representative of the Netherlands, speaking on behalf of nine States members of the European Community in the First Committee of the United Nations General Assembly on 20 November 1980, when it adopted draft resolution A/C.1/3 1/L 15 (subsequently adopted as General Assembly resolution 35/153), Italy once again expressed regret that the States which had participated in the preparation of the texts of the Convention and its Protocols had been unable to reach agreement on provisions that would ensure respect for the obligations deriving from those texts.

“In the same spirit, Italy—which has just signed the Convention in accordance with the wishes expressed by the General Assembly in its

resolution 35/153—wishes to confirm solemnly that it intends to undertake active efforts to ensure that the problem of the establishment of a mechanism that would make it possible to fill a gap in the Convention and thus ensure that it achieves maximum effectiveness and maximum credibility *vis-a-vis* the international community is taken up again at the earliest opportunity in every competent forum.”

9. With the following declaration:

“1. With regard to Article 2, paragraph 4, of Protocol II It is the understanding of the Government of the Kingdom of the Netherlands that a specific area of land may also be a military objective if, because of its location or other reasons specified in paragraph 4, its total or partial destruction, capture, or neutralisation in the circumstances ruling at the time, offers a definitive military advantage;

“2. With regard to Article 3, paragraph 3, under (c), of Protocol II: It is the understanding of the Government of the Kingdom of the Netherlands that military advantage refers to the advantage anticipated from the attack considered as a whole and not only from isolated or particular parts of the attack;

“3. With regard to Article 8, paragraph 1, of Protocol II: It is the understanding of the Government of the Kingdom of the Netherlands that the words ‘as far as it is able’ mean ‘as far as it is technically able’.

“4 With regard to Article 1, paragraph 3, of protocol III: It is the understanding of the Government of the Kingdom of the Netherlands that a specific area of land may also be a military objective if, because of its location or other reasons specified in paragraph 3, its total or partial destruction capture, or neutralisation in the circumstances ruling at the time offers a definitive military advantage”

10. With the following statement:

The Government of the Socialist Republic of Romania has signed the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. adopted on 10 October 1980 at the United Nations Conference at Geneva.

“Romania considers that the Convention and the three Protocols annexed thereto constitute a positive step within the framework of the efforts which have been made for the gradual development of international humanitarian law applicable during armed conflicts and which aim at providing very broad and reliable protection for the civilian population and the combatants.

“At the same time, Romania would like to emphasise that the provisions of the Convention and its Protocols have a restricted character and do not ensure adequate protection either to the civilian population or to the combatants as the fundamental principles of international humanitarian law require.

"The Romanian Government wishes to state on this occasion also that real and effective protection for each individual and for peoples and assurance of their right to a free and independent life necessarily presuppose the elimination of all acts of aggression and the renunciation once and for all of the use of force and the threat of the use of force, of intervention in the domestic affairs of other States and of the policy of domination and diktat and strict observation of the sovereignty and independence of peoples and their legitimate right to self-determination. "In the present circumstances, when a vast quantity of nuclear weapons has been accumulated in the world, the protection of each individual and of all peoples is closely linked with the struggle for peace and disarmament and with the adoption of authentic measures to halt the arms race and ensure the gradual reduction of nuclear weapons until they are totally eliminated.

"The Romanian Government states once again its decision to act, together with other States, to ensure the prohibition or restriction of all conventional weapons which are excessively injurious or have indiscriminate effects, and the adoption of urgent and effective measures for nuclear disarmament which would protect peoples from the nuclear war which seriously threatens their right to life—a fundamental condition for the protection which international humanitarian law must ensure for the individual, the civilian population and the combatants."

11. See note 2 in Introduction.

12. With the following statement:

"The Government of the United Kingdom of Great Britain and Northern Ireland will give further consideration to certain provisions of the Convention, particularly in relation to the provisions of Protocol additional to the Geneva Conventions of 12 August 1949, and may wish to make formal declarations in relation to these provisions at the time of ratification."

13. With the following statement:

"The United States Government welcomes the adoption of this Convention, and hopes that all States will give the most serious consideration to ratification or accession. We believe that the Convention represents a positive step forward in efforts to minimise injury or damage to the civilian population in time of armed conflict. Our signature of this Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants.

"At the same time, we want to emphasise that formal adherence by States to agreements restricting the use of weapons in armed conflict would be of little purpose if the parties were not firmly committed to taking every appropriate step to ensure compliance with those restrictions after their entry into force. It would be the firm intention of the United

States and, we trust, all other parties to utilise the procedures and remedies provided by this Convention, and by the general laws of war, to see to it that all parties to the Convention meet their obligations under it. The United States strongly supported proposals by other countries during the Conference to include special procedures for dealing with compliance matters, and reserves the right to propose at a later date additional procedures and remedies, should this prove necessary, to deal with such problems.

“In addition, the United States of course reserves the right, at the time of ratification, to exercise the option provided by Article 4(3) of the Convention, and to make statements of understanding and/or reservations, to the extent that it may deem that to be necessary to ensure that the Convention and its Protocols conform to humanitarian and military requirements. As indicated in the negotiating record of the 1980 Conference, the prohibitions and restrictions contained in the Convention and its Protocols are of course new contractual rules (with the exception of certain provisions which restate existing international law) which will only bind States upon their ratification of, or accession to, the Convention and their consent to be bound by the Protocols in question.

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# 194

## **Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects (1980)**

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*Also known as: UN Weaponry Convention, Convention on Specific Conventional Weapons Date of adoption: October 10, 1980 (Opened for signature: April 10, 1981) Place of signature: Geneva Signatory states: Afghanistan, Argentina, Australia, Belgium, Bulgaria, Byelorussia, Canada, People's Republic of China, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Finland, France, German Democratic Republic, Federal Republic of Germany, Greece, Guatemala, Hungary, Iceland, India, Ireland, Italy, Japan, Laos, Liechtenstein, Luxembourg, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Poland, Portugal, Romania, Sierra Leone, Soviet Union, Spain, Sudan, Sweden, Switzerland, Togo, Turkey, United Kingdom, United States, Vietnam. Yugoslavia Date of entry into force: December 2, 1983*

*The High Contracting Parties,*

*Recalling* that every State has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

*Further recalling* the general principle of the protection of the civilian population against the effects of hostilities,

*Basing themselves* on the principle of international law that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, and on the principle that prohibits the

employment in armed conflicts of weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering,

*Also recalling* that it is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.

*Confirming their determination* that in cases not covered by this Convention and its annexed Protocols or by other international agreements, the civilian population and the combatants shall at all times remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience,

*Desiring* to contribute to international detente, the ending of the arms race and the building of confidence among States, and hence to the realisation of the aspiration of all peoples to live in peace, *Recognising* the importance of pursuing every effort which may contribute to progress towards general and complete disarmament under strict and effective international control,

*Reaffirming* the need to continue the codification and progressive development of the rules of international law applicable in armed conflict,

*Wishing* to prohibit or restrict further the use of certain conventional weapons and believing that the positive results achieved in this area may facilitate the main talks on disarmament with a view to putting an end to the production, stockpiling and proliferation of such weapons,

*Emphasising* the desirability that all States become parties to this Convention and its annexed Protocols, especially the militarily significant States.

*Bearing in mind* that the General Assembly of the United Nations and the United Nations Disarmament Commission may decide to examine the question of a possible broadening of the scope of the prohibitions and restrictions contained in this Convention and its annexed Protocols, *Further bearing in mind* that the Committee on Disarmament may decide to consider the question of adopting further measures to prohibit or restrict the use of certain conventional weapons, *Have agreed as follows:*

## **Article 1**

### **Scope of Application**

This Convention and its annexed Protocols shall apply in the situations referred to in Article 2 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, including any

situation described in paragraph 4 of Article 1 of Additional Protocol I to these Conventions.

## ***Article 2***

### **Relations with Other International Agreements**

Nothing in this Convention or its annexed Protocols shall be interpreted as detracting from other obligations imposed upon the High Contracting Parties by international humanitarian law applicable in armed conflict.

## ***Article 3***

### **Signature**

This Convention shall be open for signature by all States at United Nations Headquarters in New York for a period of twelve months from 10 April 1981.

## ***Article 4***

### **Ratification, Acceptance, Approval or Accession**

1. This Convention is subject to ratification, acceptance or approval by the Signatories. Any State which has not signed this Convention may accede to it.

2. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

3. Expressions of consent to be bound by any of the Protocols annexed, to this Convention shall be optional for each State, provided that at the time of the deposit of its instrument of ratification, acceptance or approval of this Convention or of accession thereto, that State shall notify the Depositary of its consent to be bound by any two or more of these Protocols.

4. At any time after the deposit of its instrument of ratification, acceptance or approval of this Convention or of accession thereto, a State may notify the Depositary of its consent to be bound by any annexed Protocol by which it is not already bound.

5. Any Protocol by which a High Contracting Party is bound shall for that Party form an integral part of this Convention.

## ***Article 5***

### **Entry into Force**

1. This Convention shall enter into force six months after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession.

2. For any State which deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the twentieth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force six months after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

3. Each of the Protocols annexed to this Convention shall enter into force six months after the date by which twenty States have notified their consent to be bound by it in accordance with paragraph 3 or 4 of Article 4 of this Convention.

4. For any State which notifies its consent to be bound by a Protocol, annexed to this Convention after the date by which twenty States have notified their consent to be bound by it, the Protocol shall enter into force six months after the date on which that State has notified its consent so to be bound.

### ***Article 6***

#### **Dissemination**

The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate this Convention and those of its annexed Protocols by which they are bound as widely as possible in their respective countries and, in particular, to include the study thereof in their programmes of military instruction, so that those instruments may become known to their armed forces.

### ***Article 7***

#### **Treaty Relations upon Entry into Force of this Convention**

1. When one of the parties to a conflict is not bound by an annexed Protocol, the parties bound by this Convention and that annexed Protocol shall remain bound by them in their mutual relations.

2. Any High Contracting Party shall be bound by this Convention and any Protocol annexed thereto which is in force for it, in any situation contemplated by Article 1, in relation to any State which is not a party to this Convention or bound by the relevant annexed Protocol, if the latter accepts and applies this Convention or the relevant Protocol, and so notifies the Depositary.

3. The Depositary shall immediately inform the High Contracting Parties concerned of any notification received under paragraph 2 of this Article.

4. This conviction, and the annexed Protocols by which a High Contracting Party is bound, shall apply with respect to an armed

conflict against that High Contracting Party of the type referred to in Article 1, paragraph 4, of Additional Protocol 1 to the Geneva Conventions of 12 August 1949 for the Protection of War Victims:

- (a) where the High Contracting Party is also a party to Additional Protocol I and an authority referred to in Article 96, paragraph 3, of that Protocol has undertaken to apply the Geneva Conventions and Additional Protocol I in accordance with Article 96, paragraph 3. of the said Protocol, and undertakes to apply this Convention and the relevant annexed Protocols in relation to that conflict; or
- (b) where the High Contracting Party is not a party to Additional Protocol I and an authority of the type referred to in subparagraph (a) above accepts and applies the obligations of the Geneva Conventions and of this Convention and the relevant annexed Protocols in relation to that conflict. Such an acceptance and application shall have in relation to that conflict the following effects:
  - (i) the Geneva Conventions and this Convention and its relevant annexed Protocols are brought into force for the parties to the conflict with immediate effect;
  - (ii) the said authority assumes the same rights and obligations as those which have been assumed by a High Contracting Party to the Geneva Conventions, this Convention and its relevant annexed Protocols; and
  - (iii) the Geneva Conventions, this Convention and its relevant annexed Protocols are equally binding upon all parties to the conflict.

The High Contracting Party and the authority may also agree to accept and apply the obligations of Additional Protocol I to the Geneva Conventions on a reciprocal basis.

## ***Article 8***

### **Review and Amendments**

(a) At any time after the entry into force of this Convention any High Contracting Party may propose amendments to this Convention or any annexed Protocol by which it is bound. Any proposal for an amendment shall be communicated to the Depositary, who shall notify it to all the High Contracting Parties and shall seek their views on whether a conference should be convened to consider the proposal. If a majority, that shall not be less than eighteen of the High Contracting Parties so agree he shall promptly convene a conference to which all

High Contracting Parties shall be invited. States not parties to this Convention shall be invited to the conference as observers.

### **Article 9**

#### **Denunciation**

1. Any High Contracting Party may denounce this Convention or any of its annexed Protocols by so notifying the Depositary.

2. Any such denunciation shall only take effect one year after receipt by the Depositary of the notification of denunciation. If, however, on the expiry of that year the denouncing High Contracting Party is engaged in one of the situations referred to in Article 1, the Party shall continue to be bound by the obligations of this Convention and of the relevant annexed Protocols until the end of the armed conflict or occupation and, in any case, until the termination of operations connected with the final release, repatriation or re-establishment of the person protected by the rules of international law applicable in armed conflict, and in the case of any annexed Protocol containing provisions concerning situations in which peace-keeping, observation or similar functions are performed by United Nations forces or missions in the area concerned, until the termination of those functions.

3. Any denunciation of this Convention shall be considered as also applying to all annexed Protocols by which the denouncing High Contracting Party is bound.

4. Any denunciation shall have effect only in respect of the denouncing High Contracting Party.

5. Any denunciation shall not effect the obligations already incurred, by reason of an armed conflict, under this Convention and its annexed Protocols by such denouncing High Contracting Party in respect of any act committed before this denunciation becomes effective.

### **Article 10**

#### **Depositary**

1. The Secretary-General of the United Nations shall be the Depositary of this Convention and of its annexed Protocols.

2. In addition to his usual functions, the Depositary shall inform all States of:

- (a) signatures affixed to this Convention under Article 3;
- (b) deposits of instruments of ratification, acceptance or approval of or accession to this Convention deposited under Article 4;

- (c) notifications of consent to be bound by annexed Protocols under Article 4;
- (d) the dates of entry into force of this Convention and of each of its annexed Protocols under Article 5; and
- (e) notifications of denunciation received under Article 9, and their effective date.

### ***Article 11***

#### **Authentic Texts**

The original of this Convention with the annexed Protocols, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depositary, who shall transmit certified true copies thereof to all States.

## ***APPENDIX B***

### **PROTOCOL ON NON-DETECTABLE FRAGMENTS (PROTOCOL I)**

It is prohibited to use any weapon the primary effect of which is to injure by fragments which in the human body escape detection by X-rays.

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## Convention on the Physical Protection of Nuclear Material (1979)

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**DATE OF ADOPTION:** October 10, 1979

**OPENED FOR SIGNATURE:** March 3, 1980

**PLACE OF SIGNATURE:** Vienna and New York

**SIGNATORY STATES:** Austria, Belgium, Brazil, Bulgaria, Canada, Czechoslovakia, Denmark, Dominican Republic, European Atomic Energy Community, Finland, France, German Democratic Republic, Federal Republic of Germany, Greece, Guatemala, Haiti, Hungary, Ireland, Italy, Republic of Korea, Luxembourg, Morocco, Netherlands, Paraguay, Philippines, Poland, Romania, South Africa, Soviet Union, Sweden, United Kingdom, United States, Yugoslavia

The States Parties to this Convention, *Recognising* the right of all States to develop and apply nuclear energy for peaceful purposes and their legitimate interests in the potential benefits to be derived from the peaceful application of nuclear energy,

*Convinced* of the need for facilitating international cooperation in the peaceful application of nuclear energy,

*Desiring* to avert the potential dangers posed by the unlawful taking and use of nuclear material, *Convinced* that offenses relating to nuclear material are a matter of grave concern and that there is a urgent need to adopt appropriate and effective measures to ensure the prevention, detection and punishment of such offenses,

*Aware of the Need* for international cooperation to establish, in conformity with the national law of each State Party and with this Convention, effective measures for the physical protection of nuclear material, *Convinced* that this Convention should facilitate the safe transfer of nuclear material, *Stressing* also the importance of the

physical protection of nuclear material in domestic use, storage and transport,

*Recognising* the importance of effective physical protection of nuclear material used for military purposes, and understanding that such material is and will continue to be accorded stringent physical protection. Have Agreed as follows:

### ***Article 1***

For the purposes of this Convention:

- (a) "nuclear material" means plutonium except that with isotopic concentration exceeding 80% in plutonium 233, uranium 233; uranium enriched in the isotopes 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore-residue; any material containing one or more of the foregoing;
- (b) "uranium enriched in the 235 or 233" means, uranium containing the isotopes, 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature;
- (c) "international nuclear transport" means the carriage of a consignment of nuclear material by any means of transportation intended to go beyond the territory of the State where the shipment originates beginning with the departure from a facility of the shipper in that State and ending with the arrival at a facility of the receiver within the State of ultimate destination.

### ***Article 2***

1. The Convention shall apply to nuclear material used for peaceful purposes while in international nuclear transport.

2. With the exception of articles 3 and 4 and paragraph 3 of article 5, this Convention shall also apply to nuclear material used for peaceful purposes while in domestic use, storage and transport.

3. Apart from the commitments expressly undertaken by States Parties in the articles covered by paragraph 2 with respect to nuclear material used for peaceful purposes while in domestic use, storage and transport, nothing in this Convention shall be interpreted as affecting the sovereign rights of a State regarding the domestic use, storage and transport of such nuclear material.

### **Article 3**

Each State Party shall take appropriate steps within the framework of its national law and consistent with international law to ensure as far as practicable that, during international nuclear transport, nuclear material within its territory, or on board a ship or aircraft under its jurisdiction insofar as such ship or aircraft is engaged in the transport to or from that State, is protected at the levels described in Annex I.

### **Article 4**

1. Each State Party shall not export or authorise the export of nuclear material unless the State Party has received assurances that such material will be protected during the international nuclear transport at the levels described in Annex I.

2. Each State Party shall not import or authorise the import of nuclear material from a State not party to this Convention unless the State Party has received assurances that such material will during the International nuclear transport be protected at the levels described in Annex 1.

3. A State Party shall not allow the transit of its territory by land or internal waterways or through its airports or seaports of nuclear material between States that are not parties to this Convention unless the State Party has received assurances as far as practicable that this nuclear material will be protected during international nuclear transport at the levels described in Annex I.

4. Each State Party shall apply within the framework of its national law the levels of physical protection described in Annex I to nuclear material being transported from a part of that State to another part of the same State through international waters or airspace:

5. The State Party responsible for receiving assurances that the nuclear material will be protected at the levels described in Annex I according to paragraphs 1 to 3 shall identify and inform in advance States which the nuclear material is expected to transit by land or internal waterways, or whose airports or seaports it is expected to enter.

6. The responsibility for obtaining assurances referred to in paragraph 1 may be transferred, by mutual agreement, to the State Party involved in the transport as the importing State.

7. Nothing in this article shall be interpreted as in any way affecting the territorial sovereignty and jurisdiction of a State, including that over its airspace and territorial sea.

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**Article 5**

1. States Parties shall identify and make known to each other directly or through the International Atomic Energy Agency their central authority and point of contact having responsibility for physical protection of nuclear material and for coordinating recovery and response operations in the event of any unauthorised removal, use or alteration of nuclear material or in the event of credible threat thereof.

2. In the case of theft, robbery or any other unlawful taking of nuclear material or of credible threat thereof, States-Parties shall, in accordance with their national law, provide cooperation and assistance to the maximum feasible extent in the recovery and protection of such material to any State that so requests. In particular:

- (a) a State Party shall take appropriate steps to inform as soon as possible other States, which appear to it to be concerned, of any theft, robbery or other unlawful taking of nuclear material or credible threat thereof and to inform where appropriate, international organisations;
- (b) as appropriate, the States Parties concerned shall exchange information with each other or international organisations with a view to protecting threatened nuclear material, verifying the integrity of the shipping container, or recovering unlawfully taken nuclear material and shall
  - (i) coordinate their efforts through diplomatic and other agreed channels
  - (ii) render assistance, if requested, and
  - (iii) ensure the return of nuclear material stolen or missing as a consequence of the above-mentioned events.

The means of implementation of this cooperation shall be determined by the States Parties concerned. 3. States Parties shall cooperate and consult as appropriate, with each other directly or through international organisations, with a view to obtaining guidance on the design, maintenance and improvement of systems of physical protection of nuclear material in international transport.

**Article 6**

1. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information, which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States

Parties provide information to international organisations in confidence, steps shall be taken to ensure that the confidentiality of such information is protected.

2. States Parties shall not be required by this Convention to provide any information which they are not permitted to communicate pursuant to national law or which would jeopardise the security of the State concerned or the physical protection of nuclear material.

### ***Article 7***

1. The intentional commission of:

- (a) an act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material and which causes or is likely to cause death or serious injury to any person or substantial damage to property;
- (b) a theft or robbery of nuclear material;
- (c) an embezzlement or fraudulent obtaining of nuclear material;
- (d) an act constituting a demand for nuclear material by threat or use of force or by any other form of intimidation;
- (e) a threat:
  - (i) to use nuclear material to cause death or serious injury to any person or substantial property damage, or
  - (ii) to commit an offense described in subparagraph (b) in order to compel a natural or legal person, international organisation or State to do or to refrain from doing any act;
- (f) an attempt to commit any offense described in paragraphs (a), (b) or (c); and
- (g) an act which constitutes participation in any offense described in paragraphs (a) to shall be made a punishable offense by each State Party under its national law.

2. Each State Party shall make the offenses described in this article punishable by appropriate penalties which take into account their grave nature.

### ***Article 8***

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offenses set forth in article 7 in the following cases:

- (a) when the offense is committed in the territory of that State or on board a ship or aircraft registered in that State:
- (b) when the alleged offender is a national of that State.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over these offenses in cases where the alleged offender is present in its territory and it does not extradite him pursuant to article 11 to any of the States mentioned in paragraph 1.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

4. In addition to the State Parties mentioned in paragraphs 1 and 2, each State Party may, consistent with international law, establish its jurisdiction over the offenses set forth in article 7 when it is involved in international nuclear transport as the exporting or importing State.

### ***Article 9***

Upon being satisfied that the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take appropriate measures, including detention, under its national law to ensure his presence for the purpose of prosecution or extradition. Measures taken according to this article shall be notified without delay to the States required to establish jurisdiction pursuant to article 8 and, where appropriate, all other States concerned.

### ***Article 10***

The State Party in whose territory the alleged offender is present shall if it does not extradite him, submit, without exception whatsoever and without undue delay the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State.

### ***Article 11***

1. The offenses in article 7 shall be deemed to be included as extraditable offenses in any extradition treaty existing between States Parties. States Parties undertake to include those offenses as extraditable offenses in every future extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in

respect of those offenses. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognise those offenses as extraditable offenses between themselves subject to the conditions provided by the law of the requested State.

4. Each of the offenses shall be treated, for the purpose of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States Parties required to establish their jurisdiction in accordance with paragraph 1 of article 8.

### ***Article 12***

Any person regarding whom proceedings are being carried out in connection with any of the offenses set forth in article 7 shall be guaranteed fair treatment at all stages of the proceedings.

### ***Article 13***

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offenses set forth in article 7, including the supply of evidence at their disposal necessary for the proceedings. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

### ***Article 14***

1. Each State Party shall inform the depositary of its laws and regulations which give effect to this Convention. The depositary shall communicate such information periodically to all States Parties.

2. The State Party where an alleged offender is prosecuted shall, wherever practicable, first communicate the final outcome of the proceedings to the States directly concerned. The State Party shall also communicate the final outcome to the depositary who shall inform all States.

3. Where an offense involves nuclear material used for peaceful purposes in domestic use, storage or transport, and both the alleged offender and the nuclear material remain in the territory of the State Party in which the offense was committed, nothing in this Convention shall be interpreted as requiring that State Party to provide information concerning criminal proceedings arising out of such an offense.

**Article 15**

The Annexes constitute an integral part of this Convention.

**Article 16**

1. A conference of States Parties shall be convened by the depositary five years after the entry into force of this Convention to review the implementation of the Convention and its adequacy as concerns the preamble, the whole of the operative part and the annexes in the light of the then prevailing-situation.

2. At intervals of not less than five years thereafter, the majority of States Parties may obtain, by submitting a proposal to this effect to the depositary, the convening of further conferences with the same objective.

**Article 17**

1. In the event of a dispute between two or more States Parties concerning the interpretation or application of this Convention, such States Parties shall consult with a view to the settlement of the dispute, by negotiation, or by any other peaceful means of settling disputes acceptable to all parties to the dispute.

2. Any dispute of this character which cannot be settled in the manner prescribed in paragraph 1 shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties to the dispute are unable to agree on the organisation of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the United Nations to appoint one or more arbitrators. In case of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.

3. Each State Party may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in paragraph 2. The other States Parties shall not be bound by a dispute settlement procedure provided for in paragraph 2, with respect to a State Party which has made a reservation to that procedure.

4. Any State Party which has made a reservation in accordance with paragraph 3 may at any time withdraw that reservation by notification to the depositary.

### **Article 18**

1. This Convention shall be open for signature by all States at the Headquarters of the International Atomic Energy Agency in Vienna and at the Head-quarters of the United Nations in New York from 3 March 1980 until its entry into force.

2. This Convention is subject to ratification, acceptance or approval by the signatory States.

3. After its entry into force, this Convention will be open for accession by all States.

4. (a) This Convention shall be open for signature or accession by international organisations and regional organisations of an integration or other nature, provided that any such organisation is constituted by sovereign States and has competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

(b) In matters within their competence, such organisations shall, on their own behalf, exercise the rights and fulfill the responsibilities which this Convention attributes to States Parties.

(c) When becoming party to this Convention such an organisation shall communicate to the depositary a declaration indicating which States are members thereof and which articles of this Convention do not apply to it.

(d) Such an organisation shall not hold any vote additional to those of its Member States.

5. Instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

### **Article 19**

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the twenty first instrument of ratification, acceptance or approval with the depositary.

2. For each State ratifying, accepting, approving or acceding to the Convention after the date of deposit of the twenty-first instrument of ratification, acceptance or approval, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

### **Article 20**

1. Without prejudice to article 16 a State Party may propose amendments to this Convention. The proposed amendment shall be

submitted to the depositary who shall circulate it immediately to all States Parties. If a majority of States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin not sooner than thirty days after the invitations are issued. Any amendment adopted at the conference by a two-thirds majority of all States Parties shall be promptly circulated by the depositary to all States Parties.

2. The amendment shall enter into force for each State Party that deposits its instrument of ratification, acceptance or approval of the amendment on the thirtieth day after the date on which two-thirds of the States Parties have deposited their instruments of ratification, acceptance or approval with the depositary. Thereafter, the amendment shall enter into force for any other State Party on the day on which that State Party deposits its instrument of ratification, acceptance or approval of the amendment.

### **Article 21**

1. Any State Party may denounce this Convention by written notification to the depositary.

2. Denunciation shall take effect one hundred and eighty days following the date on which notification is received by the depositary.

### **Article 22**

The depositary shall promptly notify all States of:

- (a) each signature of this Convention;
- (b) each deposit of an instrument of ratification, acceptance, approval or accession;
- (c) any reservation or withdrawal in accordance with article 17;
- (d) any communication made by an organisation in accordance with paragraph 4(c) of article 18;
- (e) the entry into force of this Convention;
- (f) the entry into force of any amendment to this Convention; and
- (g) any denunciation made under article 21.

