Alto, CA, Sea Launch hopes to eventually launch six to eight payloads a year. The Clinton administration does not consider Sea Launch a cooperative venture with Ukraine to be a violation of the September 1995 policy pronouncement for two reasons. First, Sea Launch partners do not support Ukraine's "acquisition of SLSV's" because Ukraine possessed SLSV's long before the policy was introduced. Second, the other Sea Launch partners are MTCR members, and exports for the project are viewed as exports to a multinationa1 enterprise.

Another contribution to Ukraine's disincentives to pursue SLSV's is the U.S. low-earth orbiting (LEO) market. Space Systems/Loral and Yuzhnoye agreed in May 1995 to use three Zenit rockets to lift 36 GlobaStar satellites into low-earth orbit beginning in 1997. Each Zenit FLorer will weigh 32 satellites in a configuration composed of three tiers of four satellites each, allowing each craft to be deployed sequentially—a method derived from multiple independent re-entry vehicle technology developed for ICBMs. U.S. officials estimate the market for 360 to 500 satellites could be around $40 million. (LEO launches were not included in the U.S.-Ukrainian pact and will be handled separately.)

In addition, the National Space Agency