### **Article 23**

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Director General of the International Atomic Energy Agency who shall send certified copies thereof to all States.

## **ANNEX I**

### **LEVELS OF PHYSICAL PROTECTION TO BE APPLIED IN INTERNATIONAL TRANSPORT OF NUCLEAR MATERIAL AS CATEGORISED IN ANNEX II**

1. Levels of physical protection for nuclear material during storage incidental to international nuclear transport include:

- (a) For Category III materials, storage within an area to which access is controlled;
- (b) For Category II materials, storage within an area under constant surveillance by guards or electronic devices, surrounded by a physical barrier with a limited number of points of entry under appropriate control or any area with an equivalent level of physical protection;
- (c) For Category I material, storage within a protected area as defined for Category II above, to which, in addition, access is restricted to persons whose trustworthiness has been determined, and which is under surveillance by guards who are in close communication with appropriate response forces. Specific measures taken in this context should have as their object the detection and prevention of any assault, unauthorised access or unauthorised removal of material.

2. Levels of physical protection for nuclear material during international transport include:

- (a) For Category II and III materials, transportation shall take place under special precautions including prior arrangements among sender, receiver, and carrier, and prior agreement between natural or legal persons subject to the jurisdiction and regulation of exporting and importing States, specifying time, place and procedures for transferring transport responsibility;
- (b) For Category 1 materials, transportation shall take place under special precautions identified above for transportation of Category II and III materials, and in addition, under constant surveillance by escorts and under conditions which assure close communication with appropriate response forces;
- (c) For natural uranium other than in the form of ore or ore-residue, transportation protection for quantities exceeding 500 kilograms shall include advance notification of shipment specifying mode of transport, expected time of arrival and confirmation of receipt of shipment.

## ANNEX II: CATEGORISATION OF NUCLEAR MATERIAL

Material	Form	Category		
		I	II	III
1. Plutonium <sup>1</sup>	Unirradiated <sup>2</sup>	2 kg or more	Less than 2 kg but more than 500 g	500 g or less but more than 15g.
2. Uranium-235	Unirradiated <sup>2</sup> :			
	—uranium enriched to 20% U <sup>235</sup> or more	5 kg or more	Less than 5 kg but more than 1 kg.	1 kg or less but more than 15g.
	—uranium enriched to 10% U <sup>235</sup> but less than 20%	10kg or more	Less than 10 kg but	more than 1 kg.
	—uranium enriched above natural, but less than 10% U <sup>235</sup>			
3. Uranium-233	Unirradiated <sup>2</sup>	2 kg or more	Less than 2 kg but more than 500 g	500 g or less but more than 15 g
4. Irradiated fuel			Depleted or natural uranium, thorium or low-enriched fuel (less than 10% fissile content). <sup>4,5</sup>	

1. All plutonium except that with isotopic concentration exceeding 80% in plutonium-238.
2. Material not irradiated in a reactor or material irradiated in a reactor but with a radiation level equal to or less than 100 rads/hour at one metre unshielded.
3. Quantities not falling in Category III and natural uranium should be protected in accordance with prudent management practice.
4. Although this level of protection is recommended, it would be open to States, upon evaluation of the specific circumstances, to assign a different category of physical protection.
5. Other fuel which by virtue of its original fissile material content is classified as Category I and II before irradiation may be reduced one category level while the radiation level from the fuel exceeds 100 rads/hour at one metre unshielded.

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# 196

## Convention on the Prohibition of Military or any other Hostile use of Environmental Modification Techniques

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**OPENED FOR SIGNATURE AT GENEVA:** 18 May 1977

**ENTERED INTO FORCE:** Not Yet in Force

**THE DEPOSITARY:** Secretary-General of the United Nations

*The States Parties to this Convention,*

*Guided by* the interest of consolidating peace, and wishing to contribute to the cause of halting the arms race, and of bringing about general and complete disarmament under strict and effective international control, and of saving mankind from the danger of using new means of warfare,

*Determined* to continue negotiations with a view to achieving effective progress towards further measures in the field of disarmament,

*Recognising that* scientific and technical advances may open new possibilities with respect to modification of the environment,

*Recalling the* Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972,

*Realising that* the use of environmental modification techniques for peaceful purposes could improve the interrelationship of man and nature and contribute to the preservation and improvement of the environment for the benefit of present and future generations)

*Recognising, however,* that military or any other hostile use of such techniques could have effects extremely harmful to human welfare,

*Desiring* to prohibit effectively military or any other hostile use of environmental modification techniques in order to eliminate the dangers to mankind from such use, and affirming their willingness to work towards the achievement of this objective,

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*Desiring* also to contribute to the strengthening of trust among nations and to the further improvement of the international situation in accordance with the purposes and principles of the Charter of the United Nations,

Have agreed as follows:

### ***Article I***

1. Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party.

2. Each State Party to this Convention undertakes not to assist, encourage or induce any State, group of States or international organisation to engage in activities contrary to the provisions of paragraph 1 of this Article.

### ***Article II***

As used in Article I, the term “environmental modification techniques” refers to any technique for changing—through the deliberate manipulation of natural processes—the dynamics, composition or structure of the earth, including its biota, lithosphere, hydrosphere and atmosphere, or of outer space.

### ***Article III***

1. The provisions of this Convention shall not hinder the use of environmental modification techniques for peaceful purposes and shall be without prejudice to the generally recognised principles and applicable rules of international law concerning such use.

2. The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of scientific and technological information on the use of environmental modification techniques for peaceful purposes. States Parties in a position to do so shall contribute, alone or together with other States or international organisations, to international economic and scientific co-operation in the preservation, improvement and peaceful utilisation of the environment, with due consideration for the needs of the developing areas of the world.

### ***Article IV***

Each State Party to this Convention undertakes to take any measures it considers necessary in accordance with its constitutional processes to prohibit and prevent any activity in violation of the provisions of the Convention anywhere under its jurisdiction or control.

## **Article V**

1. The States Parties to this Convention undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of, or in the application of the provisions of, the Convention. Consultation and co-operation pursuant to this Article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organisations, as well as of a Consultative Committee of Experts as provided for in paragraph 2 of this Article.

2. For the purposes set forth in paragraph 1 of this Article, the Depositary shall, within one month of the receipt of a request from any State Party to this Convention, convene a Consultative Committee of Experts. Any State Party may appoint an expert to the Committee whose functions and rules of procedure are set out in the annex, which constitutes an integral part of this Convention. The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all States Parties.

3. Any State Party to this Convention which has reason to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.

4. Each State Party to this Convention undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties of the results of the investigation.

5. Each State Party to this Convention undertakes to provide or support assistance, in accordance with the provisions of the Charter of the United Nations, to any State Party which so requests, if the Security Council decides that such Party has been harmed or is likely to be harmed as a result of violation of the Convention.

## **Article VI**

1. Any State Party to this Convention may propose amendments to the Convention. The text of any proposed amendment shall be

submitted to the Depository, who shall promptly circulate it to all States Parties.

2. An amendment shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depository of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

### ***Article VII***

This Convention shall be of unlimited duration.

### ***Article VIII***

1. Five years after the entry into force of this Convention, a conference of the States Parties to the Convention shall be convened by the Depository at Geneva, Switzerland. The conference shall review the operation of the Convention with a view to ensuring that its purposes and provisions are being realised, and shall in particular examine the effectiveness of the provisions of paragraph 1 of Article I in eliminating the dangers of military or any other hostile use of environmental modification techniques.

2. At intervals of not less than five years thereafter, a majority of the States Parties to this Convention may obtain, by submitting a proposal to this effect to the Depository, the convening of a conference with the same objectives.

3. If no conference has been convened pursuant to paragraph 2 of this Article within ten years following the conclusion of a previous conference, the Depository shall solicit the views of all States Parties to this Convention, concerning the convening of such a conference. If one third or ten of the States Parties, whichever number is less, respond affirmatively, the Depository shall take immediate steps to convene the conference.

### ***Article IX***

1. This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time,

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force upon the deposit of instruments of ratification by twenty Governments in accordance with paragraph 2 of this Article.

4. For those States whose instruments of ratification or accession are deposited after the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention and of any amendments thereto, as well as of the receipt of other notices.

6. This Convention shall be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations.

### ***Article X***

This Convention, of which the English, Arabic, Chinese, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Governments of the signatory and acceding States.

In Witness whereof, the undersigned, being duly authorised thereto by their respective Governments, have signed this Convention, opened for signature at Geneva on the eighteenth day of May, one thousand nine hundred and seventy-seven.

## **ANNEX TO THE CONVENTION**

### **Consultative Committee of Experts**

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to paragraph 1 of Article V of this Convention by the State Party requesting the convening of the Committee

2. The work of the Consultative Committee of Experts shall be organised in such a way as to permit it to perform the functions set forth in paragraph 1 of this annex. The Committee shall decide procedural questions relative to the organisation of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.

3. The Depositary or his representative shall serve as the Chairman of the Committee.

4. Each expert may be assisted at meetings by one or more advisers.

5. Each expert shall have the right, through the Chairman, to request from States, and from international organisations, such

information and assistance as the expert considers desirable for the accomplishment of the Committee's work.

### LIST OF SIGNATORIES AND PARTIES

- (i) Signatures affixed on the original of the Treaty deposited with the Secretary-General of the United Nations.
- (ii) Instruments of ratification deposited with the Secretary-General of the United Nations.

<i>State</i>	<i>(i) Signature</i>	<i>(ii) Deposit</i>
Belgium	18 May 1977	—
Benin	10 June 1977	—
Bolivia	18 May 1977	—
Brazil	9 November 1977	—
Bulgaria	18 May 1977	—
Byelorussian SSR	18 May 1977	—
Canada	18 May 1977	—
Cuba	23 September 1977	—
Cyprus	7 October 1977	—
Czechoslovakia	18 May 1977	—
Denmark	18 May 1977	—
Ethiopia	18 May 1977	—
Finland	18 May 1977	—
German Democratic Republic	18 May 1977	—
Germany, Federal Republic of	18 May 1977	—
Ghana	21 March 1978	—
Holy See	27 May 1977	—
Hungary	18 May 1977	—
Iceland	18 May 1977	—
India	15 December 1977	—
Iran	18 May 1977	—
Iraq	15 August 1977	—
Ireland	18 May 1977	—
Italy	18 May 1977	—
Lebanon	18 May 1977	—
Liberia	18 May 1977	—
Luxembourg	18 May 1977	—
Mongolia	18 May 1977	—

Morocco	18 May 1977	—
Netherlands	18 May 1977	—
Nicaragua	11 August 1977	—
Norway	18 May 1977	—
Poland	18 May 1977	—
Portugal	18 May 1977	—
Romania	18 May 1977	—
Spain	18 May 1977	—
Sri Lanka	8 June 1977	—
Syrian Arab Republic	4 August 1977	—
Turkey	18 May 1977	—
Uganda	18 May 1977	—
Ukrainian SSR	18 May 1977	—
Union of Soviet Socialist Republics	18 May 1977	—
United Kingdom of Great Britain and Northern Ireland	18 May 1977	—
United States of America	18 May 1977	—
Yemen, Arab Republic of	18 May 1977	20 July 1977
Zaire	28 February 1978	—

— The action has not been taken.

1. With the following statement:

"With the provision that the correct designation of the Federal Republic of Germany in the Russian language is 'Federativnuju Respubliku Germaniju.'"

In a communication received by the Secretary-General on 16 June 1977, the Government of the Federal Republic of Germany stated as follows:

"The correct designation of the Federal Republic of Germany in the Russian language following the preposition 'sa' in the Russian text was spelled out in the aforementioned proviso as "Federativnuju Respubliku Germaniju'."

2. With the following statement:

"In the opinion of the Turkish Government the terms 'widespread', 'long lasting' and 'severe effects' contained in the Convention need to be more clearly defined. So long as this clarification is not made the Government of Turkey will be compelled to interpret itself the terms in question and consequently it reserves the right to do so as and when required.

"Furthermore, the Government of Turkey believes that the difference between 'military or any other hostile purposes' and 'peaceful purposes' should be more clearly defined so as to prevent subjective evaluations."

# 197

## **Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (1972)**

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**ALSO KNOWN AS:** Biological Weapons Convention

**DATE OF SIGNATURE:** April 10, 1972

**PLACE OF SIGNATURE:** London, Moscow, and Washington, DC

**SIGNATORY STATES:** Afghanistan, Argentina, Australia, Austria, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussia, Canada, Central African Republic, Chile, Congo, Costa, Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic, federal Republic of Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Japan, Jordan, Kampuchea, Republic of Korea, Kuwait, Laos, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Malaysia, Malawi, Malta, Mauritius, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Soviet Union, Spain, Sri Lanka, Sweden, Switzerland, Syria, Taiwan, Tanzania, Thailand, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States, Venezuela, Yemen Arab Republic, People's Democratic Republic of Yemen, Yugoslavia, Zaire

Ratifications, Afghanistan, Argentina, Australia, Austria, Barbados, Belgium, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Byelorussia,

Canada, Cape Verde, Chile, Congo, Cost Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, Fiji, Finland, German Democratic Republic, Ghana, Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, India, Iran, Ireland, Italy, Jamaica, Jordan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Luxembourg, Malta, Mauritius, Mexico, Mongolia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, San Marino, Sao Tome, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Soviet Union, Spain, Sweden, Switzerland, Taiwan, Thailand, Togo, Tonga, Tunisia, Turkey, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Vietnam, People's Democratic Republic of Yemen, Yugoslavia, Zaire.

**DATE OF ENTRY INTO FORCE:** March 26, 1975

*The General Assembly,*

*Recalling* its resolution 2662 (XXV) of 7 December 1970,

*Convinced* of the importance and urgency of eliminating from the arsenals of States, through effective measures, such dangerous weapons of mass destruction as those using chemical or bacteriological (biological) agents,

*Having considered* the report of the Conference of the Committee on Disarmament dated 6 October 1971, and being appreciative of its work on the draft Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, annexed to the report,

*Recognising the* important significance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and conscious also of the contribution which the said Protocol has already made, and continues to make, to mitigating the horrors of war,

*Noting* that the Convention provides for the parties to reaffirm their adherence to the principles and objectives of that Protocol and to call upon all States to comply strictly with them,

*Further noting* that nothing in the Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Geneva Protocol.

*Determined,* for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons,

*Recognising* that an agreement on the prohibition of bacteriological (biological) and toxin weapons represents a first possible step towards the achievement of agreement on effective measures also for the prohibition of the development, production and stockpiling of chemical weapons,

*Noting* that the Convention contains an affirmation of the recognised objective of effective prohibition of chemical weapons and, to this end, an undertaking to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production and stockpiling and for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical agents for weapons purposes,

*Convinced* that the implementation of measures in the field of disarmament should release substantial additional resources, which should promote economic and social development, particularly in the developing countries,

*Convinced* that the Convention will contribute to the realisation of the purposes and principles of the Charter of the United Nations,

1. *Commends* the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, the text of which is annexed to the present resolution;

2. *Request* the depositary Governments to open the Convention for signature and ratification at the earliest possible date; and

3. *Expresses the hope* for the widest possible adherence to the Convention.

## ***ANNEX***

### **CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION**

*The States Parties to this Convention,*

*Determined* to act with a view to achieving effective progress towards general and complete disarmament, including the prohibition and elimination of all types of weapons of mass destruction, and convinced that the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and

their elimination, through effective measures, will facilitate the achievement of general and complete disarmament under strict and effective international control,

*Recognising* the important significance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and conscious also of the contribution which the said Protocol has already made, and continues to make, to mitigating the horrors of war,

*Reaffirming* their adherence to the principles and objectives of that Protocol and calling upon all States to comply strictly with them,

*Recalling* that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the principles and objectives of the Geneva Protocol of 17 June 1925,

*Desiring* to contribute to the strengthening of confidence between peoples and the general improvement of the international atmosphere,

*Desiring also* to contribute to the realisation of the purposes and principles of the Charter of the United Nations,

*Convinced* of the importance and urgency of eliminating from the arsenals of States, through effective measures, such dangerous weapons of mass destruction as those using chemical or bacteriological (biological) agents,

*Recognising* that an agreement on the prohibition of bacteriological (biological) and toxin weapons represents a first possible step towards the achievement of agreement on effective measures also for the prohibition of the development, production and stockpiling of chemical weapons, and determined to continue negotiations to that end,

*Determined*, for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons,

*Convinced* that such use would be repugnant to the conscience of mankind and that no effort should be spared to minimise this risk,

*Have agreed as follows:*

### **Article I**

Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:

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1. Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; and

2. Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

### ***Article II***

Each State Party to this Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after the entry into force of the Convention, all agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, which are in its possession or under its jurisdiction or control. In implementing the provisions of this Article all necessary safety precautions shall be observed to protect populations and the environment.

### ***Article III***

Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or induce any State, group of States or international organisations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in Article I of the Convention.

### ***Article IV***

Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere.

### ***Article V***

The States Parties to this Convention undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of the Convention. Consultation and co-operation pursuant to this Article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

### ***Article VI***

1. Any State Party to this Convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council.

2. Each State Party to this Convention undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Convention of the results of the investigation.

### ***Article VII***

Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.

### ***Article VIII***

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.

### ***Article IX***

Each State Party to this Convention affirms the recognised objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production and stockpiling and for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical agents for weapons purposes.

### ***Article X***

1. The States Parties to this Convention undertake to facilitate, and have the right to participate in the fullest possible exchange of

equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. Parties to the Convention in a position to do so shall also cooperate in contributing individually or together with other states or international organisations to the further development and application of scientific discoveries in the field of bacteriology (biology) for the prevention of disease, or for other peaceful purposes.

2. This Convention shall *be* implemented in a manner designed to avoid hampering the economic or technological development of States Parties, to the Convention or international co-operation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) agents and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.

#### ***Article XI***

Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party on the date of acceptance by it.

#### ***Article XII***

Five years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the Depositary Governments, a conference of State Parties to the Convention shall be held at Geneva, Switzerland, to review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on chemical weapons, are being realised. Such review shall Take into account any new scientific and technological developments relevant to the Convention.

#### ***Article XIII***

1. This Convention shall be of unlimited duration.

2. Each State Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of the Convention, have jeopardised the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Convention and to the United Nations Security Council three

months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardised its supreme interests.

#### ***Article XIV***

1. This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph 3 of this Article may Accede to it at any time.

2. Third Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which are hereby designated the Depositary Government.

3. This Convention shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositaries of the Convention.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices.

6. This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

#### ***Article XV***

This Convention, the Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of the Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

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# 198

## Convention on Special Missions and Optional Protocol Concerning Compulsory Settlement of Disputes

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*8 December 1969*

The States Parties to the present Convention,

*Recalling* that special treatment has always been accorded to special missions,

*Having in mind* the purposes and principles of the Charter of the United Nations concerning the sovereign equality of States, the maintenance of international peace and security and the development of friendly relations and co-operation among States,

*Recalling* that the importance of the question of special missions was recognised during the United Nations Conference on Diplomatic Intercourse and Immunities and in resolution I adopted by the Conference on 10 April 1961,

*Considering* that the United Nations Conference on Diplomatic Intercourse and Immunities adopted the Vienna Convention on Diplomatic Relations, which was opened for signature on 18 April 1961,

*Considering* that the United Nations Conference on Consular Relations adopted the Vienna Convention on Consular Relations, which was opened for signature on 24 April 1963,

*Believing* that an international convention on special missions would complement those two Conventions and would contribute to the development of friendly relations among nations, whatever their constitutional and social systems,

*Realising* that the purpose of privileges and immunities relating to special missions is not to benefit individuals but to ensure the efficient

performance of the functions of special missions as missions representing the State,

*Affirming* that the rules of customary international law continue to govern questions not regulated by the provisions of the present Convention,

*Have agreed* as follows:

## **Article 1**

### **Use of Terms**

For the purposes of the present Convention:

- (a) A "special mission" is a temporary mission, representing the State, which is sent by one State to another State with the consent of the latter for the purpose of dealing with it on specific questions or of performing in relation to it a specific task;
- (b) A "permanent diplomatic mission" is a diplomatic mission within the meaning of the Vienna Convention on Diplomatic Relations;
- (c) A "consular post" is any consulate-general, consulate, vice-consulate or consular agency;
- (d) The "head of a special mission" is the person charged by the sending State with the duty of acting in that capacity;
- (c) A "representative of the sending State in the special mission" is any person on whom the sending State has conferred that capacity;
- (f) The "members of a special mission" are the head of the special mission, the representatives of the sending State in the special mission -and the members of the staff of the special mission;
- (g) The "members of the staff of the special missions" are the members of the diplomatic staff, the administrative and technical staff and the service staff of the special missions;
- (h) The "members of the diplomatic staff" are the members of the staff of the special mission who have diplomatic status for the purposes of the special mission;
- (i) The "members of the administrative and technical staff" are the members of the staff of the special mission employed in the administrative and technical service of the special mission;

- (j) The "members of the service staff" are the members of the staff of the special mission employed by it as household workers or for similar tasks;
- (k) The "private staff" are persons employed exclusively in the private service of the members of the special mission.

## ***Article 2***

### **Sending of a Special Mission**

A State may send a special mission to another State with the consent of the latter, previously obtained through diplomatic or another agreed or mutually acceptable channel.

## ***Article 3***

### **Functions of a Special Mission**

The functions of a special mission shall be determined by the mutual consent of the sending and the receiving State.

## ***Article 4***

### **Sending of the Same Special Mission to Two or More States**

A State which wishes to send the same special mission to two or more States shall so inform each receiving State when seeking the consent of that State.

## ***Article 5***

### **Sending of a Joint Special Mission by Two or More States**

Two or more States which wish to send a joint special mission to another State shall so inform the receiving State when seeking the consent of that State.

## ***Article 6***

### **Sending of Special Missions by Two or More States in Order to Deal with a Question of Common Interest**

Two or more States may each send a special mission at the same time to another State, with the consent of that State obtained in accordance with Article 2, in order to deal together, with the agreement of all of these States, with a question of common interest to all of them.

## ***Article 7***

### **Non-existence of Diplomatic or Consular Relations**

The existence of diplomatic or consular relations is not necessary for the sending or reception of a special mission.

**Article 8****Appointment of the Members of the Special Mission**

Subject to the provisions of Articles 10, 11 and 12, the sending State may freely appoint the members of the special mission after having given the receiving State all necessary information concerning the size and composition of the special mission, and in particular the names and designations of the persons it intends to appoint. The receiving State may decline to accept a special mission of a size that is not considered by it to be reasonable, having regard to circumstances and conditions in the receiving State and to the needs of the particular mission. It may also, without giving reasons, decline to accept any person as a member of the special mission.

**Article 9****Composition of the Special Mission**

1. A special mission shall consist of one or more representatives of the sending State from among whom the sending State may appoint a head. It may also include diplomatic staff, administrative and technical staff and service staff.

2. When members of a permanent diplomatic mission or of a consular post in the receiving State are included in a special mission, they shall retain their privileges and immunities as members of their permanent diplomatic mission or consular post in addition to the privileges and immunities accorded by the present Convention.

**Article 10****Nationality of the Members of the Special Mission**

1. The representatives of the sending State in the special mission and the members of its diplomatic staff should in principle be of the nationality of the sending State.

2. Nationals of the receiving State may not be appointed to a special mission except with the consent of that State, which may be withdrawn at any time.

3. The receiving State may reserve the right provided for in paragraph 2 of this Article with regard to nationals of a third State who are not also nationals of the sending State.

**Article 11****Notifications**

1. The Ministry of Foreign Affairs of the receiving State, or such other organ of that State as may be agreed, shall be notified of:

- 
- (a) The composition of the special mission and any subsequent changes therein;
  - (b) The arrival and final departure of members of the mission and the termination of their functions with the mission;
  - (c) The arrival and final departure of any person accompanying a member of the mission;
  - (d) The engagement and discharge of persons resident in the receiving State as members of the mission or as private staff;
  - (e) The appointment of the head of the special mission or, if there is none, of the representative referred to in paragraph 1 of Article 14, and of any substitute for them;
  - (f) The location of the premises occupied by the special mission and of the private accommodation enjoying inviolability under Articles 30, 36 and 39, as well as any other information that may be necessary to identify such premises and accommodation.

2. Unless it is impossible, notification of arrival and final departure must be given in advance.

## ***Article 12***

### **Persons Declared Non Grata or Not Acceptable**

1. The receiving State may, at any time and without having to explain its decision, notify the sending State that any representative of the sending State in the special mission or any member of its diplomatic staff is *persona non grata* or that any other member of the staff of the mission is not acceptable. In any such case, the sending State shall, as appropriate, either recall the person concerned or terminate his functions with the mission. A person may be declared *non grata* or not acceptable before arriving in the territory of the receiving State.

2. If the sending State refuses, or fails within a reasonable period, to carry out its obligations under paragraph 1 of this Article, the receiving State may refuse to recognise the person concerned as a member of the special mission.

## ***Article 13***

### **Commencement of the Functions of a Special Mission**

1. The function of a special mission shall commence as soon as the mission enters into official contact with the Ministry of Foreign Affairs or with such other organ of the receiving State as may be agreed.

2. The commencement of the functions of a special mission shall not depend upon presentation of the mission by the permanent diplomatic mission of the sending State or upon the submission of letters of credence or full powers.

### ***Article 14***

#### **Authority to Act on Behalf of the Special Mission**

1. The head of the special mission or, if the sending State has not appointed a head, one of the representatives of the sending State designated by the latter is authorised to act on behalf of the special mission and to address communications to the receiving State. The receiving State shall address communications concerning the special mission to the head of the mission, or, if there is none, to the representative referred to above, either direct or through the permanent diplomatic mission.

2. However, a member of the special mission may be authorised by the sending State, by the head of the special mission or, if there is none, by the representative referred to in paragraph 1 of this Article, either to substitute for the head of the special mission or for the aforesaid representative or to perform particular acts on behalf of the mission.

### ***Article 15***

#### **Organ of the Receiving State with Which Official Business is Conducted**

All official business with the receiving State entrusted to the special mission by the sending State shall be conducted with or through the Ministry of Foreign Affairs or with such other organ of the receiving State as may be agreed.

### ***Article 16***

#### **Rules Concerning Precedence**

1. Where two or more special missions meet in the territory of the receiving State or of a third State, precedence among the missions shall be determined, in the absence of a special agreement, according to the alphabetical order of the names of the States used by the protocol of the State in whose territory the missions are meeting.

2. Precedence among two or more special missions which meet on a ceremonial or formal occasion shall be governed by the protocol in force in the receiving State.

3. Precedence among the members of the same special mission shall be that which is notified to the receiving State or to the third State in whose territory two or more special missions are meeting.

### ***Article 17***

#### **Seat of the Special Mission**

1. A special mission shall have its seat in the locality agreed by the States concerned.

2. In the absence of agreement, the special mission shall have its seat in the locality where the Ministry of Foreign Affairs of the receiving State is situated.

3. If the special mission performs its functions in different localities, the States concerned may agree that it shall have more than one seat from among which they may choose one as the principal seat.

### ***Article 18***

#### **Meeting of Special Missions in the Territory of a Third State**

1. Special missions from two or more States may meet in the territory of a third State only after obtaining the express consent of that State, which retains the right to withdraw it.

2. In giving its consent, the third State may lay down conditions which shall be observed by the sending States.

3. The third State shall assume in respect of the sending States the rights and obligations of a receiving State to the extent that it indicates in giving its consent.

### ***Article 19***

#### **Right of the Special Mission to Use the Flag and Emblem of the Sending State**

1. A special mission shall have the right to use the flag and emblem of the sending State on the premises occupied by the mission, and on its means of transport when used on official business.

2. In the exercise of the right accorded by this Article, regard shall be had to the laws, regulations and usages of the receiving State.

### ***Article 20***

#### **End of the Functions of a Special Mission**

1. The functions of a special mission shall come to an end, *inter alia*, upon:

- (a) The agreement of the States concerned;
- (b) The completion of the task of the special mission;
- (c) The expiry of the duration assigned for the special mission, unless it is expressly extended;
- (d) Notification by the sending State that it is terminating or recalling the special mission;
- (e) Notification by the receiving State that it considers the special mission terminated.

2. The severance of diplomatic or consular relations between the sending State and the receiving State shall not of itself have the effect of terminating special missions existing at the time of such severance.

### ***Article 21***

#### **Status of the Head of State and Persons of High Rank**

1. The Head of the sending State, when he leads a special mission, shall enjoy in the receiving State or in a third State the facilities, privileges and immunities accorded by international law to Heads of State on an official visit.

2. The Head of the Government, the Minister for Foreign Affairs and other persons of high rank, when they take part in a special mission of the sending State, shall enjoy in the receiving State or in a third State, in addition to what is granted by the present Convention, the facilities, privileges and immunities accorded by international law.

### ***Article 22***

#### **General Facilities**

The receiving State shall accord to the special mission the facilities required for the performance of its functions, having regard to the nature and task of the special mission.

### ***Article 23***

#### **Premises and Accommodation**

The receiving State shall assist the special mission, if it so requests, in procuring the necessary premises and obtaining suitable accommodation for its members.

### ***Article 24***

#### **Exemption of the Premises of the Special Mission from Taxation**

1. To the extent compatible with the nature and duration of the functions performed by the special mission, the sending State and the

members of the special mission acting on behalf of the mission shall be exempt from all national, regional or municipal dues and taxes in respect of the premises occupied by the special mission, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in this Article shall not apply to such dues and taxes payable under the law of the receiving State by persons contracting with the sending State or with a member of the special mission.

### ***Article 25***

#### **Inviolability of the Premises**

1. The premises where the special mission is established in accordance with the present Convention shall be inviolable. The agents of the receiving State may not enter the said premises, except with the consent of the head of the special mission or, if appropriate, of the head of the permanent diplomatic mission of the sending State accredited to the receiving State. Such consent may be assumed in case of fire or other disaster that seriously endangers public safety, and only in the event that it has not been possible to obtain the express consent of the head of the special mission or, where appropriate, of the head of the permanent mission.

2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the special mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

3. The premises of the special mission, their furnishings, other property used in the operation of the special mission and its means of transport shall be immune from search, requisition, attachment or execution.

### ***Article 26***

#### **Inviolability of Archives and Documents**

The archives and documents of the special mission shall be inviolable at all times and wherever they may be. They should, when necessary, bear visible external marks of identification.

### ***Article 27***

#### **Freedom of Movement**

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the

receiving State shall ensure to all members of the special mission such freedom of movement and travel in its territory as is necessary for the performance of the functions of the special mission.

## **Article 28**

### **Freedom of Communication**

1. The receiving State shall permit and protect free communication on the part of the special mission for all official purposes. In communicating with the Government of the sending State, its diplomatic missions, its consular posts and its other special missions or with sections of the same mission, wherever situated, the special mission may employ all appropriate means, including couriers and messages in code or cipher. However, the special mission may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the special mission shall be inviolable. Official correspondence means all correspondence relating to the special mission and its functions.

3. Where practicable, the special mission shall use the means of communication, including the bag and the courier, of the permanent diplomatic mission of the sending State.

4. The bag of the special mission shall not be opened or detained.

5. The packages constituting the bag of the special mission must bear visible external marks of their character and may contain only documents or Articles intended for the official use of the special mission.

6. The courier of the special mission, who shall be provided with an official document indicating his status and the number of packages constituting the bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

7. The sending State or the special mission may designate couriers *ad hoc* of the special mission. In such cases the provisions of paragraph 4 of this Article shall also apply, except that the immunities therein mentioned shall cease to apply when the courier *ad hoc* has delivered to the consignee the special mission's bag in his charge.

8. The bag of the special mission may be entrusted to the captain of a ship or of a commercial aircraft scheduled to land at an authorised port of entry. The captain shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a courier of the special mission. By arrangement

with the appropriate authorities, the special mission may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

### ***Article 29***

#### **Personal Inviolability**

The persons of the representatives of the sending State in the special mission and of the members of its diplomatic staff shall be inviolable. They shall not be liable to any form of arrest or detention. The receiving State shall treat them with due respect and shall take all appropriate steps to prevent any attack on their persons, freedom or dignity.

### ***Article 30***

#### **Inviolability of the Private Accommodation**

1. The private accommodation of the representatives of the sending State in the special mission and of the members of its diplomatic staff shall enjoy the same inviolability and protection as the premises of the special mission.

2. Their papers, their correspondence and, except as provided in paragraph 4 of Article 31, their property shall likewise enjoy inviolability.

### ***Article 31***

#### **Immunity from Jurisdiction**

1. The representatives of the sending State in the special mission and the members of its diplomatic staff shall enjoy immunity from the criminal jurisdiction of the receiving State.

2. They shall also enjoy immunity from the civil and administrative jurisdiction of the receiving State, except in the case of:

- (a) A real action relating to private immovable property situated in the territory of the receiving State, unless the person concerned holds it on behalf of the sending State for the purposes of the mission;
- (b) An action relating to succession in which the person concerned is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
- (c) An action relating to any professional or commercial activity exercised by the person concerned in the receiving State outside his official functions;

- (d) An action for damages arising out of an accident caused by a vehicle used outside the official functions of the person concerned.

3. The representatives of the sending State in the special mission and the members of its diplomatic staff are not obliged to give evidence as witnesses.

4. No measures of execution may be taken in respect of a representative of the sending State in the special mission or a member of its diplomatic staff except in the cases coming under sub-paragraphs (a), (b), (c) and (d) of paragraph 2 of this Article and provided that the measures concerned can be taken without infringing the inviolability of his person or his accommodation.

5. The immunity from jurisdiction of the representatives of the sending State in the special mission and of the members of its diplomatic staff does not exempt them from the jurisdiction of the sending State.

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# 199

## Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949)

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**DATE OF SIGNATURE:** August 12, 1949

**PLACE OF SIGNATURE:** Geneva

**SIGNATORY STATES:** Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burundi, Byelorussia, Cameroon, Canada, Central African Republic, Chad, Chile, People's Republic of China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Federal Republic of Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kampuchea, Kenya, Democratic People's Republic of Korea, Republic of Korea, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines', Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marine, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands Somalia, South Africa, Soviet Union Spain, Sri Lanka, Sudan, Surinam, Swaziland, Sweden, Switzerland, Syria, Tanzania, Thailand, Togo, Tonga, Trinidad and Tobago Tunisia, Turkey, Tuvalu, Uganda, Ukraine, United Arab

Emirates, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Vietnam, Yemen Arab Republic, People's Democratic Republic of Yemen, Yugoslavia, Zaire, Zambia.

**DATE OF ENTRY INTO FORCE:** October 21, 1950

The undersigned Plenipotentiaries of the Governments represented at the Diplomatic Conference held at Geneva from April 21 to August 12, 1949, for the purpose of establishing a Convention for the Protection of Civilian Persons in Time of War, have agreed as follows:

## ***PART I***

### **GENERAL PROVISIONS**

#### ***Article 1***

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

#### ***Article 2***

In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognised by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.

#### ***Article 3***

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any

adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place-whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognised as indispensable by civilised peoples.

2. The wounded and sick shall be collected and cared for.

#### ***Article 4***

Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

#### ***Article 5***

[Spies and saboteurs forfeit their rights under the Convention, but shall be treated humanely.]

#### ***Article 6***

[The Convention applies throughout any conflict as defined in Article 2.]

#### ***Article 7***

[Protected persons' rights shall not be adversely affected by special agreements.]

***Article 8***

Protected persons may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

***Article 9***

The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from amongst their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.

***Article 10***

The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organisation may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of civilian persons and for their relief.

***Article 11***

[Responsibility for protected persons may be entrusted to an organisation such as the Red Cross.]

***Article 12***

[Disagreements over the application of the Convention shall be settled by arbitration.]

***PART II*****GENERAL PROTECTION OF POPULATIONS AGAINST  
CERTAIN CONSEQUENCES OF WAR*****Article 13***

The provisions of Part II cover the whole of the populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion, and are intended to alleviate the sufferings caused by war.

**Article 14**

[Hospitals and safety zones shall be established for the wounded, the sick, the aged, and children under fifteen.]

**Article 15**

Any Party to the conflict may, either direct or through a neutral State or some humanitarian organisation, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralised zones intended to shelter from the effects of war the following persons, without distinction:

- (a) wounded and sick combatants or non-combatants;
- (b) civilian persons who take no part in hostilities, and who, while they reside in the zones, perform no work of a military character.

When the Parties concerned have agreed upon the geographical position, administration, food supply and supervision of the proposed neutralised zone, a written agreement shall be concluded and signed by the representatives of the Parties to the conflict. The agreement shall fix the beginning and the duration of the neutralisation of the zone.

**Article 16**

The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect.

As far as military considerations allow, each Party to the conflict shall facilitate the steps taken to search for the killed and wounded, to assist the shipwrecked and other persons exposed to grave danger, and to protect them against pillage and ill-treatment.

**Article 17**

The Parties to the conflict shall endeavour to conclude local agreements for the removal from besieged, or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas.

**Article 18**

[Civilian hospitals shall be respected and protected at all times.]

**Article 19**

The protection to which civilian hospitals are entitled shall not cease unless they are used to commit, outside their humanitarian

duties, acts harmful to the enemy. Protection may, however, cease only after due warning has been given, naming, in all appropriate cases, a reasonable time limit, and after such warning has remained unheeded.

The fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and ammunition taken from such combatants and not yet handed to the proper service, shall not be considered to be acts harmful to the enemy.

### ***Article 20***

Persons regularly and solely engaged in the operation and administration of civilian hospitals, including the personnel engaged in the search for, removal and transporting of and caring for wounded and sick civilians, the infirm and maternity cases, shall be respected and protected.

### **Article 21**

[Hospital trains and convoys shall enjoy absolute protection.]

### ***Article 22***

[Medical relief aircraft shall not be attacked.]

### ***Article 23***

Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.

### ***Article 24***

[The rights of orphans and children separated from their families are to be protected.]

### ***Article 25***

All persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families, wherever they may be, and to receive news from them. This correspondence shall be forwarded speedily and without undue delay.

**Article 26**

Each Party to the conflict shall facilitate enquiries made by members of families dispersed owing to the war, with the object of renewing contact with one another and of meeting, if possible. It shall encourage, in particular, the work of organisations engaged on this task provided they are acceptable to it and conform to its security regulations.

**PART III****STATUS AND TREATMENT OF PROTECTED PERSONS****Section I: Provisions Common to the Territories of the Parties to the Conflict and to Occupied Territories****Article 27**

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.

**Article 28**

The presence of a protected person may not be used to render certain points or areas immune from military operations.

**Article 29**

The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

**Article 30**

Protected persons shall have every facility for making application to the Protecting Powers, the International Committee of the Red Cross, the National Red Cross (Red Crescent, Red Lion and Sun) Society of the country where they may be, as well as to any organisation that might assist them.

**Article 31**

No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

**Article 32**

The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.

**Article 33**

No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

Pillage is prohibited.

Reprisals against protected persons and their property are prohibited.

**Article 34**

The taking of hostages is prohibited.

**Section II: Aliens in the Territory of a Party to the Conflict****Article 35**

All protected persons who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so, unless their departure is contrary to the national interests of the State. The applications of such persons to leave shall be decided in accordance with regularly established procedures and the decisions shall be taken as rapidly as possible. Those persons permitted to leave may, provide

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themselves with the necessary funds for their journey and take with them a reasonable amount of their effects and articles of personal use.

**Article 36**

[The way in which such departures shall be carried out.]

**Article 37**

Protected persons who are confined pending proceedings or serving a sentence involving loss of liberty, shall during their confinement be humanely treated.

As soon as they are released, they may ask to leave the territory in conformity with the foregoing Articles.

**Article 39**

Protected persons who, as a result of the war, have lost their gainful employment, shall be granted the opportunity to find paid employment. That opportunity shall, subject to security considerations and to the provisions of Article 40, be equal to that enjoyed by the nationals of the Power in whose territory they are.

**Article 40**

Protected persons may be compelled to work only to the same extent as nationals of the Party to the conflict in whose territory they are.

If protected persons are of enemy nationality, they may only be compelled to do-work which is normally necessary to ensure the feeding, sheltering, clothing, transport and health of human beings and which is not directly related to the conduct of military operations.

**Article 44**

In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality *de jure* of an enemy State, refugees who do not, in fact, enjoy the protection of any government.

**Article 45**

Protected persons shall not be transferred to a Power which is not a party to the Convention.

This provision shall in no way constitute an obstacle to the repatriation of protected persons, or to their return to their country of residence after the cessation of hostilities.

In no circumstances shall a protected person be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs.

### **Section III: Occupied Territories**

#### ***Article 47***

Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.

#### ***Article 49***

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

#### ***Article 50***

[Particular care is to be taken with children.]

#### ***Article 51***

[Protected persons shall not be forced into military service. The nature of compulsory labour is determined.]

#### ***Article 52***

No contract, agreement or regulation shall impair the right of any worker, whether voluntary or not and wherever he may be, to apply to the representatives of the Protecting Power in order to request the said Power's intervention.

**Article 53**

Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organisations, is prohibited, except where such destruction is rendered absolutely necessary by military operations,

**Article 54**

The Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience.

**Article 55**

To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate.

The Occupying Power may not requisition foodstuffs, articles or medical supplies available in the occupied territory, except for use by the occupation forces and administration personnel, and then only if the requirements of the civilian population have been taken into account. Subject to the provisions of other international Conventions, the Occupying Power shall make arrangements to ensure that fair value is paid for any requisitioned goods.

**Article 56**

[The Occupying Power is responsible for maintaining hospital and medical services, and for public health and hygiene.]

**Article 57**

[Civilian hospitals shall be requisitioned only in emergencies, and then only temporarily.]

**Article 58**

The Occupying Power shall permit ministers of religion to give spiritual assistance to the members of their religious communities.

The Occupying Power shall also accept consignments of books and articles required for religious needs and shall facilitate their distribution in occupied territory.

**Article 59**

If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.

Such schemes, which may be undertaken either by States or by impartial humanitarian organisations such as, the International Committee of the Red Cross, shall consist, in particular, of the provision of consignments of foodstuffs, medical supplies and clothing.

All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.

**Article 62**

Subject to imperative reasons of security, protected persons in occupied territories shall be permitted to receive the individual relief consignments sent to them

**Article 63**

[National Red Cross and comparable societies shall be enabled to carry out their humanitarian activities.]

**Article 64**

The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention. Subject to the latter consideration and to the necessity for ensuring the effective administration of justice, the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws.

**Article 65**

The penal provisions enacted by the Occupying Power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language. The effect of these penal provisions shall not be retroactive.

**Article 71**

No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial.

Accused persons who are prosecuted by the Occupying Power shall be promptly informed, in writing, in a language which they understand,

of the particulars of the charges preferred against them, and shall be brought to trial as rapidly as possible. The Protecting Power shall be informed of all proceedings instituted by the Occupying Power against protected persons in respect of charges involving the death penalty or imprisonment for two years or more; it shall be enabled, at any time, to obtain information regarding the state of such proceedings. Furthermore, the Protecting Power shall be entitled, on request, to be furnished with all particulars of these and of any other proceedings instituted by the Occupying Power against protected persons.

#### **Article 74**

Representatives of the Protecting Power shall have the right to attend the trial of any protected person, unless the hearing has, as an exceptional measure, to be held *in camera* in the interests of the security of the Occupying Power, which shall then notify the Protecting Power. A notification in respect of the date and place of trial shall be sent to the Protecting Power.

#### **Article 76**

Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country.

They shall receive the medical attention required by their state of health.

They shall also have the right to receive any spiritual assistance which they may require.

Women shall be confined in separate quarters and shall be under the direct supervision of women.

Proper regard shall be paid to the special treatment due to minors.

Protected persons who are detained shall have the right to be visited by delegates of the Protecting Power and of the International Committee of the Red Cross, in accordance with the provisions of Article 143.

Such persons shall have the right to receive at least one relief parcel monthly.

## Section IV: Regulations for the Treatment of Internees

### CHAPTER I

#### GENERAL PROVISIONS

##### **Article 79**

The Parties to the conflict shall not intern protected persons, except in accordance with the provisions of Articles 41, 42, 43, 68 and 78.

##### **Article 80**

Internees shall retain their full capacity and shall exercise such attendant rights as may be compatible with their status.

##### **Article 81**

Parties to the conflict who intern protected persons shall be bound to provide free of charge for their maintenance, and to grant them also the medical attention required by their state of health.

No deduction from the allowances, salaries or credits due to the internees shall be made for the repayment of these costs.

The Detaining Power shall provide for the support of those dependent on the internees, if such dependents are without adequate means of support or are unable to earn a living.

##### **Article 82**

The Detaining Power shall, as far as possible, accommodate the internees according to their nationality, language and customs. Internees who are nationals of the same country shall not be separated merely because they have different languages.

Throughout the duration of their internment, members of the same family, and in particular parents and children, shall be lodged together in the same place of internment, except when separation of a temporary nature is necessitated for reasons of employment or health or for the purposes of enforcement of the provisions of Chapter IX of the present Section. Internees may request that their children who are left at liberty without parental care shall be interned with them.

Wherever possible, interned members of the same family shall be housed in the same premises and given separate accommodation from other internees, together with facilities for leading a proper family life.

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**CHAPTER II**  
**PLACE OF INTERNMENT**

**Article 83**

[Places of internment shall be communicated to the enemy, and shall be clearly identified from the air.]

**Article 84**

Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason.

**Article 85**

The Detaining Power is bound to take all necessary and possible measures to ensure that protected persons shall, from the outset of their internment, be accommodated in buildings or quarters which afford every possible safeguard as regards hygiene and health, and provide efficient protection against the rigours of the climate and the effects of the war.

**Article 86**

The Detaining Power shall place at the disposal of interned persons, of whatever denomination, premises suitable for the holding of their religious services.

**Article 87**

Canteens shall be installed in every place of internment, except where other suitable facilities are available. Their purpose shall be to enable internees to make purchases, at prices not higher than local market prices, of foodstuffs and articles of everyday use, including soap and tobacco, such as would increase their personal well-being and comfort.

**Article 88**

[Air raid shelters shall be provided in all places of internment.]

**CHAPTER III**  
**FOOD AND CLOTHING**

**Article 89**

[Adequate food rations and supplies of drinking water shall be provided for all internees.]

**Article 90**

[All internees shall be provided with adequate clothing and footwear, including suitable working outfits.]

**CHAPTER IV**

**HYGIENE AND MEDICAL ATTENTION**

**Article 91**

Every place of internment shall have an adequate infirmary, under the direction of a qualified doctor, where internees may have the attention they require, as well as an appropriate diet. Isolation wards shall be set aside for cases of contagious or mental diseases.

Treatment, including the provision of any apparatus necessary for the maintenance of internees in good health, particularly dentures and other artificial appliances and spectacles, shall be free of charge to the internee.

**Article 92**

Medical inspections of internees shall be made at least once a month. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of internees, and to detect contagious diseases, especially tuberculosis, malaria, and venereal diseases. Such inspections shall include, in particular, the checking of weight of each internee and, at least once a year, radioscopic examination.

**CHAPTER V**

**RELIGIOUS, INTELLECTUAL AND PHYSICAL  
ACTIVITIES**

**Article 93**

[Internees shall be free to practise their religious duties, and ministers of religion free to carry out their activities.]

**Article 94**

[Opportunities shall be provided for internees to follow intellectual, educational, and recreational pursuits.]

**Article 95**

[Internees shall not be employed against their wishes. Work shall not be degrading or humiliating.]

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## **CHAPTER VI**

### **PERSONAL PROPERTY AND FINANCIAL RESOURCES**

#### ***Article 97***

Internees shall be permitted to retain articles of personal use. Monies, cheques, bonds, etc., and valuables in their possession may not be taken from them except in accordance with established procedure. Detailed receipts shall be given therefor.

The amounts shall be paid into the account of every internee as provided for in Article 98. Such amounts may not be converted into any other currency unless legislation in force in the territory in which the owner is interned so requires or the internee gives his consent.

Articles which have above all a personal or sentimental value may not be taken away.

A woman internee shall not be searched except by a woman.

#### ***Article 98***

All internees shall receive regular allowances, sufficient to enable them to purchase goods and articles, such as tobacco, toilet requisites, etc. Such allowances may take the form of credits or purchase coupons.

## **CHAPTER VII**

### **ADMINISTRATION AND DISCIPLINE**

#### ***Article 99***

Every place of internment shall be put under the authority of a responsible officer, chosen from the regular military forces or the regular civil administration of the Detaining Power. The officer in charge of the place of internment must have in his possession a copy of the present Convention in the official language, or one of the official languages, of his country and shall be responsible for its application. The staff in control of internees shall be instructed in the provisions of the present Convention and of the administrative measures adopted to ensure its application.

The text of the present Convention and the texts of special agreements concluded under the said Convention shall be posted inside the place of internment, in a language which the internees understand, or shall be in the possession of the Internee Committee.

Regulations, orders, notices and publications of every kind shall be communicated to the internees and posted inside the places of

internment, in a language which they understand. Every order and command addressed to internees individually, must likewise, be given in a language which they understand.

**Article 100**

The disciplinary regime in places of internment shall be consistent with humanitarian principles, and shall in no circumstances include regulations imposing on internees any physical exertion dangerous to their health or involving physical or moral victimisation. Identification by tattooing or imprinting signs or markings on the body, is prohibited.

In particular, prolonged standing and roll-calls, punishment drill, military drill and manoeuvres, or the reduction of food rations, are prohibited.

**Article 101**

Internees shall have the right to present to the authorities in whose power they are, any petition with regard to the conditions of internment to which they are subjected..

They shall also have the right to apply without restriction through the Internee Committee or, if they consider it necessary, direct to the representatives of the Protecting Power, in order to indicate to them any points on which they may have complaints to make with regard to the conditions of internment.

**Article 102**

In every place of internment, the internees shall freely elect by secret ballot every six months, the members of a Committee empowered to represent them before the Detaining and the Protecting Powers, the International Committee of the Red Cross and any other organisation which may assist them. The members of the Committee shall be eligible for re-election.

Internees so elected shall enter upon their duties after their election has been approved by the detaining authorities. The reasons for any refusals or dismissals shall be communicated to the Protecting Powers concerned.

**CHAPTER VIII****RELATIONS WITH THE EXTERIOR****Article 105**

Immediately upon interning protected persons, the Detaining Powers shall inform them, the Power to which they owe allegiance

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and their Protecting Power of the measures taken for executing the provisions of the present Chapter. The Detaining Powers shall likewise inform the Parties concerned of any subsequent modifications of such measures.

***Article 106***

[All internees permitted to inform their relatives of their detention, state of health, and their address.]

***Article 107***

[Internees permitted to send and receive letters and cards.]

***Article 108***

Internees shall be allowed to receive, by post or by any other means, individual parcels or collective shipments containing in particular foodstuffs, clothing, medical supplies, as well as books and objects of a devotional, educational or recreational character which may meet their needs. Such shipments shall in no way free the Detaining Power from the obligations imposed upon it by virtue of the present ' Convention.

***Article 110***

All relief shipments for internees shall be exempt from import, customs and other dues.

***Article 112***

The censoring of correspondence addressed to internees or despatched by them shall be done as quickly as possible.

***Article 116***

Every internee shall be allowed to receive visitors especially near relatives, at regular intervals and as frequently as possible.

As far as is possible, internees shall be permitted to visit their homes in urgent cases, particularly in cases of death or serious illness of relatives.

***CHAPTER IX***

**PENAL AND DISCIPLINARY SANCTIONS**

***Article 117***

[The laws of the territory in which they are detained will continue to apply to internees. There shall be no double punishment.]

**Article 118**

The courts or authorities shall in passing sentence take as far as possible into account the fact that the defendant is not a national of the Detaining Power. They shall be free to reduce the penalty prescribed for the offence with which the internee is charged and shall not be obliged, to this end, to apply the minimum sentence prescribed.

Imprisonment in premises without daylight and, in general, all forms of cruelty without exception are forbidden.

Internees who have served disciplinary or judicial sentences shall not be treated differently from other internees.

The duration of preventive detention undergone by an internee shall be deducted from any disciplinary or judicial penalty involving confinement to which he may be sentenced.

Internee Committee shall be informed of all judicial proceedings instituted against internees whom they represent, and of their result.

**Article 119**

[Disciplinary punishment of internees shall not be inhuman, brutal, or dangerous for their health.]

**Article 120**

Internees who are recaptured after having escaped or when attempting to escape, shall be liable only to disciplinary punishment in respect of this act, even if it is a repeated offence.

**Article 121**

Escape, or attempt to escape, even if it is a repeated offence, shall not be deemed an aggravating circumstance in cases where an internee is prosecuted for offences committed during his escape.

**Article 123**

[Disciplinary punishment may be ordered only by the commandant of the place of internment.]

**Article 124**

Internees shall not in any case be transferred to penitentiary establishments (prisons, penitentiaries, convict prisons, etc.) to undergo disciplinary punishment therein.

The premises in which disciplinary punishments are undergone shall conform to sanitary requirements; they shall in particular be

provided with adequate bedding. Internees undergoing punishment shall be enabled to keep themselves in a state of cleanliness.

Women internees undergoing disciplinary punishment shall be confined in separate quarters from male internees and shall be under the immediate supervision of women.

***Article 125***

[Basic rights of internees undergoing disciplinary punishment are safeguarded.]

***CHAPTER X***

**TRANSFERS OF INTERNEES**

***Article 127***

The transfer of internees shall always be effected humanely.

Sick, wounded or infirm internees and maternity cases shall not be transferred if the journey would be seriously detrimental to them, unless their safety imperatively so demands.

If the combat zone draws close to a place of internment, the internees in the said place shall not be transferred unless their removal can be carried out in adequate conditions of safety, or unless they are exposed to greater risks by remaining on the spot than by being transferred.

***Article 128***

In the event of transfer, internees shall be officially advised of their departure and of their new postal address. Such notification shall be given in time for them to pack their luggage and inform their next of kin.

***CHAPTER XI***

**DEATHS**

***Article 129***

[Regulations concerning the wills and death certificates of internees who die in custody.]

***Article 130***

The detaining authorities shall ensure that internees who die while interned are honourably buried, if possible according to the rites of the religion to which they belonged, and that their graves are respected,

properly maintained, and marked in such a way that they can always be recognised.

Deceased internees shall be buried in individual graves unless unavoidable circumstances require the use of collective graves. Bodies may be cremated only for imperative reasons of hygiene, on account of the religion of the deceased or in accordance with his expressed wish to this effect. In case of cremation, the fact shall be stated and the reasons given in the death certificate of the deceased. The ashes shall be retained for safe-keeping by the detaining authorities and shall be transferred as soon as possible to the next of kin on their request.

### ***Article 131***

Every death or serious injury of an internee, caused or suspected to have been caused by a sentry, another internee or any other person, as well as any death the cause of which is unknown, shall be immediately followed by an official enquiry by the Detaining Power.

A communication on this subject shall be sent immediately to the Protecting Power. The evidence of any witnesses shall be taken, and a report including such evidence shall be prepared and forwarded to the said Protecting Power.

If the enquiry indicates the guilt of one or more persons, the Detaining Power shall take all necessary steps to ensure the prosecution of the person or persons responsible.

## ***CHAPTER XII***

### **RELEASE, REPATRIATION AND ACCOMMODATION IN NEUTRAL COUNTRIES**

#### ***Article 132***

[Internees shall be released as soon as circumstances permit.]

#### ***Article 133***

Internment shall cease as soon as possible after the close of hostilities.

Internees in the territory of a Party to the conflict against whom penal proceedings are pending for offences not exclusively subject to disciplinary penalties, may be detained until the close of such proceedings and, if circumstances require, until the completion of the penalty. The same shall apply to internees who have been previously sentenced to a punishment depriving them of liberty.

**Article 134**

The High Contracting Parties shall endeavour, upon the close of hostilities or occupation, to ensure the return of all internees to their last place of residence, or to facilitate their repatriation.

**Article 135**

The Detaining Power shall bear the expense of returning released internees to the places where they were residing when interned, or, if it took them into custody while they were in transit or on the high seas, the cost of completing their journey or of their return to their point of departure.

**Section V: Information Bureaux and Central Agency****Article 136**

[Official Information Bureaux are to be established to receive and transmit information about internees.]

**Article 137**

[The Bureaux to forward information concerning protected persons, and to deal with all enquiries.]

**Article 138**

The information received by the national Bureaux and transmitted by it shall be of such a character as to make it possible to identify the protected person exactly and to advise his next of kin quickly. The information in respect of each person shall include at least his surname, first names, place and date of birth, nationality, last residence and distinguishing characteristics, the first name of the father and the maiden name of the mother, the date, place and nature of the action taken with regard to the individual, the address at which correspondence may be sent to him and the name and address of the person to be informed.

Likewise, information regarding the state of health of internees who are seriously ill or seriously wounded shall be supplied regularly and if possible every week.

**Article 139**

[The Information Bureaux to be responsible for the personal valuables left by protected persons who have been released or who have escaped or died.]

**Article 140**

[A Central Information Agency to be created in a neutral country.]

**Article 141**

The national Information Bureaux and the Central Information Agency shall enjoy free postage for all mail, likewise the exemptions provided for in Article 10, and further so far as possible, exemption from telegraphic charges or, at least, greatly reduced rates.

**PART IV**

**EXECUTION OF THE CONVENTION**

**Section I: General Provisions**

**Article 142**

[The International Red Cross and similar agencies shall not be prevented from carrying out relief work.]

**Article 143**

Representatives or delegates of the Protecting Powers shall have permission to go to all places where protected persons are, particularly to places of internment, detention and work.

They shall have access to all premises occupied by protected persons and shall be able to interview the latter without witnesses, personally or through an interpreter.

Such visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure. Their duration and frequency shall not be restricted.

The delegates of the International Committee of the Red Cross shall also, enjoy the above prerogatives. The appointment of such delegates shall be submitted to the approval of the Power governing the territories where they will carry out their duties.

**Article 144**

[The Convention is to be fully disseminated in signatory countries, especially among civil, military, and police authorities.]

**Article 146**

The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.

**Article 147**

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer *or* unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

**Article 148**

No High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by another High Contracting Party in respect of breaches referred to in the preceding Article.

**Article 149**

At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violation of the Convention.

If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

Once the violation has been established, the Parties to the conflict shall put an end to it and shall repress it with the least possible delay.

**Section II: Final Provisions****Article 150**

The present Convention is established in English and in French. Both texts are equally authentic.

The Swiss Federal Council shall arrange for official translations of the Convention to be made in the Russian and Spanish languages.

**Article 151**

The present Convention, which bears the date of this day, is open to signature until February 12, 1950, in the name of the Powers represented at the Conference which opened at Geneva on April 21, 1949.

**Article 152**

The present Convention shall be ratified as soon as possible and the ratifications shall be deposited at Berne.

A record shall be drawn up of the deposit of each instrument of ratification and certified copies of this record shall be transmitted by the Swiss Federal Council to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

**Article 153**

The present Convention shall come into force six months after not less than two instruments of ratification have been deposited. Thereafter, it shall come into force for each High Contracting Party six months after the deposit of the instrument of ratification.

**Article 154**

In the relations between the Powers who are bound by The Hague Convention respecting the Laws and Customs of War on Land, whether that of July 29, 1899, or that of October 18, 1907, and who are parties to the present Convention, this last Convention shall be supplementary to Section II and III of the Regulations annexed to the above mentioned Conventions of The Hague.

**Article 155**

From the date of its coming into force, it shall be open to any Power in whose name the present Convention has not been signed, to accede to this Convention.

**Article 156**

Accessions shall be notified in writing to the Swiss Federal Council, and shall take effect six months after the date on which they are received.

The Swiss Federal Council shall communicate the accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

**Article 157**

The situations provided for in Articles 2 and 3 shall give immediate effect to ratifications deposited and accessions notified by the Parties to the conflict before or after the beginning of hostilities or occupation. The Swiss Federal Council shall communicate by the quickest method any ratifications or accessions received from Parties to the conflict.

***Article 158***

Each of the High Contracting Parties shall be at liberty to denounce the present Convention.

The denunciation shall be notified in writing to the Swiss Federal Council, which shall transmit it to the Governments of all the High Contracting Parties.

The denunciation shall take effect one year after the notification thereof has been made to the Swiss Federal Council. However, a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release, repatriation and re-establishment of the persons protected by the present Convention have been terminated.

The denunciation shall have effect only in respect of the denouncing Power. It shall in no way impair the obligations which the Parties to the conflict shall remain bound to fulfil by virtue of the principles of the law of nations, as they result from the usages established among civilised peoples, from the laws of humanity and the dictates of the public conscience.

***Article 159***

The Swiss Federal Council shall register the present Convention with the Secretariat of the United Nations. The Swiss Federal Council shall also inform the Secretariat of the United Nations of all ratifications, accessions and denunciations received by it with respect to the present Convention.

# 200

## Convention on the Prevention and Punishment of the Crime of Genocide (1948)

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**ALSO KNOWN AS:** Genocide Convention

**DATE OF SIGNATURE:** December 9, 1948

**PLACE OF SIGNATURE:** Paris Signatory states: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Brazil, Bulgaria, Burma, Byelorussia, Canada, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gambia, German Democratic Republic, Federal Republic of Germany, Ghana, Greece, 'Guatemala, Haiti, Honduras, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kampuchea, Republic of Korea, Laos, Lebanon, Lesotho, Liberia, Luxembourg, Mali, Mexico, Monaco, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Soviet Union, Spain, Sri Lanka, Sweden, Syria, Taiwan, Tonga, Tunisia, Turkey, United Kingdom, Upper Volta, Uruguay, Venezuela, Vietnam, Yugoslavia, Zaire

**DATE OF ENTRY INTO FORCE:** January 12, 1951

The Contracting Parties,

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilised world;

Recognising that at all periods of history genocide has inflicted great losses on humanity; and Being convinced that, in order to liberate

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mankind from such an odious scourge, international co-operation is required, Hereby agree as hereinafter provided:

### ***Article I***

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

### ***Article II***

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

### ***Article III***

The following acts shall be -punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

### ***Article IV***

Persons committing genocide or any of the other acts enumerated in Article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

### ***Article V***

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or of any of the acts enumerated in Article III.

***Article VI***

Persons charged with genocide or any of the other acts enumerated in Article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

***Article VII***

Genocide and the other acts enumerated in Article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

***Article VIII***

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III.

***Article IX***

Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in Article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

***Article X***

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

***Article XI***

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950 the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid.

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Instruments of accession shall be deposited with the Secretary-General of the United Nations.

***Article XII***

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

***Article XIII***

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a *proces-verbal* and transmit a copy thereof to each Member of the United Nations and to each of the non-member States contemplated in Article XI.

The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification or accession effected subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

***Article XIV***

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

***Article XV***

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

***Article XVI***

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

***Article XVII***

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in Article XI of the following:

- (a) Signatures, ratifications and accessions received in accordance with Article XI;
- (b) Notifications received in accordance with Article XII;
- (c) The date upon which the present Convention comes into force in accordance with Article XIII;
- (d) Denunciations received in accordance with Article XIV;
- (e) The abrogation of the Convention in accordance with Article XV;
- (f) Notifications received in accordance with Article XVI.

***Article XVIII***

The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to each Member of the United Nations and to each of the non-member States contemplated in Article XI.

***Article XIX***

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

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## **Charter of the United Nations (1945)**

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### **We the Peoples of the United Nations Determined**

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

### **And for These Ends**

to practice tolerance and live together in peace with one another as good neighbours, and

to unite our strength to maintain international peace and security, and

to ensure by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

### **Have Resolved to Combine Our Efforts to Accomplish these Aims**

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present

Charter of the United Nations and do hereby establish an international organisation to be known as the United Nations.

## **CHAPTER 1**

### **PURPOSES AND PRINCIPLES**

#### ***Article 1***

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a centre for harmonising the actions of nations in the attainment of these common ends.

#### ***Article 2***

The Organisation and its Members, in pursuit of the Purposes stated in Article 1 shall act in accordance with the following Principles.

1. The Organisation is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organisation shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

## ***CHAPTER II***

### **MEMBERSHIP**

#### ***Article 3***

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organisation at San Francisco, or having previously signed the Declaration by United Nations of 1 January 1942, sign the present Charter and ratify it in accordance with Article 110.

#### ***Article 4***

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organisation, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

#### ***Article 5***

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

**Article 6**

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organisation by the General Assembly upon the recommendation of the Security Council.

**CHAPTER III**

**ORGANS**

**Article 7**

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, and International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

**Article 8**

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

**CHAPTER IV**

**THE GENERAL ASSEMBLY**

**Composition**

**Article 9**

1. The General Assembly shall consist of all of the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

**Functions and Powers**

**Article 10**

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

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**Article 11**

1. The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

**Article 12**

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

**Article 13**

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

- (a) promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;

- (b) promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realisation of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph 1(b) above are set forth in Chapters IX and X.

#### ***Article 14***

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

#### ***Article 15***

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

#### ***Article 16***

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

#### ***Article 17***

1. The General Assembly shall consider and approve the budget of the Organisation.

2. The expenses of the Organisation shall be borne by the Members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialised agencies referred to in Article 57 and shall examine the administrative budgets of such specialised agencies with a view to making recommendations to the agencies concerned.

## **Voting**

### ***Article 18***

1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1(c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

### ***Article 19***

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organisation shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

## **Procedure**

### ***Article 20***

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

### ***Article 21***

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

### ***Article 22***

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

## **CHAPTER V**

### **THE SECURITY COUNCIL**

#### **Composition**

##### ***Article 23***

1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organisation and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

#### **Functions and Powers**

##### ***Article 24***

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

**Article 25**

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

**Article 26**

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

**Voting****Article 27**

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

**Procedure****Article 28**

1. The Security Council shall be so organised as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organisation.
2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.
3. The Security Council may hold meetings at such places other than the seat of the Organisation as in its judgment will best facilitate its work.

**Article 29**

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

**Article 30**

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

**Article 31**

Any member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

**Article 32**

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

**CHAPTER VI****PACIFIC SETTLEMENT OF DISPUTES****Article 33**

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

**Article 34**

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

**Article 35**

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

### ***Article 36***

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

### ***Article 37***

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

### ***Article 38***

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

## ***CHAPTER VII***

### **ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION**

### ***Article 39***

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make

recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

**Article 40**

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

**Article 41**

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

**Article 42**

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

**Article 43**

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be

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concluded between the Security Council and Members or between the Security Council and groups of Members, and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

#### ***Article 44***

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

#### ***Article 45***

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

#### ***Article 46***

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

#### ***Article 47***

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorisation of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

***Article 48***

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

***Article 49***

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

***Article 50***

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

***Article 51***

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

***CHAPTER VIII***

**REGIONAL ARRANGEMENTS**

***Article 52***

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate

for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

### ***Article 53***

1. The Security Council shall, where appropriate, utilise such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorisation of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organisation may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

### ***Article 54***

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

## ***CHAPTER IX***

### **INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION**

### ***Article 55***

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations

based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- (a) higher standards of living, full employment, and conditions of economic and social progress and development;
- (b) solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and
- (c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

### ***Article 56***

All Members pledge themselves to take joint and separate action in cooperation with the Organisation for the achievement of the purposes set forth in Article 55.

### ***Article 57***

1. The various specialised agencies, established by inter-governmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialised agencies.

### ***Article 58***

The Organisation shall make recommendations for the co-ordination of the policies and activities of the specialised agencies.

### ***Article 59***

The Organisation shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialised agencies required for the accomplishment of the purposes set forth in Article 55.

### ***Article 60***

Responsibility for the discharge of the functions of the Organisation set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose of powers set forth in Chapter X.

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## **CHAPTER X**

### **THE ECONOMIC AND SOCIAL COUNCIL**

#### **Composition**

##### ***Article 61***

1. The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, eighteen members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

#### **Functions and Powers**

##### ***Article 62***

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to the specialised agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

##### ***Article 63***

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms

on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may co-ordinate the activities of the specialised agencies through consultation with, and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

#### ***Article 64***

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialised agencies. It may make arrangements with the Members of the United Nations and with the specialised agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

#### ***Article 65***

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

#### ***Article 66***

1. The Economic and Social Council shall perform such functions as fall within its competence in connexion with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialised agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

### **Voting**

#### ***Article 67***

1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

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## **Procedure**

### ***Article 68***

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

### ***Article 69***

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

### ***Article 70***

The Economic and Social Council may make arrangements for representatives of the specialised agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialised agencies.

### ***Article 71***

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organisations which are concerned with matters within its competence. Such arrangements may be made with international organisations and, where appropriate, with national organisations after consultation with the Member of the United Nations concerned.

### ***Article 72***

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

## ***CHAPTER XI***

### **DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES**

### ***Article 73***

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognise the

principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- (a) to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- (b) to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- (c) to further international peace and security;
- (d) to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialised international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- (e) to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

#### ***Article 74***

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

### ***CHAPTER XII***

#### **INTERNATIONAL TRUSTEESHIP SYSTEM**

#### ***Article 75***

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision

of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

### ***Article 76***

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- (a) to further international peace and security;
- (b) to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
- (c) to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
- (d) to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

### ***Article 77***

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements;

- (a) territories now held under mandate;
- (b) territories which may be detached from enemy states as a result of the Second World War; and
- (c) territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

**Article 78**

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

**Article 79**

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

**Article 80**

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

**Article 81**

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organisation itself.

**Article 82**

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

**Article 83**

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and

of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

#### ***Article 84***

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory.

#### ***Article 85***

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

### ***CHAPTER XIII***

## **THE TRUSTEESHIP COUNCIL**

### **Composition**

#### ***Article 86***

1. The Trusteeship Council shall consist of the following Members of the United Nations:

- (a) those Members administering trust territories;
- (b) such of those Members mentioned by name in Article 23 as are not administering trust territories; and
- (c) as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is

equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

## **Functions and Powers**

### ***Article 87***

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

- (a) consider reports submitted by the administering authority;
- (b) accept petitions and examine them in consultation with the administering authority;
- (c) provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
- (d) take these and other actions in conformity with the terms of the trusteeship agreements.

### ***Article 88***

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

## **Voting**

### ***Article 89***

- 1. Each member of the Trusteeship Council shall have one vote.
- 2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

## **Procedure**

### ***Article 90***

- 1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
- 2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

**Article 91**

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialised agencies in regard to matters with which they are respectively concerned.

**CHAPTER XIV****THE INTERNATIONAL COURT OF JUSTICE****Article 92**

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

**Article 93**

1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.

2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

**Article 94**

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

**Article 95**

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

**Article 96**

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialised agencies, which may at any time be so authorised by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

**CHAPTER XV**  
**THE SECRETARIAT**

**Article 97**

The Secretariat shall comprise a Secretary-General and such staff as the Organisation may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organisation.

**Article 98**

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organisation.

**Article 99**

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

**Article 100**

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organisation. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organisation.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

**Article 101**

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

**CHAPTER XVI****MISCELLANEOUS PROVISIONS****Article 102**

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

**Article 103**

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

**Article 104**

The Organisation shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

**Article 105**

1. The Organisation shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organisation shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organisation.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

## **CHAPTER XVII**

### **TRANSITIONAL SECURITY ARRANGEMENTS**

#### ***Article 106***

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organisation as may be necessary for the purpose of maintaining international peace and security.

#### ***Article 107***

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorised as a result of that war by the Governments having responsibility for such action.

## **CHAPTER XVIII**

### **AMENDMENTS**

#### ***Article 108***

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

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**Article 109**

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

**CHAPTER XIX****RATIFICATION AND SIGNATURE****Article 110**

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organisation when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

***Article 111***

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

In Faith Whereof the representatives of the Governments of the United Nations have signed the present Charter.

Done at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

# 202

## Convention on the Limitations of Armaments of Central American States

**DATE OF SIGNATURE:** February 7, 1923

**PLACE OF SIGNATURE:** Washington, DC Signatory states: Guatemala, El Salvador, Honduras, Nicaragua. Costa Rica Ratifications; Nicaragua, El Salvador, Guatemala, Costa Rica, Honduras.

**DATE OF ENTRY INTO FORCE:** November 24, 1924

[The signatories]...

It being their desire and interest that in the future their military policy should be guided only by the exigencies of internal order, have agreed to conclude the present Convention.

After having communicated to one another their respective full powers, which were found to be in due form, the Delegates of the five Central Americas Powers assembled in the Conference on Central American Affairs at Washington, have agreed to carry out the said proposal in the following manner:

### *Article 1*

The Contracting Parties having taken into consideration their relative population area, extent of frontiers and various other factors of military importance, agree that for a period of five years from the date of the coming into force of the present Convention, they shall not maintain a standing Army and National Guard in excess of the number of men hereinafter provided, except in case of civil war, or impending invasion by another State.

Guatemala	5,200
El Salvador	4,200
Honduras	2,500
Nicaragua	2,500
Costa Rica	2,000

General officers and officers of a lower rank of the standing Army, who are necessary in accordance with the military regulations of each country, are not included in the provisions of this Article, nor are those of the National Guard. The Police Force is also not included.

### ***Article 2***

As the first duty of armed forces of the Central American Governments is to preserve public order, each of the Contracting Parties obligates itself to establish a National Guard to cooperate with the existing Armies in the preservation of order in the various districts of the country and on the frontiers, and shall immediately consider the best means for establishing it. With this end in view the Governments of the Central American States shall give consideration to the employment of suitable instructors, in order to take advantage, in this manner, of experience acquired in other countries in organising such corps.

In no case shall the total combined force of the Army and of the National Guard exceed the maximum limit fixed in the preceding Article, except in the cases therein provided.

### ***Article 3***

The Contracting Parties undertake not to export or permit the exportation of arms or munitions or any other kind of military stores from one Central American country to another.

### ***Article 4***

None of the Contracting Parties shall have the right to possess more than ten war aircraft. Neither may any of them acquire war vessels: but armed coast guard boats shall not be considered as war vessels.

The following cases shall be considered as exceptions to this Article: civil war or threatened attack by a foreign state; in such cases the right of defence shall have no other limitations than those established by existing Treaties.

### ***Article 5***

The Contracting Parties consider that the use in warfare of asphyxiating gases, poisons, or similar substances as well as analogous liquids, materials or devices, is contrary to humanitarian principles and to international law, and obligate themselves by the present Convention not to use said substances in time of war.

**Article 6**

Six months after the coming into force of the present Convention each of the Contracting Governments shall submit to the other Central American Governments a complete report on the measures adopted by said Government for the execution of this Convention. Similar reports shall be submitted semi-annually, during the aforesaid period of the five years. The reports shall include the units of the army, if any, and of the National Guard; and any other information which the Parties shall sanction.

**Article 7**

The present Convention shall take effect with respect to the Parties that have ratified it, from the date of its ratification by at least four of the signatory States.

**Article 8**

The present Convention shall remain in force until the first of January, one thousand nine hundred and twenty-nine, notwithstanding any prior denunciation, or any other cause. After the first of January, one thousand nine hundred and twenty-nine, it shall continue in force until one year after the date on which one of the Parties bound thereby notifies the others of its intention to denounce it. The denunciation of this Convention by any of said Parties shall leave it in force for those Parties which have ratified it and have not denounced it, provided that these be not less than four in number. Any of the Republics of Central America which should fail to ratify this Convention, shall have the right to adhere to it while it is in force.

**Article 9**

The exchange of ratifications of the present Convention shall be made through communications addressed by the Governments to the Government of Costa Rica in order that the latter may inform the other Contracting States. If the Government of Costa Rica should ratify the Convention, notice of said ratification shall also be communicated to the others.

**Article 10**

The original copy of the present Convention, signed by all of the Delegates Plenipotentiary, shall be deposited in the archives of the Pan-American Union at Washington. A copy duly certified shall be sent by the Secretary-General of the Conference to each one of the Governments of the Contracting Parties.

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# 203

## Convention Relating to the Non-Fortification and Neutralisation of the Aaland Islands (1921)

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**DATE OF SIGNATURE:** October 20, 1921

**PLACE OF SIGNATURE:** Geneva

**SIGNATORY STATES:** Germany, Denmark, Iceland, Esthonian Republic, Republic of Finland, the French Republic, Great Britain, Ireland and the British Dominions, India, Italy, Republic of Latvia, Poland, Sweden

**RATIFICATIONS:** Germany, Denmark, Finland, France, the British Empire, Sweden, Italy, Poland, Latvia

[The signatories]

Having agreed to carry out the recommendation formulated by the Council of the League of Nations in its Resolution of June 24, 1921, that a Convention should be concluded between the interested Powers with a view to the non-fortification and neutralisation of the Aaland Islands in order that these islands may never become a cause of danger from the military point of view;

Have resolved for this purpose to supplement without prejudice thereto, the obligations assumed by Russia in the Convention of March 30, 1856, regarding the Aaland Islands, annexed to Treaty of Paris of the same date;

Who, having deposited their full powers, found in good and due form, have agreed upon the following provisions:

### ***Article 1***

Finland, confirming, for her part, as far as necessary, the declaration made by Russia in the Convention of March 30, 1856, regarding the Aaland Islands, annexed to the Treaty of Paris of the

same date, undertakes not to fortify that part of the Finnish Archipelago which is called "the Aaland Islands."

### **Article 2**

[I. This Article gives the geographical position of the Aaland Islands.]

II. The territorial waters of the Aaland Islands are considered to extend for a distance of three marine miles from the low-water mark on the islands, islets and reefs not permanently submerged, delimited above; nevertheless, these waters shall at no point extend beyond the lines fixed in § I of this Article.

III. The whole of the islands, islets and reefs delimited in paragraph I and of the territorial waters defined in paragraph II constitute the zone to which the following Articles apply.

### **Article 3**

No military or naval establishment or base of operations, no military aircraft establishment or base of operations, and no other installation used for war purposes, shall be maintained or set up in the zone described in Article 2.

### **Article 4**

Except as provided in Article 7, no military, naval or air force of any Power shall enter or remain in the zone described in Article 2; the manufacture, import, transport and re-export of arms and implements of war in this zone are strictly forbidden.

The following provisions shall, however, be applied in time of peace:

- (a) In addition to the regular police force necessary to maintain public order and security in the zone, in conformity with the general provisions in force in the Finnish Republic, Finland may, if exceptional circumstances demand, send into the zone and keep there temporarily such other armed forces as shall be strictly necessary for the maintenance of order.
- (b) Finland also reserves the right for one or two of her light surface warships to visit the islands from time to time. These warships may then anchor temporarily in the waters of the islands. Apart from these ships, Finland may, if important special circumstances demand, send into the waters of the zone and keep there temporarily other surface ships, which must in no case exceed a total displacement of 6,000 tons.

The right to enter the archipelago and to anchor there temporarily cannot be granted by the Finnish Government to more than one warship of any Power at a time.

- (c) Finland *may* fly her military or naval aircraft over the zone, but, except in cases of *force majeure*, landing there is prohibited.

### **Article 5**

The prohibition to send warships into the zone described in Article 2 or to station them there shall not prejudice the freedom of innocent passage through the territorial waters. Such passage shall continue to be governed by the international rules and usages in force.

### **Article 6**

In time of war, the zone described in Article 2 shall be considered as a neutral zone and shall not, directly or indirectly, be used for any purpose connected with military operations.

Nevertheless, in the event of a war affecting the Baltic Sea, Finland shall have the right, in order to assure respect for the neutrality of the Aaland Islands, temporarily to lay mines in the territorial waters of these islands and for this purpose to take such measures of a maritime nature as are strictly necessary.

In such a case Finland shall at once refer the matter to the Council of the League of Nations.

### **Article 7**

1. In order to render effective the guarantee provided in the Preamble of the present Convention, the High Contracting Parties shall apply, individually or jointly, to the Council of the League of Nations, asking that body to decide upon the measures to be taken either to assure the observance of the provisions of this Convention or to put a stop to any violation thereof.

The High Contracting Parties undertake to assist ;in the measures which the Council of the League of Nations may decide upon for this purpose.

When, for the purposes of this undertaking, the Council is called upon to make a decision under the above conditions, it will invite the Powers which are parties to the present Convention, whether Members of the League or not, to sit on the Council. The vote of the representative of the Power accused of having violated the provisions of this

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Convention shall not be necessary to constitute the unanimity required for the Council's decision.

If unanimity cannot be obtained, each of the High Contracting Parties shall be entitled to take any measures which the Council by a two-thirds majority recommends, the vote of the representative of the Power accused of having violated the provisions of this Convention not being counted.

II. If the neutrality of the zone should be imperilled by a sudden attack either against the Aaland Islands or across them against the Finnish mainland, Finland shall take the necessary measures in the zone to check and repulse the aggressor until such time as the High Contracting Parties shall in conformity with the provisions of this Convention, be in a position to intervene to enforce respect for the neutrality of the islands.

Finland shall refer the matter immediately to the Council.

### **Article 8**

The provisions of this Convention shall remain in force in spite of any changes that may take place in the present *status quo* in the Baltic Sea.

### **Article 9**

The Council of the League of Nations is requested to inform the Members of the League of the text of this Convention, in order that the legal status of the Aaland Islands, an integral part of the Republic of Finland, as defined by the provisions of this Convention, may, in the interests of general peace, be respected by all as part of the actual rules of conduct among Governments.

With the unanimous consent of the High Contracting Parties, this Convention may be submitted to any non-signatory Power whose accession may in future appear desirable, with a view to the formal adherence of such Power.

### **Article 10**

This Convention shall be ratified. The protocol of the first deposit of ratification shall be drawn up as soon as the majority of the signatory Powers, including Finland and Sweden, are in a position to deposit their ratifications.

The Convention shall come into force for each signatory or acceding Power immediately on the deposit of such Power's ratification or instrument of accession.

Deposit of ratification shall take place at Geneva with the Secretariat of the League of Nations, and any future instruments of accession shall also be deposited there.

In faith whereof the plenipotentiaries have signed this Convention and have annexed their seals thereto.

Done at Geneva, on the twentieth day of October, one thousand nine hundred and twenty-one, in a single copy, which shall remain in the Archives of the Secretariat of the League of Nations. A certified copy shall be sent by the Secretariat to each of the signatory Powers.

# 204

## U.S.S.R.-United States: Mutual and Agreements

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*Signed at Washington, June 11, 1942*

Whereas the Governments of the United States of America and the Union of Soviet Socialist Republics declare that they are engaged in a cooperative undertaking, together with every other nation or people of like mind, to the end of laying the bases of a just and enduring world peace securing order under law to themselves and all nations;

And whereas the Governments of the United States of America and the Union of Soviet Socialist Republics, as signatories of the Declaration by United Nations of January 1, 1942, have subscribed to a common programme of purposes and principles embodied in the Joint Declaration, known as the Atlantic Charter, made on August 14, 1941 by the President of the United States of America and the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, the basic principles of which were adhered to by the Government of the Union of Soviet Socialist Republics on September, 24, 1941;

And whereas the President of the United States of America has determined, pursuant to the Act of Congress of March 11, 1941, that the defense of the Union of Soviet Socialist Republics against aggression is vital to the defense of the United States of America;

And whereas the United States of America has extended and is continuing to extend to the Union of Soviet Socialist Republics aid in resisting aggression;

And whereas it is expedient that the final determination of the terms and conditions upon which the Government of the Union of Soviet Socialist Republics receives such aid and of the benefits to be received by the United States.

# 205

## **Safeguards Agreement with the International Atomic Energy Agency (IAEA) Signed by North Korea\***

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*Vienna, 30 January 1992*

The Democratic People's Republic of Korea (DPRK) today signed a safeguards agreement with the International Atomic Energy Agency (IAEA) in connection with the Non-Proliferation Treaty, which, once ratified, will permit the inspection and verification of its nuclear materials.

The agreement, which was signed by the Vice Minister of Atomic Energy of the DPRK, Hong Gun Pyo, and by the IAEA's Director General, Dr. Hans Blix, was negotiated last year. It will come into effect upon ratification by the DPRK.

At the signing ceremony, Dr. Blix said: "I am pleased that we have now signed an agreement whereby the DPRK is submitting all nuclear material and facilities in the DPRK—present and future—to IAEA safeguards verification. The DPRK is a party to the Non-Proliferation Treaty. IAEA safeguards are applied to verify that the parties to that treaty are using all nuclear material and installations for exclusively peaceful purposes. To create the openness that is necessary for confidence, regionally and globally, these safeguards must be effective and comprehensive.

"We are trying to strengthen them.

"We look forward to an early ratification of the agreement by the DPRK and to full co-operation with IAEA in the implementation of the agreement. I should like to thank all those who have been involved in the negotiation and drafting of the agreement and thank the delegation from the DPRK for having come here to sign the agreement."

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\* Press release No. 92/6 of 30 January 1992, issued by IAEA.

# 206

## Agreement on Joint Measures with Respect to Nuclear Weapons in the Commonwealth of Independent States\*

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*Alma Ata, 21 December 1991*

The Republic of Belarus, the Republic of Kazakhstan, the Russian Federation (RSFSR) and Ukraine, hereinafter referred to as "the participating States",

Confirming their commitment to the non-proliferation of nuclear weapons,

Aspiring to the elimination of all nuclear weapons,

Desirous of promoting the strengthening of international stability,

Have agreed as follows:

### **Article 1**

The nuclear weapons with which the Joint Strategic Armed Forces are equipped safeguard the collective security of all participants in the Commonwealth of Independent States.

### **Article 2**

The participating States in the present Agreement confirm the obligation relating to the non-first-use of nuclear weapons.

### **Article 3**

The participating States in the present Agreement shall jointly develop a policy on nuclear issues.

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\* A/46/863-S/23504, annex I.

#### **Article 4**

Pending the complete elimination of nuclear weapons from the territories of the Republic of Belarus and Ukraine, the decision regarding the need to use such weapons shall be taken with the consent of the Heads of the participating States of the Agreement by the President of the RSFSR on the basis of procedures drawn up jointly by the participating States.

#### **Article 5**

1. The Republic of Belarus and Ukraine undertake to accede to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons as non-nuclear States and to conclude with IAEA the corresponding safeguards agreement.

2. The participating States in the present Agreement undertake not to transfer to any party whatsoever nuclear weapons or other nuclear explosive devices in technology, or control, either direct or indirect, over such weapons and explosive devices, and not in any way to assist, encourage or incite any State not possessing nuclear weapons to produce or acquire by any other means nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices.

3. The provisions of paragraph 2 of this article shall not prevent the transfer of nuclear weapons from the territory of the Republic of Belarus, the Republic of Kazakhstan and Ukraine to the territory of the RSFSR for the purpose of their destruction.

#### **Article 6**

The participating States of the present Agreement shall in conformity with the international Treaty promote the elimination of nuclear weapons. By 1 July 1992, the Republic of Belarus, the Republic of Kazakhstan and Ukraine shall ensure the withdrawal of tactical nuclear weapons to central bases adjacent to the manufacturing plants for dismantling under joint control.

#### **Article 7**

The Governments of the Republic of Belarus, the Republic of Kazakhstan, the Russian Federation (RSFSR) and Ukraine undertake to submit the Treaty on the Reduction and Elimination of Strategic Offensive Arms to the Supreme Soviets of their States for ratification.

**Article 8**

This Agreement is subject to ratification. It shall enter into force 30 days after deposit of all the instruments of ratification with the Government of the RSFSR.

Done at Alma Ata in one authentic copy in the Belarussian, Kazakh, Russian and Ukrainian languages, all texts being equally authentic.

For the Republic of Belarus

S. Shushkevich

For the Republic of Kazakhstan

N. Nazarbaev

For the Russian Federation

(RSFSR)

B. Yeltsin

For Ukraine

L. Kravchuk

# 207

## **Safeguards Agreement with the International Atomic Energy Agency (IAEA) Signed by Argentina and Brazil\***

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*Vienna, 13 December 1991*

In the presence of Presidents Dr. Carlos Saul Menem of Argentina and Dr. Fernando Collor de Mello of Brazil, a comprehensive safeguards agreement was signed today between the Governments of Argentina, Brazil, the joint Brazilian-Argentine Agency for Accounting and Control of Nuclear Material (ABACC) and the IAEA. The agreement was signed at IAEA headquarters in Vienna by Argentine Ambassador Jorge Alberto Taiana, Brazilian Ambassador Thereza Maria Machado Quintella, Jorge Coll, Secretary General of the ABACC, and Dr. Hans Blix, Director General of the IAEA.

Following the signing, the Presidents addressed a special meeting of the IAEA Board of Governors, which had approved the draft safeguards agreement on 7 December 1991. In their remarks, both Presidents emphasised their commitments to international peace and security and their recognition of the IAEA's central role in the process, describing the safeguards agreement as an historic step in their countries' relations in the nuclear field. President Menem called the agreement a "true milestone" in mutual efforts to ensure the peaceful development of nuclear energy and to establish an effective system of verification and control.

President Collor described the agreement as "one more page in the history" of Brazil's and Argentina's "fraternal and promising relations", one that gives "new thrust" to the process of non-proliferation and disarmament.

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\* Press release No. 91/48 of 13 December 1991, issued by IAEA.

In his statement to the Board, IAEA Director General Blix commended Presidents Menem and Collor for their political will, determination, and commitment to peaceful nuclear development and non-proliferation. Dr. Blix called the agreement "an important contribution to the efforts to move the world decisively away from nuclear weapons" and expressed the hope that it would serve "to inspire other countries to use IAEA safeguards to build confidence, to facilitate regional and international co-operation, and to promote an accelerated nuclear disarmament".

The safeguards agreement covers all nuclear materials in all nuclear activities within the territories of Argentina and Brazil, under their jurisdiction or carried out under their control anywhere. It further provides for the application of safeguards to exports of nuclear material. The agreement is compatible with the Treaty on the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco).

The safeguards agreement was negotiated by the IAEA upon the request of the Governments of Argentina and Brazil following their mutual Declaration of Common Nuclear Policy of 28 November 1990 at Foz do Iguacu, Brazil, and their conclusion of a bilateral agreement at Guadalajara, Mexico, on 18 July 1991.

The safeguards agreement will enter into force once ratified by the two countries.

# 208

## Agreement on Reconciliation, Non-Aggression, and Cooperation and Exchange between the North and the South\*

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*Seoul, 13 December 1991*

Pursuant to the will of all the fellow countrymen desirous of the peaceful reunification to the divided country.

Reaffirming the three principles of national reunification laid down in the July 4 North-South Joint Statement.

Pledging themselves to remove the political and military confrontation for the achievement of national reconciliation, for the prevention of invasion and conflicts by the armed forces, for the realisation of detente and for the guarantee of peace, to realise many-sided cooperation and exchange for the promotion of the common interests and prosperity of the nation, and to make concerted efforts to achieve peaceful reunification, admitting that the relationship between the sides is not the one between countries but a special one formed temporarily in the process of advancing towards reunification, the north and the south have agreed as follows:

### **1. North-South Reconciliation**

*Article 1.* The north and the south shall recognise and respect the system that exists on the other side.

*Article 2.* The north and the south shall not interfere in the internal affairs of the other side.

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\* The English translation of the Agreement was contained in press release No. 31 of 14 December 1991, issued by the Permanent Mission of the Democratic People's Republic of Korea to the United Nations.

*Article 3.* The north and the south shall cease to abuse and slander the other side.

*Article 4.* The north and the south shall refrain from all acts aimed at destroying and overthrowing the other side.

*Article 5.* The north and the south shall make concerted efforts to convert the present armistice into a durable peace between the north and the south and observe the present Military Armistice Agreement until such peace has been achieved.

*Article 6.* The north and the south shall discontinue confrontation and competition, cooperate with each other and make concerted efforts for national dignity and interests in the international arena.

*Article 7.* The north and the south shall set up and operate a North-South Liaison Office at Panmunjom within 3 months after the effectuation of this agreement in order to ensure close contacts and prompt consultation with each other.

*Article 8.* The north and the south shall form a North-South Political Sub-committee within the framework of the full-dress talks in one month after the effectuation of the agreement in order to discuss concrete measures for implementing and observing the agreement on north-south reconciliation.

## **2. North-South Non-Aggression**

*Article 9.* The north and the south shall not use arms against the other side, nor shall they invade the other by force of arms.

*Article 10.* The north and the south shall settle differences and disputes between them peacefully through dialogue and negotiation.

*Article 11.* The north and the south shall designate as the demarcation line and zone of the non-aggression the Military Demarcation Line which was laid down in the agreement on the Military Armistice dated 27 July 1953 and the area which has so far been within the jurisdiction of the sides.

*Article 12.* In order to implement and guarantee non-aggression the north and the south shall set up and operate a North-South Joint Military Committee within three months after the effectuation of this agreement.

The North-South Joint Military Committee shall discuss and promote the realisation of military confidence-building and disarmament, such as notification of and control over the transfer of large units and military exercises, use of the demilitarised zone for peaceful purposes, exchange of military personnel and information,

the realisation of phased arms cutdown including the removal of mass destruction weapons and offensive capability and their verification.

*Article 13.* The north and the south shall install and operate direct telephone links between the military authorities of the sides in order to prevent the outbreak and escalation of accidental armed conflicts.

*Article 14.* The north and the south shall form a North-South Military Subcommittee within the framework of the full-dress talks in one month after the effectuation of this agreement and discuss concrete measures for the implementation and observance of the agreement on non-aggression and the removal of military confrontation.

### **3. North-South Cooperation and Exchange**

*Article 15.* The north and the south shall effect economic cooperation and exchange, such as joint development of resources and the exchange of goods in the form of exchange within the nation and the joint investment for the coordinated and balanced development of the national economy and for the promotion of the well-being of the whole nation.

*Article 16.* The north and the south shall effect-cooperation and exchange in various fields such as science, technology, education, literature and art, public health, sports, environment and mass media including newspapers, radio, TV and publications.

*Article 17.* The north and the south shall effect free travels and contacts between members of the nation.

*Article 18.* The north and the south shall effect free correspondence, travels, meetings and visits between the separated families and relatives and their reunion based on their free will and take measures regarding other problems awaiting humanitarian solution.

*Article 19.* The north and the south shall connect severed railways and roads and open sea and air routes.

*Article 20.* The north and the south shall install and connect the facilities necessary for the exchange of post and telecommunication and ensure secrecy in this sphere of exchange.

*Article 21.* The north and the south shall cooperate with each other in economic, cultural and many other fields in the international arena and jointly conduct external activities.

*Article 22.* For the implementation of the agreement on effecting cooperation and exchange in various fields, such as economy and culture, the north and the south shall form a North-South Joint Economic Cooperation and Exchange Committee and other

departmental joint committees within three months after the effectuation of this agreement.

*Article 23.* In order to discuss concrete measures for the implementation and observance of the Agreement on Cooperation and Exchange between the North and the South, the two parts shall establish a North-South Cooperation and Exchange Subcommittee within the framework of the full-dress talks in one month after the effectuation of the agreement.

#### **4. Amendments and Effectuation**

*Article 24.* This agreement can be amended and supplemented by mutual consent.

*Article 25.* This agreement shall become effective as from the date when the north and the south exchange its text after they go through necessary formalities.

13 December 1991

Yon Hyong-muk,  
Premier of the DPRK  
Administration Council  
Head of the north side's delegation  
of the N-S High-level Talks  
Chung Won-shik,  
Prime Minister of the ROK  
Chief Delegate of the  
South side's delegation  
to the S-N High-level Talks

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# 209

## Developments in the El Salvador Peace Process New York Agreement\*

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*New York, 25 September 1991*

The Government of El Salvador and the Frente Farabundo Marti para la Liberacion Nacional (hereinafter called "the Parties"),

Convinced of the need to give a final impetus to the process of negotiations currently taking place with the active participation of the Secretary-General of the United Nations, so that the set of political agreements required to bring a definitive end to the armed conflict in our country can be reached as speedily as possible,

Conscious of the fact that, in order to achieve the aforementioned objective, it is essential to establish a set of conditions and guarantees which will ensure the full implementation of those political agreements by both Parties,

Have reached the following political agreement:

### **I. Commission Nacional Para La Consolidacion De La Paz**

1. The Comision Nacional para la Consolidacion de la Paz (National Commission for the Consolidation of Peace) (COPAZ) shall be responsible for overseeing the implementation of all the political agreements reached by the Parties. COPAZ is a mechanism for the monitoring of and the participation of civilian society in the process of the changes resulting from the negotiations, in relation both to the armed forces, in particular, and to the other items on the agenda.

#### *2. Composition*

- (a) COPAZ shall be composed of two representatives of the Government, including a member of the armed forces, two

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\* A/46/502-S/23082, annex.

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representatives of FMLN and one representative of each of the parties or coalitions represented in the Legislative Assembly.

- (b) The Archbishop of San Salvador and a delegate of ONUSAL shall have access to the work and deliberations of COPAZ, as observers.

### 3. *Decisions*

COPAZ shall adopt its decisions by majority vote.

### 4. *Powers*

- (a) COPAZ shall not have executive powers since it is for the Parties, through their internal machinery, to carry out the peace agreements.
- (b) The Parties shall be obliged to consult COPAZ before adopting decisions or measures relating to relevant aspects of the peace agreements. Similarly, COPAZ may consult the Parties, at the highest level, whenever it deems it appropriate to do so. In the event of a difference of opinion as to whether a matter should be submitted to COPAZ, the question shall be decided by COPAZ.
- (c) At the request of three or more of its members, COPAZ shall be convened immediately and its opinion heard.
- (d) COPAZ shall have direct access to the President of the Republic and shall meet with him whenever COPAZ itself or the President deems it appropriate.
- (e) COPAZ shall have access to and may inspect any activity or site connected with the implementation of the peace agreements.
- (f) COPAZ shall have the power to issue conclusions and recommendations of any kind relating to the implementation of the peace agreements and to make them public. The Parties undertake to comply with those conclusions and recommendations.
- (g) COPAZ shall have the power to prepare the preliminary legislative drafts necessary for the development of the agreements which have been reached, both on the subject of the armed forces and on the other items on the agenda.
- (h) COPAZ shall have the power to oversee the implementation of the agreements reached by the Parties, both on the subject of the armed forces and on the other items on the agenda.

- (i) COPAZ shall be responsible for the preparation of the preliminary legislative drafts necessary to ensure that all those wounded in the war and, where appropriate, the families of combatants who have died, on both sides, are incorporated into the social security system of the State or receive adequate economic compensation, as provided for by law.
- (j) In the performance of its functions, COPAZ shall be authorised to address the relevant organs of the United Nations, through the Secretary-General.
- (k) COPAZ shall have full powers to organise its work in the manner which it deems most appropriate and to appoint any groups or subcommissions which it may deem useful in the discharge of its mission. For that purpose, it shall have its own budget.

#### 5. *Form*

In addition to being the product of this political agreement, COPAZ shall be confirmed by law.

#### 6. *Duration*

- (a) Between the date of this agreement and the cessation of the armed conflict, two representatives of the Government, including one member of the armed forces, two representatives of FMLN and one representative of each of the parties or coalitions represented in the Legislative Assembly shall work under a special operational regime of a transitional nature which they themselves shall define. This work shall include the preparation of the preliminary draft legislation to formalise the establishment of COPAZ.
- (b) The preliminary draft legislation to formalise the establishment of COPAZ shall be submitted to the Legislative Assembly within eight days following the signing of the cessation of armed conflict. The formal establishment of COPAZ shall take place within eight days following the promulgation of the said law.
- (c) COPAZ shall be dissolved once the implementation of the peace agreements has been completed. Its dissolution shall be decided upon by COPAZ itself, by means of an agreement receiving a favourable vote from at least two thirds of its members.

### 7. *International guarantees*

- (a) The establishment of COPAZ shall be explicitly endorsed by a resolution to be adopted by the Security Council concerning the peace agreements.
- (b) The Secretary-General shall keep the Security Council informed regarding the activities and effectiveness of COPAZ.
- (c) COPAZ shall be endorsed by Governments which are in a position to support effectively the guarantee required under the agreements as well as the work of COPAZ. In particular, the cooperation of those Governments shall be expressed and given in such a way as to promote the proposals set forth in the peace agreements as well as their full implementation.

## **II. Purification<sup>1</sup>**

1. A process of purification of the armed forces is agreed upon, on the basis of a vetting of all personnel serving in them by an *ad hoc* Commission.

2. Participation by the armed forces will comprise two of their personnel, who shall have access only to the deliberations of the Commission.

## **III. Reduction of the Armed Forces**

1. The criteria for reduction of the armed forces shall be agreed upon between the Parties.

2. The criteria shall determine *inter alia* the guidelines on the basis of which:

- (a) The size to which the armed forces shall be reduced in peacetime shall be determined;
- (b) The plan for the reduction (manner, timetable, budget, etc.) shall be drawn up.

## **IV. Doctrine of the Armed Forces**

Agreement shall be reached on the redefinition of the doctrine of the armed forces based on the ideas that emerge from the agreements on this subject and from the constitutional reform. It is understood that the function of the armed forces is to defend the sovereignty of the State and the integrity of its territory, and that this doctrine should be based on the principle that the activities and regime of the armed forces shall be consistent with the principles deriving from the

concept of the legally-constituted State governed by the rule of law, the primacy of the dignity of the human person and respect for human rights; defence of and respect for the sovereignty of the Salvadorian people; the concept of the armed forces as an institution in the service of the nation, free from all considerations of politics, ideology or social standing, and from all other forms of discrimination; and the subordination of the armed services to the constitutional authorities.

## **V. Training System for the Armed Forces**

Full effect will be given in its entirety to the agreement reached in Mexico on 27 April 1991 whereby the professional training of personnel serving in the armed forces shall place emphasis on the pre-eminence of human dignity and democratic values, respect for human rights and the subordination of such forces to the constitutional authorities. The agreements reached in this respect shall comprise regulatory provisions guaranteeing the foregoing points as well as the admission and instruction systems.

## **VI. National Civil Police**

The agenda for the negotiations on the National Civil Police provided for in the constitutional reform approved in the Mexico agreements shall include the following items:<sup>2</sup>

- (a) Establishment of the NCP.<sup>3</sup> Doctrine. Juridical regime;
- (b) Disbandment of the National Guard and the Treasury Police, as Public Security Forces;
- (c) Personnel of the NCP:
  - 1. Vetting of National Police personnel.
  - 2. Enlistment of new personnel. Pluralistic and non-discriminatory selection and training system.
  - 3. Profiles and training.
  - 4. International advisory services and support coordinated by the United Nations. The organisation of the NCP and of the National Public Security Academy and the selection of their personnel will be the subject of close international cooperation and supervision.
  - 5. Transitional regime.

## **VII. Economic and Social Questions**

1. Lands in excess of the constitutional limit of 245 hectares, as well as lands owned by the State which are not currently legally

designated forest reserves, shall be used to meet the needs of peasants and small farmers who are without land. To this end, the Government shall also make arrangements to purchase lands offered for sale to the State.

2. The current land-holding situation in the conflict zones shall be respected until a satisfactory legal solution for the definitive land-holding regime is arrived at. The procedures and deadlines for the implementation of this agreement shall be agreed upon in the compressed negotiations.

3. The policies for granting loans to the agriculture and livestock sector shall be revised.

4. The Parties refer to the compressed negotiations, as part of the economic and social subject area, consideration of the following topics:

- (a) Measures required to alleviate the social cost of structural adjustment programmes;
- (b) Appropriate procedures for direct external cooperation designed to encourage community assistance and development projects;
- (c) Establishment of a Forum for economic and social accommodation, with participation by the governmental, labour and business sectors, for the purpose of continuing to resolve economic and social problems. The Forum may be open to participation by other social and political sectors as observers, under terms to be determined by it. VIII  
Remainder of the Agenda

1. Other aspects still pending under the "Armed Forces" item relate to the guarantees of compliance with the agreements. No direct mention is made of these, because they are subject to agreement in the compressed negotiations. In any event, their fulfilment and implementation will be the responsibility of COPAZ.

2. On the same date, the Parties have agreed on an agenda for the compressed negotiations on the pending items, which shall be deemed to form part of the present agreement. Those items on this agenda which have been the subject of agreements in principle in the present agreement shall be subject to consideration and negotiation in conformity with the criteria and principles defined herein.

New York, 25 September 1991

Representing the Government of El Salvador:

Dr. Oscar Santamaria

Col. Mauricio Ernesto Vargas

Dr. David Escobar Galindo

Representing Frente Farabundo Marti para la Liberacion Nacional:

Cmdr. Schafik Handal

Cmdr. Francisco Jovel

Cmdr. Salvador Sanchez Ceren

Cmdr. Eduardo Sancho

Cmdr. Joaquin Villalobos

Alvaro de Soto

Representative of the Secretary-General of the United Nations

### **REFERENCES**

1. The mechanisms for selecting all participants in the *ad hoc* Commission, as well as the voting criteria and other measures relating to the purification, will be dealt with in the compressed negotiations.
2. The negotiations on the National Civil Police and on the Public Security Forces are at an advanced stage. The Parties have in their possession a working paper which reflects the progress made.
3. Given the complexity of the task and the time required to carry out, the process of organising the new National Civil Police needs to begin immediately, i.e. without awaiting other political agreements or the cessation of the armed confrontation. To this end, provision of the international advisory services required has already begun.

# 210

## **Agreement between the Government of Hungary and the Government of Romania on the Establishment of an Open Skies Regime**

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*Bucharest, 11 May 1991*

The Government of the Republic of Hungary and the Government of Romania, hereinafter referred to as the Parties;

Recalling their commitments in the Conference on Security and Cooperation in Europe to promoting greater openness and transparency of their military activities and to enhancing security by means of confidence and security building measures;

Seeking to implement in their bilateral relations in addition to the provisions of the 1990 Vienna Document of the Negotiations on Confidence- and Security-Building Measures, further cooperative confidence and security building measures;

Reaffirming their desire to further contribute to the successful conclusion of the negotiations of the Open Skies Conference, as expressed in the Charter of Paris for a New Europe;

Convinced that a successful bilateral Open Skies regime provides valuable experience for the elaboration of an Open Skies Treaty, and the simultaneous functioning of the two regimes will lead to enhanced confidence and security;

Noting that an Open Skies regime and its successful implementation would encourage reciprocal openness on the part of the States Parties, enhance the predictability of their military activities and strengthen confidence between them;

Convinced that the Open Skies regime will be implemented on a reciprocal and equitable basis which will protect the interest of each State Party;

Noting the possibility of employing the results of such overflights to improve openness and transparency, to enhance confidence and security building, and to improve the monitoring of, and thus promote compliance with, current or future arms control measures;

Noting that the operation of an Open Skies regime will be without prejudice to States not parties to this Agreement;

Believing that an effective Open Skies regime would serve to consolidate improved good neighbourly relations between the States Parties;

Have agreed as follows:

### ***Article 1. Definitions***

For the purposes of this Agreement and its Annexes:

1. The term "Aircrew Member" means an individual from any of the two Parties who has been designated and accepted in accordance with Article XIX of this Agreement, and who performs duties associated with the operation or maintenance of the Observation Aircraft or its sensors, and who participates as a member of the aircrew of the Observation Aircraft during the Observation Flight, or who is an Inspector Escort.

2. The term "Observation Crew Member" means an individual from the Observing Party who has been designated and accepted in accordance with Article XIX. of this Agreement, and who performs duties associated with the operation of the sensors of the Observation Aircraft of the Observed Party and who participates as an Aircrew Member of the Observation Aircraft of the Observed Party during the Observation Right.

3. The term "Flight Monitor" means an individual designated by the Observed Party to be on board the Observation Aircraft during the Observation Flight and who performs duties in accordance with Annex D.

4. The term "Flight Plan" means a flight plan of the Observing Party meeting the requirements of Article VI.

5. The term "Hazardous Airspace" means areas of an Observed Party in which there are invisible or unusual dangers to the safety of the aircraft. Hazardous airspace includes prohibited areas, restricted areas and danger areas, established in the interest of flight safety, public safety and environmental protection and published by the Observed Party in accordance with ICAO rules in the Aeronautical Information Publication (AIP).

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6. The term "Inspector" means an individual who is designated by the Observed Party or Observing Party to conduct inspections of the Observation Aircraft, its equipment, its sensors in accordance with Article IX. and Annex C.

7. The term "Inspection Team" means the group of inspectors designated by the Observed Party or Observing Party to conduct the inspection of the Observation Aircraft, its equipment and its sensors in accordance with Article IX. and Annex C.

8. The term "Inspector Escort" means a designated representative of the Observing Party or the Observed Party who has been authorised to monitor all activities of Inspectors and the Inspection Team during inspections and perform other specified duties in accordance with Article DC. and Annex C.

9. The term "Inspection" means that activity described in and performed pursuant to Article IX and Annex C.

10. The term "Period of Inspection" means the period of time during which the Inspection Team inspects the Observation Aircraft, its equipment and its sensors in accordance with Article IX and Annex C.

11. The term "Observation Aircraft" means an unarmed, fixed wing aircraft, capable of carrying two Observed Party Right Monitors in addition to its Aircrew Members. An aircraft is considered unarmed when it is not carrying any armament (munitions) of any type or equipment dedicated to armament operations.

12. The term "Observation Flight" means a flight and any accompanying refuelling stops, conducted in accordance with the provisions and restrictions of this Agreement by an Observation Aircraft over the Territory of an Observed Party.

13. The term "Observed Party" means a Party over whose Territory an Observation Right is conducted.

14. The term "Observing Party" means a Party conducting an Observation Right.

15. The term "Point of Entry" means the Airfield(s) in the Territory of each Party that are designated in Annex B for the departure of the Observation Aircraft from the Observed Party's Territory.

16. The term "Point of Exit" means the Airfield(s) in the Territory of each Party that are designated in Annex B. for the departure of the Observation Aircraft from the Observed Party's Territory.

17. The term "Permitted Observation Equipment" means on-board observation equipment of the Observation Aircraft as described in Annex E.

18. The term "Quota" means the number of Observation Flights that each Party undertakes to accept annually ("Passive Quota") and also the number of Observation Rights each Party shall have the right to conduct annually ("Active Quota"), as set forth in Annex A.

19. The term "Arrival Fix" means the compulsory reporting point specified and promulgated by the Observed Party in Annex B through which the Observation Aircraft shall enter the territorial airspace of the Observed Party.

20. The term "Departure Fix" means the compulsory reporting point specified and promulgated by the Observed Party in Annex B through which the Observation Aircraft shall depart the territorial airspace of the Observed Party.

21. The "ATS" Route means a specified route designed for channelling the flow of traffic as necessary for the provisions of Air Traffic Services.

## ***Article II. Basic Rights and Obligations of the Parties***

1. Each Party shall have the right to conduct Observation Flights in accordance with the provisions of this Agreement.

2. Each Party undertakes to permit Observation Rights over its Territory in accordance with the provisions of this Agreement.

3. Each Party may conduct Observation Flights with its own Observation Aircraft or the Observation Aircraft of the other Party.

4. Areas with Hazardous Airspace are excepted in accordance with the provisions of Articles I, VIII. and Annex G.

## ***Article III. Quotas of Observation Flights***

1. For the purposes of fulfilling objectives of this Agreement, each Party shall have the right to conduct and undertakes the obligation to accept an agreed number of Observation Flights in accordance with Annex A.

2. The number of Observation Flights a Party shall be allowed to conduct shall be equal to the number of overflights it shall be required to accept.

## ***Article IV. Observation Aircraft***

While conducting flights under this Agreement, the Observation Aircraft shall comply with the provisions of this Agreement.

Unless inconsistent with the provisions of this Agreement, the Observation Aircraft shall also comply with: a the published standards

and recommended practice of ICAO; b published national air traffic control rules, procedures and guidelines on flight safety of the Observed Party; and c the instructions of the ATC authorities and the ground control services.

***Article V. Pre- and Post-Observation Flight Procedures***

1. Upon entry into force of this Agreement, each Party shall provide the other Party with the following information:

- (a) emergency airfields between its Arrival Fixes and Points of Entry and between its Points of Exit and its Departure Fixes;
- (b) instrument arrival and departure procedures:
  - for its Points of Entry and Exit;
  - for its alternate airfields near its Points of Entry and Exit;
  - for suitable airfields along the route of flight which may be used in an emergency.

2. Each Party shall promptly notify the other Party of any updates and amendments to such information.

3. A Party may change the location of its Points of Entry and/or Exit upon three months prior notification to the other Party.

4. In order to conduct an Observation Flight, the Observing Party shall notify the Observed Party of the estimated time of arrival of its Observation Aircraft at the Observed Party's Point of Entry. Such notice shall be given not less than 24 hours in advance of the estimated time of arrival.

5. The notification to the Observed Party shall also indicate the type and model of the incoming aircraft, its registration number and call sign, as well as the names, passport types and numbers and functions of each Aircrew Member.

6. In case, the Observing Party intends to use the Observation Aircraft of the Observed Party, it shall submit its request to do so within seven days in advance of the proposed time of the commencement of the Observation Flight.

7. Upon completion of the Observation Flight, the Observation Aircraft shall depart the Territory of the Observed Party from the Point of Exit. The departure flight from the Point of Exit shall commence not later than 24 hours following the completion of the Observation Flight, unless weather conditions or the airworthiness of the Observation Aircraft do not permit.

### **Article VI. Flight Plans and Conduct of Observation Flights**

1. Within six hours following the arrival of the Observation Aircraft or the Observation Crew at the Point of Entry, the Observing Party shall submit a Flight Plan for the Proposed Observation Flight to the Observed Party. The Observed Party shall as soon as possible review and approve or amend and approve the proposed Flight Plan in accordance with the provisions of this Agreement.

2. The Observation Flight shall be conducted in accordance with the approved Flight Plan and in accordance with clearances and instructions from the Observed Party's air traffic controllers.

3. The Flight Plan shall have the content according to Annex 2 to the Convention on International Civil Aviation, signed in Chicago, 1944, and be in the format specified by ICAO Document 4444-RAC/501, Rules of the Air and Air Traffic Services, as amended or revised.

4. The Flight Plan shall provide and require that:

- (a) the planned duration of the Observation Flight shall not exceed the duration of Observation Flights that is set forth in Annex A;
- (b) the Observation Flight commences not earlier than 16 hours and not later than 48 hours after delivery of the Flight Plan to the Observed Party;
- (c) the Observation Aircraft shall fly a direct route between the coordinates or navigation fixes designated in the Flight Plan, and shall visit each coordinate or navigation fix in the declared sequence set forth in the Flight Plan; and
- (d) the Observation Aircraft shall not hold over, delay departure from or otherwise loiter at any point of its approved Flight Plan route nor otherwise unreasonably disrupt the normal flow of air traffic except:
  - as allowed for in the approved flight plan;
  - as necessary for the purposes of arrival or departure at designated airfields when executing published procedures or the instructions of air traffic control;
  - as instructed by air traffic control;
  - as required for reasons of flight safety;
  - flight tracks shall be permitted to intersect provided that no point of intersection is crossed more than once on any observation flight.

5. The Observed Party shall ensure that Aircrew Members are given the Observed Party's most recent weather and safety information pertaining to the Flight Plan for each Observation Flight, including Notices to Airmen, IFR procedures and information about alternate and emergency airfields along the flight route stated in the approved Flight Plan.

6. All Observation Flights shall be carried out in compliance with the provisions of this Agreement and ICAO standards and recommended practice, and with due regard for differences existing in national rules and regulations, published in AIP or in accordance with national flight and air traffic control requirements of which the Observation Aircraft's Aircrew shall be informed.

7. In the event that the Observation Aircraft makes a deviation from the Flight Plan, as permitted under Article XIII. of this Agreement, the additional flight time arising from such deviation shall not count against the duration specified in Annex A.

#### ***Article VII. Sensors***

1. Each Party may use during Observation Flights any sensor that is necessary for reaching the objectives of this Agreement listed in Annex E. Sensors not listed in Annex E are prohibited and shall not be on board of the Observation Aircraft.

2. The Parties undertake to use the same types of sensors of comparable capability and to this end to facilitate access to such sensors for use by the other Party.

3. The Observation Aircraft shall be equipped with the same sensors, when used upon request by the other Party.

4. Data acquired by sensors during Observation Flights will remain encapsulated on board the Observation Aircraft until the termination of the Observation Flight. Sensor data link operations of any kind are prohibited.

5. As provided in Paragraph 4, of Article XVI of this Agreement, Party may utilise a type or model of sensor not listed in Annex E for or in connection with an Observation Flight upon:

- (a) receiving the approval of the Hungarian-Romanian Open Skies Consultative Commission (HROSCC), and
- (b) making a representative type or model of such sensor available for pre-flight examination by the other Party in accordance with the provisions of Annex E.

6. Any Party operating an Observation Aircraft will ensure that the sensors function to specifications and also that their specifications conform with agreed requirements.

***Article VIII. Hazardous Airspace***

1. Observation Aircraft may conduct Observation Flights anywhere over the Territory of the Observed Party in accordance with Article II. and Article VI.

2. Hazardous Airspace must be publicly announced. Such public announcements must specify the dangers to the Observation Aircraft and Aircrew Members. Each Party shall ensure that such public announcements of Hazardous Airspace are promptly provided to the Other Party by the source designated by the Party in Annex H.

3. Particular Hazardous Airspace announced in Annex H must be taken into account by the Observing Party when preparing an Observation Flight Plan.

4. Each Party may introduce amendments and additions to Annex H, giving notice thereof to the other Party.

5. In case of need, the Observed Party shall inform the Aircrew Members during preparations for the Observation Flight of the new particular Hazardous Airspace, indicating the causes for the restrictions introduced.

6. In the event that the Flight Plan of the Observing Party requests overflight of Hazardous Airspace of the Observed Party, the Observed Party shall approve the Flight Plan if it conforms with Article VI., but may amend it to specify the minimum safe altitude over the Hazardous Airspace. This minimum safe altitude shall be made part of the Flight Plan. If there is no minimum safe altitude available consistent with air safety requirements, the Observed Party shall propose an alternative flight routing as near to the Hazardous Airspace as is permitted by air safety requirements. Alternatively the Observed Party may propose that the time of arrival of the Observation Aircraft over the Hazardous Airspace be amended to a time consistent with flight safety requirements. Such alternative flight routing or timing shall be incorporated in a revised Flight Plan and approved by the Observed Party.

7. The Observing Party may elect either to conduct the Observation Flight on the basis of an amended Flight Plan, avoiding the particular Hazardous Airspace, or to cancel the Observation Flight. In that latter event, the Observation Aircraft or the Observation Crew shall depart

the Territory of the Observed Party in accordance with Article V. and no overflight shall be recorded against the Quota of either Party.

8. In the event the Observing Party informs the Observed Party that denial of access to any portion of the Hazardous Airspace of the Observed Party was not justified on the basis of air safety considerations and in a further event that the matter is not resolved through diplomatic channels, the Observing Party may raise the matter for consideration in the Hungarian-Romanian Open Skies Consultative Commission pursuant to Article XVI. of this Agreement.

### ***Article IX. Aircraft and Sensor Inspections***

When an Observation Flight is conducted using an Observation Aircraft of the Observing Party, upon delivery of the Flight Plan, unless otherwise mutually agreed to by the Observed and the Observing Party, the Inspection Team of the Observed Party may inspect the Observation Aircraft, accompanied by Inspector Escorts of the Observing Party, to determine whether there is any Prohibited Equipment on the Observation Aircraft. Such inspection shall terminate no later than three hours prior to the scheduled commencement of the Observation Flight set forth in the Flight Plan. All such inspections shall be conducted in accordance with Annex C.

### ***Article X. Flight Monitors on Observation Aircraft***

The Observed Party shall have the right to have two Flight Monitors on board the Observation Aircraft during each Observation Flight in accordance with Annex D. Such Flight Monitors shall have the right of access to all areas of the Observation Aircraft during the Observation Flight. Flight Monitors have the rights and obligations specified in Annex D. In discharging their functions, Flight Monitors shall not interfere with the activities of the Aircrew Members.

### ***Article XI. Observation Aircraft Servicing and Maintenance***

1. The Observed Party shall, upon request, provide
  - (a) customary commercial aircraft fuelling, servicing, and maintenance for the Observation Aircraft at the Point of Entry or Exit and at any predesignated refuelling point specified in the Flight Plan; and
  - (b) meals and the use of rest facilities for Observation Aircraft Aircrew Members.

2. On request of the Observing Party, further services will be agreed upon between the Parties in order to guarantee the effective realisation

of the Observation Right. Should unscheduled technical demand arise for the Observation Aircraft, the necessary support will be provided without delay by the Observed Party. A protocol about the obtained services will be established between the Inspector Escort of the Observing Party and a responsible officer of the Observed Party at the Point of Entry or Exit.

3. The Observing Party shall reimburse the Observed Party for the ordinary and reasonable costs of such fuelling, maintenance, servicing, meals and use of rest facilities. The amount of reimbursement will be agreed upon by the Parties on a case-by-case basis and will represent a fair estimate of the cost of such services at the time rendered, exclusive of taxes, fees, duties or other similar charges.

4. The Observing Party shall reimburse the Observed Party for the use of the Observation Aircraft of the Observed Party. The Observed Party shall inform in advance the Observing Party of the estimated cost of one flight hour by the Observation Aircraft. 5 Such charges shall not be greater than that which the Observed Party would charge itself for the same service.

### ***Article XII. Prohibition, Correction or Curtailment of Observation Flights***

1. The Observed Party, by notifying the Observing Party, may prohibit prior to its commencement, or correct or curtail in a non-harmful manner subsequent to its commencement, any Observation Flight:

- (a) that is not permitted by the terms of Annex A;
- (b) for which a Flight Plan has not been filed in accordance with this Agreement;
- (c) that arrives at the Point of Entry less than 24 hours after the notification required by Article V of this Agreement;
- (d) that fails to arrive at the Point of Entry within six hours of the estimated time of arrival set forth in said notification;
- (e) that deviates from the Flight Plan, except as permitted by Article XIII. of this Agreement;
- (f) that is conducted by an aircraft other than an Observation Aircraft; or
- (g) that is otherwise in non-compliance with the terms, conditions, provisions and restrictions of this Agreement.

2. The Observed Party may correct or curtail in its territorial airspace a flight to a Point of Entry or from a Point of Exit that deviates from the direct route required by Article VI.

3. When an Observed Party prohibits, corrects or curtails an Observation Flight in accordance with this Article, it must provide in writing to the Observing Party through routine diplomatic channels an explanation for its action.

4. An Observation Flight that has been prohibited shall not be recorded against the Quota of the Observed Party. A proposed Observation Flight that has been corrected or curtailed shall not be recorded against the Quota of the Observed Party.

5. Disputes bearing on this Article may be submitted to the Hungarian-Romanian Open Skies Consultative Commission for resolution as stipulated in Article XVI of this Agreement.

### ***Article XIII. Deviations and Emergencies***

1. Notwithstanding any other provisions of this Agreement deviations by an Observation Aircraft from a Flight Plan or from the routes to and from the Points of Entry and Exit, that are necessitated by (a) adverse weather conditions, (b) air traffic control instructions related to flight safety, or (c) aircraft mechanical difficulty or other event beyond the control of the Observing Party, shall not be deemed a violation of this Agreement and shall not be grounds for correction, curtailment or prohibition by the Observed Party of an Observation Flight, a flight arriving at a Point of Entry or a flight departing from a Point of Exit.

2. Any Observation Aircraft declaring an emergency shall be accorded the Observed Party's full range of distress and diversion facilities in order to ensure the most expeditious recovery to the nearest suitable airfield. A full investigation of the declaration shall be conducted in accordance with the regulations of the Observed Party, with the participation of the Observing Party, at a place of the Observed Party's choosing.

3. In the case of an accident involving the Observation Aircraft in the Territory of the Observed Party, search and rescue operations will be conducted by the Observed Party in accordance with its own regulations and procedures for such operations. A full investigation of the accident by the Observed Party shall be conducted in accordance with the regulations of the Observed Party, with the participation of the Observing Party at a place of the Observed Party's choosing. At the conclusion of the investigation, all wreckage and debris of the Observation Aircraft, equipment and sensors if found and recovered will be returned to the Observing Party if so requested.

***Article XIV. Non-Interference***

No Party shall use any device or equipment to interfere with the operation of the Observation Aircraft, with the functioning of the sensors, or with the safe conduct of any Observation Flight.

***Article XV. Use of Information***

1. Information acquired through Observation Flights shall be used exclusively for the attainment of the purpose of this Treaty.

2. Both the Observing and the Observed Parties shall receive complete set of the data obtained as a result of the processing of observation materials.

3. Observation materials obtained as a result of an Observation Flight shall be processed in accordance with Annex H.

4. Information obtained by a Party as a result of Observation Flights must not be used to the detriment of the other Party's security or other interests and must not be transferred to any third State.

***Article XVI. Hungarian-Romanian Open Skies Consultative Commission***

1. To promote the objectives and implementation of the provisions of this Agreement, the Parties hereby establish the Hungarian-Romanian Open Skies Consultative Commission (hereinafter referred to as "the Commission").

2. The Commission shall make decisions and undertake actions on the basis of agreement of the Parties.

3. Each Party may raise before the Commission any issues concerning compliance with the obligations of this Agreement.

4. The Parties shall meet within the framework of the Commission to:

- (a) agree upon such technical and administrative measures, consistent with this Agreement, as may be necessary to ensure the viability and effectiveness of this Agreement;
- (b) consider questions relating to compliance with the obligations assumed under this Agreement;
- (c) agree on updates to the Annexes that so provide; and d consider and act upon all matters referred to it by a Party pursuant to this Agreement.

5. General provisions for the operation of the Commission are set forth in Annex F.

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**Article XVII. Notifications**

Except as otherwise stipulated, the Parties shall provide the notifications required by this Treaty through diplomatic channels.

**Article XVIII. Liability**

A Party shall, in accordance with international law and practice, be liable to pay compensation for damage to the other Party, or to its natural or juridical persons or their property, caused by it in the course of the implementation of this Agreement.

**Article XIX. Aircrew Members and Inspection Crew Members**

1 Aircrew Members and Inspection Crew Members shall be designated by each Party in the following manner:

- (a) Within 30 days after signature of this Agreement each Party shall provide to the other Party for its review a list of proposed Aircrew Members and Inspection Crew Members who will conduct Observation Flights for that Party. This list shall not exceed 30 persons and shall contain the name, birth date, rank, function and passport type for each person on the list. Each Party shall have the right to amend its list of Aircrew Members and Inspection Crew Members. Each Party shall have to provide to the other Party its amended list of Aircrew Members and Inspection Crew Members.
- (b) If any person on the original or amended list is unacceptable to the other Party, it shall, within 14 days, notify the Party providing the list that such persons will not be accepted as Aircrew Members and Inspection Crew Members. Persons not declared unacceptable within 14 days are deemed accepted as Aircrew Members and Inspection Crew Members. In the event that a Party subsequently determines that an Aircrew Member or an Inspection Crew Member is unacceptable, the Party shall so notify the Party that designated the Aircrew Member or Inspection Crew Member, which shall, not later than two working days thereafter, strike such person from its Aircrew Member and Inspection Crew Member list.

2. In order to exercise their functions effectively, for the purpose of implementing the Agreement, Aircrew Members and Inspection Crew Members shall be accorded the inviolability and immunities as specified in Articles 29, 30, paragraph 2 with respect to papers and correspondence and 31 of the Convention on Diplomatic Relations done in Vienna on 18 April 1961. Such inviolability and immunities shall be

accorded for the entire period from the arrival of the Aircrew Members or Inspection Crew Members to the Territory of the Observed Party until their departure from it, and thereafter with respect to acts previously performed in the exercise of their official functions as Aircrew Members or Inspection Crew Members. The immunity from jurisdiction may be waived by the Observing Party in those cases when it is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the Agreement. Such waiver must always be express. Without prejudice to their inviolability and immunities or to the rights of the Observing Party under this Agreement, it is the duty of Aircrew Members and Inspection Crew Members to respect the laws and regulations of the Observed Party.

3. Aircrew Members and Inspection Crew Members of a Party shall be permitted to bring into the Territory of the Observed Party, without payment of any customs duties or related charges, articles for their personal use, with the exception of articles the import or export of which is prohibited by law or controlled by quarantine regulations.

4. In the event that either the Observing Party or the Observed Party considers that there has been a violation or an abuse of the inviolability or immunities accorded under this Article, that party may forward a report specifying the nature of the issue to the Commission for consideration.

#### ***Article XX. Ratification and Entry into Force***

1. The present Agreement is subject to ratification in accordance with constitutional procedures of each Party.

2. This Agreement shall enter into force upon the exchange of the instruments of ratification.

#### ***Article XXI. Amendments; Implementing Measures; Periodic Review***

1. Each Party may propose amendments to this Agreement. Agreed amendments shall enter into force in accordance with the procedures set forth in Article XX governing the entry into force of this Agreement.

2. Any decision taken by the Commission pursuant to subparagraphs (a) or (c) of Paragraph 4 of Article XVI shall be deemed not to be amendments to this Agreement.

3. Within 60 days of the signature of a multilateral Open Skies Treaty a session of the Commission is to be convened to consider matters related to the further implementation of this Agreement.

**Article XXII. Duration; Denunciation**

1. This Agreement shall be of unlimited duration.

2. Each Party may denounce this Agreement if it decides that extraordinary events related to the subject matter of this Agreement have jeopardised its supreme interests. A Party intending to denounce the Agreement shall give notice of its decision to the other Party at least six months in advance of its denunciation.

3. In the event that a Party gives notice of its decision to denounce this Agreement in accordance with paragraph 2 of this Article, a meeting of the Commission shall be convened by the Parties within 30 days after such a notification has been received in order to consider practical matters related to the denunciation of the Agreement.

**Article XXIII. Registration**

1. This Agreement shall be registered pursuant to Article 102 of the Charter of the United Nations.

**Article XXIV**

This Agreement contains XXIV Articles and Annexes A-H, all of which form an integral part of this Agreement.

Done at..... this..... day of..... 19..., in two copies, each in Hungarian and Romanian languages, all two texts being equally authentic.

**ANNEX A**

	<i>Hungary</i>	<i>Romania</i>
Number of Observation Flights per Year	4	4
Maximum Length of Observation Flights	3 hours	3 hours
Maximum Distance of Observation Flight	1,200 km	1,200 km

This Annex may be updated by the Commission. This update shall not be considered an amendment of the Agreement.

**ANNEX B**

	<i>Hungary</i>	<i>Romania</i>
Points of Entry and Exit:	Budapest- Ferihegy Szolnok	Bucharest- Otopeni Timisoara

Arrival and Departure Fixes: All Arrival and Departure Fixes along the Hungarian-Romanian border published in the AIP.

Air Routes to and from Points of Entry and Exit: The international airways.  
Language to be used during briefings: Hungarian Romanian

This Annex may be updated by the Commission. This update shall not be considered an amendment of the Agreement.

### ***ANNEX C — INSPECTIONS***

The following procedures shall govern the inspection of the Observation Aircraft by the Inspection Team conducted to determine whether there is any prohibited equipment on the Observation Aircraft pursuant to Article DC of the Agreement.

1. Upon arrival of the Observation Aircraft at the Point of Entry, the Inspection Team shall, if requested by the Inspector Escorts, provide the Inspector Escorts a briefing on how the Inspection Team intends to inspect the Observation Aircraft, including, but not limited to, any safety precautions pertaining to Inspection Team activities, and shall undertake the following measures:

- (a) deliver to the Inspector Escorts a list of the members of the Inspection Team, which shall not exceed 10 members, unless otherwise agreed to by the Observing Party and the Observed Party, and a statement of the general function during the inspection of each member of the Inspection Team; and
- (b) deliver to the Inspector Escorts a list of each item of inspection equipment to be used by the Inspection Team in conducting the inspection, which shall be limited to the following items:
  - (i) flashlights;
  - (ii) still and video cameras;
  - (iii) notepads, inspection records, rulers, pens and pencils;
  - (iv) hand-held audio recorders, the use of which shall be limited to recording inspection activities;
  - (v) passive infrared sensors;
  - (vi) ultrasonic equipment; vii lens measuring devices;
  - (viii) borescopes;

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- (ix) other specialised measurement equipment approved by the Inspector Escorts and appropriate for inspection of the type of Observation Aircraft, equipment and sensors being inspected; and
  - (x) other equipment as approved in writing by the Inspector Escorts for that inspection; and
- (c) with the participation of the Inspector Escorts, conduct an inventory of each item of inspection equipment set forth on the list delivered by the Inspection Team pursuant to subparagraph 1(b) of this Annex, and review with the Inspector Escorts the accounting procedures the Inspector Escorts shall follow pursuant to Paragraph 9 of this Annex to confirm that each item of inspection equipment brought aboard the Observation Aircraft by the Inspection Team has been removed from the Observation Aircraft upon conclusion of the inspection.

2. Upon delivery of the Flight Plan, unless otherwise mutually agreed to by the Observed Party and Observing Party, the Inspection Team of the Observed Party may inspect the Observation Aircraft, accompanied by Inspector Escorts of the Observing Party, to determine whether there is any Prohibited Equipment on the Observation Aircraft. All such inspections shall be conducted in accordance with Article IX and the Annex C.

3. The Inspection Team shall be accompanied throughout the entire inspection of the Observation Aircraft by the Inspector Escorts to confirm that the inspection is being conducted in accordance with the provisions of this Annex. The Inspection Team shall facilitate the execution of this duty by the Inspector Escorts. The Inspector Escorts shall facilitate the inspection of the Observation Aircraft, its equipment, and its sensors by the Inspection Team.

4. In conducting its inspection, the Inspection Team shall have full access to the entire exterior and interior of the Observation Aircraft and its equipment. Such access shall be provided to, but not limited to the following:

- (a) cockpit;
- (b) cabin area;
- (c) tail section;
- (d) nose;
- (e) wings;
- (f) engines;

- (g) fuselage; and
- (h) cargo and storage areas.

5. In conducting its inspection, the Inspection Team shall have full access to sensors. All access to sensors and electronic equipment associated with such sensors connected to or protruding from the exterior or located within the interior of the Observation Aircraft shall be obtained through access panels, where such access panels are designed to be opened, removed, and re-emplaced.

6. Notwithstanding the provisions of paragraphs 4 and 5 of this Annex, the inspection shall be conducted in a manner that does not:

- (a) degrade or damage, or prevent subsequent operation of the Observation Aircraft, its equipment, or its sensors;
- (b) alter the electrical or mechanical structure of the Observation Aircraft, its sensors, or its equipment; or
- (c) impair the airworthiness of the Observation Aircraft.

The Inspection Team may not open compartments on board the Observation Aircraft, remove aircraft, sensor, or equipment panels, or remove physical barriers to access to the Observation Aircraft, its equipment, or its sensors; provided, however, that the Inspector Escorts shall, upon request, do all such opening or removal, to the extent that the compartments, panels and barriers in question are designed to be opened, removed, and re-emplaced. The Inspector Escorts shall equip themselves with necessary tools to fulfil all such requests promptly. The Inspector Escorts shall be provided sufficient time during the inspection to re-emplace and secure all components, panels and barriers that are opened or removed, so that at the end of the inspection all such components, panels, and barriers are re-emplaced and secured.

7. Equipment not on the inspection equipment list delivered by the Inspection Team pursuant to subparagraph 1(b) of this Annex may not be brought on board the Observation Aircraft by the Inspection Team, nor may the Inspection Team bring weapons of any kind on board the Observation Aircraft.

8. The Inspection Team may make notes, photographs, video and voice recordings, sketches and similar records of the Observation Aircraft and sensors during the inspection, none of which shall be subject to any review or examination by the Observing Party.

9. Upon completion of the inspection, which shall terminate no later than three hours prior to the scheduled commencement of the Observation Flight, and shall have a duration of not more than eight daylight hours, unless otherwise agreed by the Parties, the Inspection Team shall:

- (a) withdraw from the Observation Aircraft and its immediate area to a location not closer than 25 meters from any part of the Observation Aircraft; and
- (b) demonstrate to the Inspector Escorts that all inspection equipment on the list delivered pursuant to subparagraph 1(b) of this Annex has been removed from the Observation Aircraft.

The Inspector Escorts may use their own accounting procedures to confirm compliance with subparagraph (b) of this paragraph. If the Inspector Escorts are unable to confirm compliance with subparagraph (b) of this Paragraph, the Observed Party may prohibit the Observation Flight, and no Observation Flight shall be recorded against the Quota of either Party.

10. The Inspection Team shall immediately inform the Inspector Escorts of any equipment suspected to be Prohibited Equipment located by the Inspection Team on board the Observation Aircraft. If the Observing Party is unable to demonstrate that the items in question are not Prohibited Equipment, the Observed Party may prohibit the Observation Flight pursuant to subparagraph 1(g) of Article XII of the Agreement, and the Observation Aircraft shall thereupon depart the Territory of the Observed Party.

11. Information and briefings furnished by a Party pursuant to this Annex shall be provided in the language that is designated for that Party in Annex B, unless the Party receiving the information or briefing otherwise agrees.

12. The Observed Party shall, upon request, provide a suitable briefing room for briefings provided for by this Annex and for use by Inspector Escorts in preparing information in connection with inspections. The Observed Party shall also provide the assistance of clerical personnel to Inspector Escorts in connection with the performance of their responsibilities under this Annex.

13. The Observed Party shall not disclose to non-Parties information about the Observation Aircraft, its equipment, or its sensors obtained pursuant to Article IX. or this Annex without the express permission of the Observing Party.

14. Upon entry into force of this Agreement, each Party shall notify to the other Party of each type and model of Observation Aircraft and sensor it intends to use for Observation Flights. Each time a Party intends to use for Observation Rights a new model of Aircraft or a new model of Sensor of agreed types, it shall notify to the other Party the

model of the Aircraft or Sensor. Functional description and generic diagrams of the Aircraft, its equipment and sensors, to include all sensor components, shall be provided upon request.

15. Within a period of 30 days after notification of each type and model of Observation Aircraft and sensor pursuant to Paragraph 14, each Party shall notify to the other Party of a seven day period during which a representative type and model of each such Observation Aircraft and/or sensor shall be available for examination. The Party whose Observation Aircraft and/or sensors are being examined shall provide adequate facilities in which to conduct the examination.

16. Examinations shall not exceed 48 hours in length without the consent of the Party whose Observation Aircraft and/or sensors are being examined.

17. The representatives of the Party conducting the examination shall be:

- (a) identified to the Party whose Observation Aircraft and sensors are being examined in advance of the examination;
- (b) nationals of the Party;
- (c) accorded the inviolability and immunities enjoyed by diplomatic agents pursuant to Articles 29 and 31 of the Vienna Convention on Diplomatic Relations for the entire period of their presence in the Territory of the Party whose Observation Aircraft and sensors are being examined, and thereafter with respect to acts previously performed in the exercise of their official functions;
- (d) accorded the same treatment as is accorded to Aircrew Members and Inspection Crew Members under paragraph 2, of Article XIX. of the Agreement regarding waiver of immunity, and under paragraphs 3 and 4 of Article XIX of the Agreement;
- (e) governed by the provisions of paragraphs 1,3-8, and 12 of this Annex to the extent that those paragraphs are applicable to Inspection Team members;
- (f) accompanied during the examination by representatives of the Party whose Observation Aircraft and sensors are being examined; and are required to identify specific inspection equipment, and, if requested by the Party whose Observation Aircraft and sensors are being examined, shall demonstrate that such equipment will not degrade, damage, alter, or impair the normal operation of the Observation Aircraft and its sensors.

18. The Party whose Observation Aircraft and sensors are being examined shall, prior to commencement of such examination, undertake the following measures:

- (a) brief the Party conducting the examination on all necessary safety precautions for the examination of the Observation Aircraft;
- (b) brief the Party conducting the examination on the procedures the Party whose Observation Aircraft and sensors are being examined intends to use to allow a thorough examination;
- (c) brief the Party conducting the examination on the configuration of the Observation Aircraft and on the location of sensors and associated equipment on the Observation Aircraft; and
- (d) use best efforts to answer questions of the Party conducting the examination pertaining to the examination.

19. Pursuant to paragraph 17 (e) of this Annex, the Party conducting the examination may not open compartments on board the Observation Aircraft, remove aircraft, sensor, or equipment panels, or remove physical barriers to access to the Observation Aircraft, its equipment, or its sensors; provided, however, that the Party whose Observation Aircraft and sensors are being examined shall, upon request, do all such opening or removal, to the extent that the compartments, panels, and barriers in question are designed to be opened, removed, and re-emplaced.

### ***ANNEX D — FLIGHT MONITORS***

#### 1. Obligation of the Parties.

Each Party shall facilitate the mission of the Flight Monitors.

#### 2. Purposes of the Flight Monitors.

The purposes of having Flight Monitors aboard the Observation Aircraft during the Observation Flight are:

- (a) To represent the Observed Party;
- (b) To monitor compliance by the Observing Party with the provisions of the Agreement;
- (c) To ensure compliance with the Flight Plan;
- (d) To monitor the operation of the sensors and other equipment of the Observation Aircraft;
- (e) To advise on national rules of the Observed Party (e.g., rules on flight safety) as requested by the Observing Party;

- (f) In the event of an emergency, to facilitate communications as directed by the pilot in command of the Observation Aircraft.

3. General Rules for the Conduct of Flight Monitors

- (a) Two Right Monitors shall have the right to board the Observation Aircraft at the Point of Entry and to remain aboard during the Observation Flight, including any stops for refuelling or emergencies,
- (b) The Flight Monitors shall have the right to bring aboard the Observation Aircraft maps, flight charts, publications, equipment operating manuals, and other equipment, such as tape voice recorders,
- (c) Except for flight safety reasons, the Right Monitors shall have the right to move unencumbered about the Observation Aircraft, including the flight deck. In exercising their rights, the Flight Monitors shall not interfere with the activities of the Aircrew Members,
- (d) The Flight Monitors shall have the right to view the operation of the sensors by the Observing Party as well as all activities on the flight deck during the Observation Flight. This includes the right to listen to the communication of the Observation Aircraft (internal and external) and to monitor the flight and navigation instruments of the Observation Aircraft.
- (e) The Flight Monitors are the representatives of the Observed Party during the conduct of the Observation Flight. Flight Monitors may offer advice, communicate with air traffic controllers as appropriate, and may help relay and interpret communications, from the air traffic controllers to the Aircrew Members, about the conduct of the Observation Flight. For this purpose, the Flight Monitors shall be given access to the radio equipment of the Observation Aircraft,
- (f) Flight Monitors are responsible for knowing the position of the Observation Aircraft and the location of Hazardous Airspace along and near the route of the Observation Flight. If a Flight Monitor or air traffic control personnel of the Observed Party believes that the Observation Aircraft is deviating from its Flight Plan, the Aircrew Members shall be advised.
- (g) Should the Flight Monitors determine that they are not being permitted to exercise their rights under the Agreement,

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the Observed Party shall forward a report specifying the nature of the issue to the Joint Open Skies Consultative Commission for consideration.

### ***ANNEX E — SENSORS***

1. The sensor package for Open Skies purposes may comprise any of the following types of sensors in any number and combination: a Camera, Optical b Video Camera

2. Hungarian-Romanian Open Skies Consultative Commission shall annually consider updates to this Annex.

3. Signals intelligence collection from the Observation Aircraft is prohibited. Any device that can collect, process, retransmit, and/or record electronic signals related to communications, instrumentation, telemetry, and electronic non-communication signals is prohibited, except: (a) that equipment required for navigation and flight operations, and (b) those devices that are components of other sensors (e.g. recording equipment for onboard non-prohibited sensors). Such excepted equipment and devices shall not be used to perform any prohibited function.

4. Data link (encrypted/unencrypted) equipment, such as that which could be used to transmit sensor data from the Observation Aircraft to a ground station, to other aircraft or to satellites, is prohibited.

### ***ANNEX F — COMMISSION***

1. The Commission shall undertake such action as is provided for in Article XVI of the Agreement.

2. Each Party shall appoint a Representative, assisted by such staff as that Party deems necessary, to the Commission.

3. The Commission shall hold one regular session per calendar year unless it decides otherwise. Special sessions may be convened upon the request by a Party. Such a Party shall inform the other Party in advance of the matters to be submitted for consideration.

4. The initial session of the Commission shall be held within sixty days of the entry into force of this Agreement. Thereafter, sessions of the Commission shall be held at the capitals of the Parties, and shall alternate between the two capitals every year. The Party at whose capital a session is held shall provide administrative support for that session. Sessions may also be held at such other places as the Parties may agree.

5. At its initial session, the Commission shall establish its Rules of Procedure.

6. The proceeding of the Commission shall be confidential. The Commission may agree to make its decisions public.

7. Each Party shall bear the expenses incurred from its participation in the Commission. Expenses incurred by the Commission as a whole shall be shared equally by the Parties.

### ***ANNEX G — HAZARDOUS AIRSPACE***

The Hazardous Airspaces of the Parties are those that are published in the AIP.

### ***ANNEX H — PROCESSING OF MATERIALS OF THE OBSERVATION FLIGHTS***

1. Obligations of the Parties
  - (a) Each Party will in every possible way facilitate the timely and high-quality processing of the observation materials and their provision to the Observing Party.
  - (b) The Party carrying out the processing shall be responsible for the quality of the processing of the Observation Flight materials.
2.
  - (a) The initial processing (development) of Observation Right materials shall be carried out in established ground facilities to be notified by the Parties upon entry into force of the Agreement, by mixed groups of specialists of the Observed and the Observing Parties and with the aid of agreed equipment.
  - (b) Whenever it is possible to install dual sensors on board of the observation aircraft, the Observing Party shall take home one set of observation materials while the other original set of observation materials shall be retained by the Observed Party. If it is not possible to install dual sensors on board of the observation aircraft, the observation materials shall remain with the Observed Party while the copy shall be taken home by the Observing Party.

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# 211

## Security Commission Agreement\*

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*San Jose, 31 July 1990*

In accordance with the mandate of the Central American Presidents, as defined in the Guatemala Procedure and the Antigua Declaration, to consolidate the process of achieving peace and democracy and to generate a climate of confidence and security in the region, the Security Commission hereby lays down the following objectives:

1. To ensure that the armed forces of the countries of the region are of such a nature as to defend sovereignty, territory and internal order rather than of an offensive nature;
2. To establish a reasonable balance between the armed forces of the countries of the region, or a proportional and overall equivalence between their weapons, equipment and human strengths, in such a way that they do not represent any threat to neighbouring countries;
3. To define a new model for security relations between the Central American States, based on co-operation, co-ordination, communication and prevention;
4. To secure commitments with respect to the foreign military presence in the region.

For the purposes of achieving the aforementioned objectives, the Commission identifies the following requirements:

- (a) It is necessary to define the factors, such as surface area, location, population, geographical features and their area, as well as border features, which must be taken into account in order to determine, by means of a scale of equivalence, each country's military needs,

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\* A/44/970-S/21504.

- (b) Inventories must be drawn up to indicate the numbers of weapons and military personnel in each country.
- (c) It is necessary to determine what limits or, where necessary, reductions might be required as a result of the comparisons made in accordance with the paragraphs above.
- (d) For the purposes of dealing with internal conflicts or subversive movements in the region, the agreed limits may be exceeded in respect of troops and equipment specifically intended for such situations. Reinforcements of this sort will be subject to such verification and control mechanisms as may be established.
- (e) Negotiations which have already been opened on the subject of bases, installations, exercises and foreign military advisers will be reviewed and continued.
- (f) Verification and control mechanisms will be established.
- (g) The Commission will promote agreements designed to create a climate of trust between the States of the region, to encourage good-neighbourliness and to strengthen friendship, development and co-operation between them.
- (h) The offers of co-operation made by the Secretaries-General of the Organisation of American States and the United Nations will be accepted.

The Security Commission will hold regular meetings at intervals which shall in no case be greater than 60 days, as well as extraordinary meetings when necessary. Such meetings shall be held alternately in each Central American country, in alphabetical order, with the next regular meeting to be held in El Salvador on 10 and 11 September 1990. In the event that a country is not able or prepared to act as host, the meeting will be moved to the country which next follows it on the alphabetical list.

The scales of equivalence, terms for the drawing up of inventories, verification and control mechanisms and advisory services to be provided by the Secretaries-General of the Organisation of American States and the United Nations, whose offers were accepted at this meeting, will be determined at the September meeting in El Salvador. The secretariats of both the latter organisations will be invited to take part in the meeting as observers.

The Commission is grateful for the readiness of Colombia, Mexico and Venezuela to assist in negotiations and believes that it would be useful if the support offered by those fraternal countries were to be

channelled through the multilateral bodies which are contributing to the work of this Commission.

The delegations of El Salvador, Guatemala, Honduras, Nicaragua and Panama express their gratitude for the hospitality and generosity of the Government of Costa Rica, which were of particular help in ensuring the success of the meeting.

# 212

## **Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Non-Production of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons\***

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*Washington, 1 June 1990*

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as "the Parties",

Determined to make every effort to conclude and to bring into force at the earliest date a convention providing for a global ban on the development, production, stockpiling and use of chemical weapons and on their destruction, hereinafter referred to as "the multilateral convention",

Aware of their special responsibility in the area of chemical weapons disarmament,

Desiring to halt the production of chemical weapons and to begin the destruction of the preponderance of their chemical weapons stockpiles, without waiting for the multilateral convention to enter into force,

Recalling the Memorandum of Understanding between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition of

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\* A/1001.

Chemical Weapons, signed at Jackson Hole, Wyoming, on 23 September 1989, hereinafter referred to as "the Memorandum",

Recalling the bilateral commitment to co-operate with respect to the destruction of chemical weapons, contained in the joint statement on chemical weapons issued at Jackson Hole, Wyoming, on 23 September 1989, and

Mindful of the efforts of each Party aimed at the destruction of chemical weapons and desiring to co-operate in this area, Have agreed as follows:

### ***Article 1***

#### **General Provisions and Areas of Co-operation**

1. In accordance with provisions of this Agreement, the Parties undertake:

- (a) to co-operate regarding methods and technologies for the safe and efficient destruction of chemical weapons;
- (b) not to produce chemical weapons;
- (c) to reduce their chemical weapons stockpiles to equal, low levels;
- (d) to co-operate in developing, testing, and carrying out appropriate inspection procedures; and
- (e) to adopt practical measures to encourage all chemical weapons-capable States to become parties to the multilateral convention.

2. Each Party, during its destruction of chemical weapons, shall as sign the highest priority to ensuring the safety of people and to protecting the environment. Each Party shall destroy its chemical weapons in accordance with stringent national standards for safety and emissions.

### ***Article II***

#### **Co-operation Regarding Methods and Technologies of Destruction**

1. To implement their undertaking to co-operate regarding the destruction of chemical weapons, the Parties shall negotiate a specific programme of co-operation. For this purpose, the Parties may create special groups of experts, as appropriate. The programme may include matters related to: methods and specific technologies for the destruction of chemical weapons; measures to ensure safety and protection of

people and the environment; construction and operation of destruction facilities; the appropriate equipment for destruction; past, current and planned destruction activities; monitoring of destruction of chemical weapons; or such other topics as the Parties may agree. Activities to implement this programme may include: exchanges of visits to relevant facilities; exchanges of documents; meetings and discussions among experts; or such other activities as the Parties may agree.

2. Each Party shall, as appropriate, co-operate with other States that request information or assistance regarding the destruction of chemical weapons. The Parties may respond jointly to such requests.

### ***Article III***

#### **Cessation of the Production of Chemical Weapons**

Upon entry into force of this Agreement and thereafter, each Party shall not produce chemical weapons.

### ***Article IV***

#### **Destruction of Chemical Weapons**

1. Each Party shall reduce and limit its chemical weapons so that, by no later than 31 December 2002, and thereafter, its aggregate quantity of chemical weapons does not exceed 5,000 agent tons. In this Agreement, "tons" means metric tons.

2. Each Party shall begin its destruction of chemical weapons by no later than 31 December 1992.

3. By no later than 31 December 1999, each Party shall have destroyed at least 50 per cent of its aggregate quantity of chemical weapons. The aggregate quantity of chemical weapons of a Party shall be the amount of chemical weapons declared in the data exchange carried out on 29 December 1989, or declared thereafter, pursuant to the Memorandum, as updated in accordance with paragraph 6 (b) of this Article.

4. In the event that a Party determines that it cannot achieve an annual rate of destruction of chemical weapons of at least 1,000 agent tons during 1995, or that it cannot destroy at least 1,000 agent tons during each year after 1995, that Party shall, at the earliest possible time, notify the other Party, in accordance with paragraph 10 of this Article.

5. Each Party, in its destruction of chemical weapons, shall also destroy the munitions, devices and containers from which the chemicals

have been removed. Each Party shall reduce and limit its other empty munitions and devices for chemical weapons purposes so that, by no later than 31 December 2002, and thereafter, the aggregate capacity of such munitions and devices does not exceed the volume of the remaining bulk agent of that Party.

6. Thirty days after the entry into force of this Agreement, each Party shall inform the other Party of the following:

- (a) its current general plan for the destruction of chemical weapons pursuant to this Agreement and its detailed plan for the destruction of chemical weapons during the calendar year following the year in which this Agreement enters into force. The detailed plan shall encompass all of the chemical weapons to be destroyed during the calendar year, and shall include their locations, types and quantities, the methods of their destruction, and the locations of the destruction facilities that are to be used; and
- (b) any changes, as of the entry into force of this Agreement, in the data contained in the data exchange carried out on 29 December 1989, or provided thereafter, pursuant to the Memorandum.

7. Beginning in the calendar year following the year in which this Agreement enters into force, each Party shall inform the other Party annually, by no later than 30 November, of its detailed plan for the destruction of chemical weapons during the following calendar year.

8. Beginning in the calendar year following the year in which this Agreement enters into force, each Party shall inform the other Party annually, by no later than 15 April, of the following:

- (a) any further changes, as of 31 December of the previous year, to the data contained in the data exchange carried out on 29 December 1989, or provided thereafter, pursuant to the Memorandum;
- (b) the implementation during the previous calendar year of its detailed plan for the destruction of chemical weapons; and
- (c) any update to the general and detailed plans provided pursuant to paragraphs 6 (a) or 7 of this Article.

9. Each Party shall limit its chemical weapons storage facilities so that, by no later than 31 December 2002, and thereafter, the number of such facilities does not exceed eight. Each Party plans to have all such facilities located on its national territory. This is without prejudice to its rights and obligations, including those under the Protocol for the

Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925.

10. If a Party experiences problems that will prevent it from destroying its chemical weapons at a rate sufficient to meet the levels specified in this Article, that Party shall immediately notify the other Party and provide a full explanation. The Parties shall promptly consult on measures necessary to resolve the problems. Under no circumstances shall the Party not experiencing problems in its destruction of chemical weapons be required to destroy its chemical weapons at a more rapid rate than the Party that has experienced such problems.

## ***Article V***

### **Inspection Activities**

1. Each Party shall provide access to each of its chemical weapons production facilities for systematic on-site inspection to confirm that production of chemical weapons is not occurring at those facilities.

2. Each Party shall identify and provide access to each of its chemical weapons destruction facilities and the chemical weapons holding areas within these destruction facilities for systematic on-site inspection of the destruction of chemical weapons. Such inspection shall be accomplished through the continuous presence of inspectors and continuous monitoring with on-site instruments.

3. When a Party has removed all of its chemical weapons from a particular chemical weapons storage facility, it shall promptly notify the other Party. The Party receiving the notification shall have the right to conduct, promptly after its receipt of the notification, an on-site inspection to confirm that no chemical weapons are present at that facility. Each Party shall also have the right to inspect, not more than once each calendar year, subsequent to the year of the notification and until such time as the multilateral convention enters into force, each chemical weapons storage facility for which it has received a notification pursuant to this paragraph, to determine that chemical weapons are not being stored there.

4. When a Party has completed its destruction of chemical weapons pursuant to this Agreement, it shall promptly notify the other Party. In its notification, the Party shall specify the chemical weapons storage facilities where its remaining chemical weapons are located and provide a detailed inventory of the chemical weapons at each of these storage facilities. Each Party, promptly after it has received such a notification, shall have the right to inspect each of the chemical weapons storage

facilities specified in the notification, to determine the quantities and types of chemical weapons at each facility.

5. Each Party shall also have the right to inspect, not more than once each calendar year, subsequent to the year in which destruction begins and until such time as the multilateral convention enters into force, each chemical weapons storage facility of the other Party that is not already subject to annual inspection pursuant to paragraph 3 of this Article, to determine the quantities and types of chemical weapons that are being stored there.

6. On the basis of the reports of its inspectors and other information available to it, each Party shall determine whether the provisions of this Agreement are being satisfactorily fulfilled and shall communicate its conclusions to the other Party.

7. Detailed provisions for the implementation of the inspection measures provided for in this Article shall be set forth in the document on inspection procedures. The Parties shall work to complete this document by 31 December 1990.

## ***Article VI***

### **Measures to Facilitate the Multilateral Convention**

The Parties shall co-operate in making every effort to conclude the multilateral convention at the earliest date and to implement it effectively. Toward those ends, the Parties agree, in addition to their other obligations in this Agreement, to the following:

1. Each Party shall reduce and limit its chemical weapons so that, by no later than the end of the eighth year after entry into force of the multilateral convention, its aggregate quantity of chemical weapons does not exceed 500 agent tons.
2. Upon signature of this Agreement, the Parties shall enter into consultations with other participants in the multilateral negotiations and shall propose that a special conference of States parties to the multilateral convention be held at the end of the eighth year after its entry into force. This special conference would, *inter alia*, determine, in accordance with agreed procedures, whether the participation in the multilateral convention is sufficient for proceeding to the total elimination of all remaining chemical weapons stocks over the subsequent two years.
3. The Parties shall intensify their co-operation with each other and with other States to ensure that all chemical weapon-capable States become parties to the multilateral convention.

4. The Parties declare their intention to be among the original parties to the multilateral convention.
5. To gain experience and thereby facilitate the elaboration and implementation of the multilateral convention, the Parties agree to conduct bilateral verification experiments involving trial challenge inspections at facilities not declared under the Memorandum or subsequently. The detailed modalities for such experiments, including the number and location of the facilities to be inspected, as well as the procedures to be used, shall be agreed between the Parties no later than six months after the signing of this Agreement.

### ***Article VII***

#### **Consultations**

The Parties, in order to resolve questions related to this Agreement that may arise, shall use normal diplomatic channels, specifically-designated representatives, or such other means as they may agree.

### ***Article VIII***

#### **Relationship to Other Documents**

1. After the multilateral convention enters into force, the provisions of the multilateral convention shall take precedence over the provisions of this Agreement in cases of incompatible obligations therein. Otherwise, the provisions of this Agreement shall supplement the provisions of the multilateral convention in its operation between the Parties. After the multilateral convention is signed, the Parties to this Agreement shall consult with each other in order to resolve any questions concerning the relationship of this Agreement to the multilateral convention.

2. The chemical weapons, chemical weapons storage facilities, and chemical weapons production facilities subject to this Agreement are those that are subject to declaration under the Memorandum.

### ***Article IX***

#### **Amendments**

Each Party may propose amendments to this Agreement. Agreed amendments shall enter into force in accordance with the procedures governing the entry into force of this Agreement.

### ***Article X***

Entry into Force; Duration; Withdrawal

1. This Agreement shall enter into force upon an exchange of instruments stating acceptance of the Agreement by each Party.

2. This Agreement shall be of unlimited duration, unless the Parties agree to terminate it after the entry into force of the multilateral convention.

3. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Agreement if it decides that extraordinary events related to the subject matter of this Agreement have jeopardised its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from the Agreement. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardised its supreme interests.

Done at Washington, in duplicate, this first day of June, 1990, in the English and Russian languages, each text being equally authentic.

G. Bush

*For the United States of America*

M. Gorbachev

*For the Union of Soviet Socialist Republics.*

# 213

## **Conceptual Framework for Agreement on Conventional Armed Forces in Europe (CFE) Proposed by Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland, Romania and Union of Soviet Socialist Republics**

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*Vienna, 9 March 1989*

### **Objectives**

1. The objectives of the Agreement will be:
  - to strengthen stability and security in Europe through deep cuts in conventional armed forces, including conventional armaments and equipment, of the Warsaw Treaty member States and of the NATO member countries so as to establish in this way a balance at lower levels at which both military alliances will keep forces and systems necessary solely for defence and insufficient to launch surprise attack or conduct offensive operations;
  - to restructure and redeploy their armed forces on strictly defensive principles.
2. The process of strengthening stability and security on the European continent should proceed stage by stage and in a manner that will not upset the overall balance or prejudice anyone's security at all stages of the negotiations.
3. These objectives will be achieved through reductions, limitations, appropriate redeployment measures, equal collective ceilings on armed forces and conventional armaments both throughout the European zone and in its individual regions.

The scope and procedure of reduction of national and foreign troops down to agreed levels would be decided upon within each alliance on the basis of the principles and criteria to be agreed at the negotiation.

4. The reductions in conventional armed forces and armaments will be effected on the basis of reciprocity, with all the participating States without exception making their appropriate contributions with account taken of their military potentials.

The reductions will be accompanied by corresponding cuts in military expenditures and by measures to convert their military production.

5. All the participants will refrain from steps running counter to the above objectives and will not build up their conventional armed forces and armaments.

6. These objectives can be achieved both through agreed steps and unilateral measures to reduce their armed forces and armaments.

### **Zone of Application of Agreement**

The zone of application of agreement will be the entire land territory of the participating States in Europe from the Atlantic to the Urals, including a part of the Asian territory of Turkey and the Soviet Transcaucasus as well as all the European island territories of the participating States including the Faroe Islands, Svalbard, the islands of Azores and Madeira, the Canary Islands, Fra Josef Land and Novaya Zemlya.

### **The First Stage (No Later than 1991-1994)**

1. At the first stage of reductions all the participating States will eliminate imbalances and asymmetries between NATO and the Warsaw Treaty as regards both troop numbers and main armaments and will make steps to eliminate the capability to launch surprise attack or initiate large-scale offensive action.

2. For this purpose attention will be focused on reducing the most destabilising types and categories of armaments such as attack combat aircraft of short-range/tactical aviation, tanks, combat helicopters, combat armoured vehicles and armoured personnel carriers, artillery including multiple launch rocket systems and mortars.

3. The participating States will reduce their conventional armed forces and armaments down to equal collective ceilings that would be 10-15 per cent lower than the lowest levels possessed by the military political alliances. These ceilings will be agreed between the participating States in absolute terms....

The armaments and equipment being reduced are eliminated under agreed procedures at specially assigned locations or are converted for civilian use. A part of the armaments and equipment are put in temporary storage under international control.

### **Surprise Attack Prevention Measures**

1. Starting with the first stage onwards strips (zones) of reduced levels of armaments would be established along the line of contact between the two military political alliances, from where the most dangerous destabilising types of conventional armaments and equipment would be pulled out, reduced, or limited and where limitations would be introduced on military activities.

The establishment of such zones in Central Europe and in other regions of the European continent could be effected on the basis of the existing and possible new proposals.

2. The depth of the strips (zones) of reduced levels of armaments could be agreed with account taken of geographical factors and performance characteristics of the main types of armaments.

Confidence- and security-building measures would limit military activities within the strips (zones) and would, appropriately, provide for an increasingly rigorous regime as the line of contact is approached. In particular, they would affect the scope and number of concurrent exercises, the duration and frequency of exercises and envisage a ban on large-scale exercises and limitations on troop transfers.

### **The Second Stage (1994-1997)**

2. At the second stage the armed forces of each side would be cut approximately by 25 per cent (by about 500,000 men) with their organic armaments.

3. Along with further substantial lowering of the levels of the most destabilising types and categories of armaments the participating States shall take steps to reduce other categories of armaments not affected by the first-stage cuts.

4. The participating States will make further steps to restructure their armed forces on the basis of the principle of sufficiency for defence.

5. They will elaborate and make agreed steps to develop predictability and openness in day-to-day military activities and to lower their levels.

### **The Third Stage (1997-2000)**

1. During the third stage further reductions of armed forces and conventional armaments shall be implemented and the armed forces of the participating States will be given a strictly defensive character.

2. The participating States will reach agreement on ceilings on all other categories of armament.

3. The participating States will reach agreements on the principles of armed forces development by which they will abide in the future for the purposes of maintaining a secure and stable peace in Europe.

### **Verification**

1. The participating States will agree to exchange data regarding manpower strength, number of conventional armaments, and deployment of military formations and to verify them, including through on-site inspections.

2. There would be envisaged the establishment of a comprehensive and effective system of verification of compliance with agreements including land and air on-site inspections without the right to refuse. There would be created checkpoints to monitor entry/exit both along and inside the strips (zones) of reduced levels of armaments and in the reduction area (at railway stations, junctions, airfields, ports). Such technical means of verification as artificial Earth satellites, aircraft, helicopters, ground automatic recording systems, including the ones developed through international co-operation, could also be used for the purposes of verification.

3. There would be verification of the process of reduction, elimination (dismantlement, conversion) and storage of armaments, disbandment of formations and units, non-excess of the strength of armed forces and the number of armaments as well as of the activities of the troops remaining after reductions.

4. An international verification (consultative) commission would be set up and given wide powers (observation, inspection, consideration of disputes, etc.), which would be made up of representatives of the participating States.

5. A prominent part in the implementation of verification and control measures should be played by the highest representative bodies—parliaments, national assemblies and the Supreme Soviet—which could act as guarantors of the reductions and redeployment of the armed forces and conventional armaments of the appropriate countries. Related matters could be discussed within the framework of foreign and military affairs committees and reflected in appropriate statements to be made on behalf of the parliaments....

# 214

## **Agreement between the United States of America and the Union of Soviet Socialist Republics on the Conduct of a Joint Verification Experiment**

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*Moscow, 31 May 1988*

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Reaffirming the statement of the Secretary of State of the United States and the Foreign Minister of the Union of Soviet Socialist Republics of December 9, 1987,

Proceeding from the agreement to conduct a Joint Verification Experiment, hereinafter referred to as JVE, for the purpose of the elaboration of effective verification measures for the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapon Tests, hereinafter referred to as the 1974 Treaty on the Limitation of Underground Nuclear Weapon Tests,

Taking into account the agreements reached by the U.S. and Soviet delegations at the negotiations in Geneva on specific JVE technical procedures and organisational plans in full conformity with the December 9, 1987, ministerial statement,

Having agreed as follows:

1. For the purposes of the JVE, there shall be two nuclear explosions, one at the U.S. Nevada Test Site and one at the USSR Semipalatinsk Test Site, each hereinafter being referred to as a JVE explosion.
2. The planned yield of the JVE explosion at each test site shall be not less than 100 kilotons and shall approach 150 kilotons.

3. Each Party shall have the opportunity to measure, on the basis of reciprocity, the yield of the JVE explosion conducted at the other Party's test site using teleseismic methods and, at the other's test site, using hydrodynamic yield measurement methods.
4. Each Party shall also perform teleseismic measurements with its national seismic station network for both JVE explosions. To assist in teleseismic measurement, the Parties shall exchange data on five nuclear explosions conducted after January 1, 1978 but before January 1, 1988 to include yield, date and time, geographic coordinates, depth of burial, and associated geological and geophysical data. For each of these historical explosions, the Parties shall exchange teleseismic recordings taken at five designated stations on each side including station corrections and the best network seismic magnitude.
5. Each Party shall perform hydrodynamic yield measurements within the satellite hole provided for that purpose of the JVE explosions at both Parties' test sites using the methods it has identified in this Agreement.
6. As a yield standard, the experiment will include yield measurement within the emplacement hole of the JVE explosions at both Parties' test sites using the hydrodynamic methods each Party has identified in this Agreement. Each Party shall report to the other Party the yield values of each of the JVE explosions that are derived by each Party on the basis of hydrodynamic yield measurements undertaken within the satellite hole and within the emplacement hole. Each Party shall undertake for the purpose of the JVE to ensure at its test site a test configuration that will allow each Party to obtain an accurate yield standard of the JVE explosion. The use of hydrodynamic yield measurement methods within the emplacement hole by the visiting Party is being undertaken only in the JVE, and such measurement methods within the emplacement hole shall not be proposed by either Party for verification of the 1974 Treaty on the Limitation of Underground Nuclear Weapon Tests.
7. In the course of the JVE, each Party shall carry out teleseismic measurements of both JVE explosions at its five seismic stations for which historical data were exchanged. The Parties shall exchange the seismic data obtained in the JVE in corresponding detail to that exchanged for the historical explosions.

8. The JVE will provide information on the basis of which each Party can demonstrate the effectiveness of its hydrodynamic yield measurement methods at the test site of the other Party. Because the JVE is not designed to produce statistically significant results, it cannot by itself establish statistical proof of the accuracy of any particular yield measurement method.
9. The JVE conducted at both test sites will provide sufficient information to resolve all concerns, except those of a statistical nature, that have been identified by either Party regarding methods proposed by the other Party for verification of the 1974 Treaty on the Limitation of Underground Nuclear Weapon Tests by providing an example of the effectiveness of the verification methods used in the JVE and by demonstrating their practicability and non-intrusiveness.
10. Specific design procedures of the JVE configuration within the emplacement hole that may have been necessary to accommodate technical objectives of the JVE shall not provide a basis for objections by either Party regarding the use of hydrodynamic yield measurements within the satellite hole for future nuclear tests. Such design procedures of the JVE configuration shall not establish a precedent for requiring similar design procedures in the two Parties' future tests as a condition for agreement on measures permitting effective verification of the 1974 Treaty on the Limitation of Underground Nuclear Weapon Tests.
11. The JVE will assist the Parties in: finalising operational procedures for the conduct of hydrodynamic yield measurements within the satellite hole and teleseismic yield measurements for verification of future nuclear tests; establishing procedures for gathering the geological and geophysical data that is to be exchanged in accordance with any future yield measurement method proposed by either Party; determining procedures for exchange of data by the Parties on shock-wave properties of rock; comparing procedures to be used by the Parties for analysing results of either hydrodynamic or teleseismic yield measurement methods proposed by either Party; and considering improved measures for reducing any intrusiveness associated with the verification methods proposed by each Party.
12. The Parties will use their best efforts to conduct the JVE explosions in accordance with the schedule specified in the Annex.

13. The exchange of the data obtained in the preparation for and conduct of the JVE and of the results of the analysis by each Party will be done in accordance with the schedule specified in the Annex with a view toward agreement on measures providing for effective verification of the 1974 Treaty on the Limitation of Underground Nuclear Weapon Tests.
14. Upon request by either Party, the Parties shall meet promptly to discuss any question or concern that may arise concerning the provisions of this Agreement.
15. Each Party shall treat with due respect the personnel of the other Party in its territory in connection with the preparatory work for, and execution of, the JVE and shall take all appropriate steps to prevent any attack on the person, freedom and dignity of such personnel.
16. To ensure the effective implementation of the foregoing provisions, the Parties have reached the agreements set forth in the Annex, which form an integral part of this Agreement.

This Agreement, including the Annex hereto, shall enter into force upon signature.

Done at Moscow on May 31, 1988, in two copies, each in the English and Russian languages, both texts being equally authentic.

# 215

## **Agreement between the United States of America and the Union of Soviet Socialist Republics on Notifications of Launches of Intercontinental Ballistic Missiles and Submarine-launched Ballistic Missiles**

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*Moscow, 31 May 1988*

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Affirming their desire to reduce and ultimately eliminate the risk of outbreak of nuclear war, in particular, as a result of misinterpretation, miscalculation, or accident,

Believing that a nuclear war cannot be won and must never be fought,

Believing that agreement on measures for reducing the risk of outbreak of nuclear war serves the interests of strengthening international peace and security,

Reaffirming their obligations under the Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War between the United States of America and the Union of Soviet Socialist Republics of September 30, 1971, the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on the Prevention of Incidents on and over the High Seas of May 25, 1972, and the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Establishment of Nuclear Risk Reduction Centers of September 15, 1987,

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Have agreed as follows:

### ***Article I***

Each Party shall provide the other Party notification, through the Nuclear Risk Reduction Centers of the United States of America and the Union of Soviet Socialist Republics, no less than twenty-four hours in advance, of the planned date, launch area, and area of impact for any launch of a strategic ballistic missile: an intercontinental ballistic missile (hereinafter "ICBM") or a submarine-launched ballistic missile (hereinafter "SLBM").

### ***Article II***

A notification of a planned launch of an ICBM or an SLBM shall be valid for four days counting from the launch date indicated in such a notification. In case of postponement of the launch date within the indicated four days, or cancellation of the launch, no notification thereof shall be required.

### ***Article III***

1. For launches of ICBMs or SLBMs from land, the notification shall indicate the area from which the launch is planned to take place.

2. For launches of SLBMs from submarines, the notification shall indicate the general area from which the missile will be launched. Such notification shall indicate either the quadrant within the ocean (that is, the ninety-degree sector encompassing approximately one-fourth of the area of the ocean) or the body of water (for example, sea or bay) from which the launch is planned to take place.

3. For all launches of ICBMs or SLBMs, the notification shall indicate the geographic coordinates of the planned impact area or areas of the reentry vehicles. Such an area shall be specified either by indicating the geographic coordinates of the boundary points of the area, or by indicating the geographic coordinates of the center of a circle with a radius specified in kilometers or nautical miles. The size of the impact area shall be determined by the notifying Party at its discretion.

### ***Article IV***

The Parties undertake to hold consultations, as mutually agreed, to consider questions relating to implementation of the provisions of this Agreement, as well as to discuss possible amendments thereto aimed at furthering the implementation of the objectives of this

Agreement. Amendments shall enter into force in accordance with procedures to be agreed upon.

***Article V***

This Agreement shall not affect the obligations of either Party under other agreements.

***Article VI***

This Agreement shall enter into force on the date of its signature.

The duration of this Agreement shall not be limited.

This agreement may be terminated by either Party upon 12 months written notice to the other Party.

Done at Moscow on May 31, 1988, in two copies, each in the English and Russian languages, both texts being equally authentic.

*For the United States*

*For the Union of Soviet of America:*

*Socialist Republics:*

George P. Shultz

Eduard A. Shevardnadze

# 216

## Agreement Between the United States of America and the Union of Soviet Socialist Republics on the Prevention of Nuclear War (1973)

---

**DATE OF SIGNATURE:** June 22, 1973

**PLACE OF SIGNATURE:** Washington, DC

**SIGNATORY STATES:** United States, Soviet Union

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties,

Guided by the objectives of strengthening world peace and international security,

Conscious that nuclear war would have devastating consequences for mankind,

Proceeding from the desire to bring about conditions in which the danger of an outbreak of nuclear war anywhere in the world would be reduced and ultimately eliminated,

Proceeding from their obligations under the Charter of the United Nations regarding the maintenance of peace, refraining from the threat or use of force, and the avoidance of war, and in conformity with the agreements to which either Party has subscribed, Proceeding from the Basic Principles of Relations between the United States of America and the Union of Soviet Socialist Republics signed in Moscow on May 29, 1972,

Reaffirming that the development of relations between the United States of America and the Union of Soviet Socialist Republics is not directed against other countries and their interests, Have "agreed 'as follows:

***Article I***

The United States and the Soviet Union agree that an objective of their policies is to remove the danger of nuclear war and of the use of nuclear weapons.

Accordingly, the Parties agree that they will act in such a manner as to prevent the development of situations capable of causing a dangerous exacerbation of their relations, as to avoid military confrontations, and as to exclude the outbreak of nuclear war between them and between either of the Parties and other countries.

***Article II***

The Parties agree, in accordance with Article I and to realise the objectives state in that Article, to proceed from the premise that each Party will refrain from the threat or use of force against the other Party, against the allies of the other Party and against other countries, in circumstances which may endanger international peace and security. The Parties agree that they will be guided by these considerations in the formulation of their foreign policies and in their actions in the field of international relations.

***Article III***

The Parties undertake to develop their relations with each other and with countries in a way consistent with the purposes of this Agreement.

***Article IV***

If at any time relations between the Parties or between either Party and other countries appear to involve the risk of a nuclear conflict, or if relations between countries not parties to this Agreement appear to involve the risk of nuclear war between the United States of America and the Union of Soviet Socialist Republics or between either Party and other countries, the United States and the Soviet Union, acting in accordance with the provisions of this Agreement, shall immediately enter into urgent consultations with each other and make every effort to avert this risk.

***Article V***

Each Party shall be free to inform the Security Council of the United Nations, the Secretary General of the United Nations and the Governments of allied or other countries of the progress and outcome of consultations initiated in accordance with Article IV of this Agreement.

***Article VI***

Nothing in this Agreement shall affect or impair:

- (a) the inherent right of individual or collective self-defense as envisaged by Article 51 of the Charter of the United Nations,
- (b) the provisions of the Charter of the United Nations, including those relating to the maintenance or restoration of international peace and security, and
- (c) the obligations undertaken by either Party towards its allies or other countries in treaties, agreements, and other appropriate documents.

***Article VII***

This Agreement shall be of unlimited duration.

***Article VIII***

This Agreement shall enter into force, upon signature.

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# 217

## Interim Agreement between the United States of America and the Union of Soviet Socialist Republics on Certain Measures with Respect to the Limitation of Strategic Offensive Arms (1972)

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**ALSO KNOWN AS:** Interim Agreement. The second of two treaties concluding the Strategic Arms Limitation Talks (SALT)

**DATE OF SIGNATURE:** May 26, 1972

**PLACE OF SIGNATURE:** Moscow

**SIGNATORY STATES:** the United States, the Soviet Union

**DATE OF ENTRY INTO FORCE:** October 3, 1972

[The signatories], hereinafter referred to as the Parties,

Convinced that the Treaty on the Limitation of Anti-Ballistic Missile Systems and this Interim Agreement on Certain Measures with Respect to the Limitation of Strategic Offensive Arms will contribute to the creation of more favourably conditions for active negotiations on limiting strategic arms as well as to the relaxation of international tension and the strengthening of trust between States,

Taking into account the relationship between strategic offensive and defensive arms, Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, Having agreed as follows:

### ***Article I***

The Parties undertake not to start construction of additional fixed land-based intercontinental ballistic missile (ICBM) launchers after July 1, 1972.

**Article II**

The Parties undertake not to convert land-based launchers for light ICBMs, or for ICBMs of older types deployed prior to 1964, into land-based launchers for heavy ICBMs of types deployed after that time.

**Article III**

The Parties undertake to limit submarine-launched ballistic missile (SLBM) launchers and modern ballistic missile submarines to the numbers operational and under construction on the date of signature of this Interim Agreement, and in addition to launchers and submarines constructed under procedures established by the Parties as replacements for an equal number of ICBM launchers of older types deployed prior to 1964 or for launchers on older submarines.

**Article IV**

Subject to the provisions of this Interim Agreement, modernisation and replacement of strategic offensive ballistic missiles and launchers covered by this Interim Agreement may be undertaken.

**Article V**

1. For the purpose of providing assurance of compliance with the provisions of this Interim Agreement, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognised principles of international law.

2. Each Party undertakes not to interfere with the national technical means of verification of the other Party operating in accordance with paragraph 1 of this Article.

3. Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means of compliance with the provisions of this Interim Agreement. This obligation shall not require changes in current construction, assembly, conversion, or overhaul practices.

**Article VI**

To promote the objectives and implementation of the provisions of this Interim Agreement, the Parties shall use the Standing Consultative Commission established under Article XIII of the Treaty on the Limitation of Anti-Ballistic Missile Systems in accordance with the provisions of that Article.

### ***Article VII***

The Parties, undertake to continue active negotiations for limitations on strategic offensive arms, the obligations provided for in this Interim Agreement shall not prejudice the scope or terms of the limitations on strategic offensive arms which may be worked out in the course of further negotiations.

### ***Article VIII***

1. This Interim Agreement shall enter into force upon exchange of written notices of acceptance by each Party, which exchange shall take place simultaneously with the exchange of instruments of ratification of the Treaty on the Limitation of Anti-Ballistic Missile Systems.

2. This Interim Agreement shall remain in force for a period of five years unless replaced earlier by an agreement on more complete measures limiting strategic offensive arms. It is the objective of the Parties to conduct active follow-on negotiations with the aim of concluding such an agreement as soon as possible.

3. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Interim Agreement if it decides that extraordinary events related to the subject matter of this Interim Agreement have jeopardised its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from this Interim Agreement. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardised its supreme interests.

## ***PROTOCOL***

### **TO THE INTERIM AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON CERTAIN MEASURES WITH RESPECT TO THE LIMITATION OF STRATEGIC OFFENSIVE ARMS**

[The signatories], hereinafter referred to as the Parties,

Having agreed on certain limitations relating to submarine-launched ballistic missile launchers and modern ballistic missile submarines, and to replacement procedures, in the Interim Agreement, Have agreed as follows:

The Parties understand that, under Article III of the Interim Agreement, for the period during which that Agreement remains in force:

The us may have no more than 710 ballistic missile launchers on submarines (SLBMs) and no more than 44 modern ballistic missile submarines. The Soviet Union may have no more than 950 ballistic missile launchers on submarines and no more than 62 modern ballistic missile submarines.

Additional ballistic missile launchers on submarines up to the above-mentioned levels, in the us—over 656 ballistic missile launchers on nuclear-powered submarines, and in the USSR—over 740 ballistic missile launchers on nuclear-powered submarines, operational and under construction, may become operational as replacements for equal numbers of ballistic missile launchers of older types deployed prior to 1964 or of ballistic missile launchers on older submarines.

The deployment of modern SLBMs on any submarine, regardless of type, will be counted against the total level of SLBMs permitted for the US and the USSR.

This Protocol shall be considered an integral part of the Interim Agreement.

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# 218

## Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on the Prevention of Incidents on and over the High Seas (1972)

---

**DATE OF SIGNATURE:** May 25, 1972

**PLACE OF SIGNATURE:** Moscow

**SIGNATORY STATES:** United States, Soviet Union

[The signatories]

Desiring to assure the safety of navigation of the ships of their respective armed forces on the high seas and flight of their military aircraft over the high seas, and

Guided by the principles and rules of international law,

Have decided to conclude this Agreement and have agreed as follows:

### ***Article I***

For the purposes of this Agreement, the following definitions shall apply:

1. "Ship" means:

- (a) A warship belonging to the naval forces of the Parties bearing the external marks distinguishing warships of its nationality, under the command of an officer duly commissioned by the government and whose name appears in the Navy list, and manned by a crew who are under regular naval discipline;
- (b) Naval auxiliaries of the Parties, which include all naval ships authorised to fly the naval auxiliary flag where such a flag has been established by either Party.

2. "Aircraft" means all military manned heavier-than-air and lighter-than-air craft, excluding space craft.

3. "Formation" means an ordered arrangement of two or more ships proceeding together and normally maneuvered together.

### ***Article II***

The Parties shall take measures to instruct the commanding officers of their respective ships to observe strictly the letter and spirit of the International Regulations for Preventing Collisions at Sea, hereinafter referred to as the Rules of the Road. The Parties recognise that their freedom to conduct operations on the high seas is based on the principles established under recognised international law and codified in the 1958 Geneva Convention on the High Seas.

### ***Article III***

1. In all cases ships operating in proximity to each other, except when required to maintain course and speed under the Rules of the Road, shall remain well clear to avoid risk of collision.

2. Ships meeting or operating in the vicinity of a formation of the other Party shall, while conforming to the Rules of the Road, avoid maneuvering in a manner which would hinder the evolutions of the formation.

3. Formations shall not conduct maneuvers through areas of heavy traffic where internationally recognised traffic separation schemes are in effect.

4. Ships engaged in surveillance of other ships shall stay at a distance which avoids the risk of collision and also shall avoid executing maneuvers embarrassing or endangering the ships under surveillance. Except when required to maintain course and speed under the Rules of the Road, a surveillant shall take positive early action so as, in the exercise of good seamanship, not to embarrass or endanger ships under surveillance.

5. When ships of both Parties maneuver in sight of one another, such signals (flag, sound, and light) as are prescribed by the Rules of the Road, the International Code of Signals, or other mutually agreed signals, shall be adhered to for signalling operations and intentions.

6. Ships of the Parties shall not simulate attacks by aiming guns, missile launchers, torpedo tubes, and other weapons in the direction of a passing ship of the other Party, not launch any object in the direction of passing ships of the other Party, and not use searchlights

or other powerful illumination devices to illuminate the navigation bridges of passing ships of the other Party.

7. When conducting exercises with submerged submarines, exercising ships shall show the appropriate signals prescribed by the international Code of Signals to warn ships of the presence of submarines in the area.

8. Ships of one Party when approaching ships of the other Party conducting operations as set forth in Rule 4 (c) of the Rules of the Road, and particularly ships engaged in launching or landing aircraft as well as ships engaged in replenishment underway, shall take appropriate measures not to hinder maneuvers of such ships and shall remain well clear.

#### ***Article IV***

Commanders of aircraft of the parties shall use the greatest caution and prudence in approaching aircraft and ships of the other Party operating on and Over the high seas, in particular, ships engaged in launching or landing aircraft, and in the interest of mutual safety shall not permit: simulated attacks by the simulated use of weapons against aircraft and ships, or performance of various aerobatics over ships, or dropping various objects near them in such a manner as to be hazardous to ships or to constitute a hazard to navigation.

#### ***Article V***

1. Ships of the Parties operating in sight of one another shall raise proper signals concerning their intent to begin launching or landing aircraft.

2. Aircraft of the Parties flying over the high seas in darkness or under instrument conditions shall, whenever feasible, display navigation lights.

#### ***Article VI***

Both Parties shall:

1. Provide through the established system of radio broadcasts of information land warning to mariners, not less than 3 to 5 days in advance as a rule, notification of actions on the high seas which represent a danger to navigation or to aircraft in flight.

2. Make increased use of the informative signals contained in the International Code of Signals to signify the intentions of their respective ships when maneuvering in proximity to one another. At night, or in conditions of reduced visibility, or under conditions of lighting and

such distances when signal flags are not distinct, flashing light should be used to inform ships of maneuvers which may hinder the movements of others or involve a risk of collision.

3. Utilise on a trial basis signals additional to those; in the International Code of Signals, submitting: such signals to the Intergovernmental Maritime Consultative Organisation for its consideration and for the information of other States.

### ***Article VII***

The Parties shall exchange appropriate information concerning instances of collision, incidents which result in damage, or other incidents at sea between ships and aircraft of the Parties. The United States Navy shall provide such information through the Soviet Naval Attache in Washington and the Soviet Navy shall provide such information through the United States Naval Attache in Moscow.

### ***Article VIII***

This Agreement shall enter into force on the date of its signature and shall remain in force for a period of three years. It will thereafter be renewed without further action by the Parties for successive periods of three years each.

This Agreement may be terminated by either Party upon six months written notice to the other Party

### ***Article IX***

The Parties shall meet within one year after the date of the signing of this Agreement to review the implementation of its terms. Similar consultations shall be held thereafter annually, or more frequently as the Parties may decide.

### ***Article X***

The Parties shall designate members to form a Committee which will consider specific measures in conformity with this Agreement. The Committee will, as a particular part of its work, consider the practical workability of concrete fixed distances to be observed in encounters between ships, aircraft, and ships and aircraft. The Committee will meet within six months of the date of signature of this Agreement and submit its recommendations for decision by the Parties during the consultations prescribed in Article IX.

# 219

## Agreements to Reduce Risk of Nuclear War between the United States and Union of Soviet Socialist Republics (1971)

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**DATE OF SIGNATURE:** September 30, 1971

**PLACE OF SIGNATURE:** Washington, DC

**SIGNATORY STATES:** United States, Soviet Union

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties:

Taking into account the devastating consequences that nuclear war would have for all mankind and recognising the need to exert every effort to avert the risk of outbreak of such a war, including measures to guard against accidental or unauthorised use of nuclear weapons.

Believing that agreement on measures for reducing the risk of outbreak of nuclear war serves the interests of strengthening international peace and security, and is in no way contrary to the interests of any other country,

Bearing in mind that continued efforts are also needed in the future to seek ways of reducing the risk of outbreak of nuclear war, Having agreed as follows:

### ***Article 1***

Each Party undertakes to maintain and to improve, as it deems necessary, its existing organisational and technical arrangements to guard against the accidental or unauthorised use of nuclear weapons under its control.

### ***Article 2***

The Parties undertake to notify each other immediately in the event of an accidental, unauthorised or any other unexplained incident

involving a possible detonation of a nuclear weapon which could create a risk of outbreak of nuclear war. In the event of such an incident, the Party whose nuclear weapon is involved will immediately make every effort to take necessary measures to render harmless or destroy such weapon without its causing damage.

**Article 3**

The Parties undertake to notify each other immediately in the event of detection by missile warning systems of unidentified objects, or in the event of signs of interference with these systems or with related communications facilities, if such occurrences could create a risk of outbreak of nuclear war between the two countries.

**Article 4**

Each Party undertakes to notify the other Party in advance of any planned missile launches if such launches will extend beyond its national territory in the direction of the other Party.

**Article 5**

Each Party, in other situations involving unexplained nuclear incidents, undertakes to act in such a manner as to reduce the possibility of its actions being misinterpreted by the other Party. In any such situation, each Party may inform the other Party or request information when, in its view, this is warranted by the interests of averting the risk of outbreak of nuclear war.

**Article 6**

For transmission of urgent information, notifications and requests for information in situations requiring prompt clarification, the Parties shall make primary use of the Direct Communications Link between the Governments of the United States of America and the Union of Soviet Socialist Republics.

For transmission of other information, notifications and requests for information, the Parties, at their own discretion, may use any communications facilities, including diplomatic channels, depending on the degree of urgency.

**Article 7**

The Parties undertake to hold consultations, as mutually agreed, to consider questions relating to implementation of the provisions of this Agreement, as well as to discuss possible amendments thereto aimed at further implementation of the purposes of this Agreement.

**Article 8**

This Agreement shall be of unlimited duration.

**Article 9**

This Agreement shall enter into force upon signature.



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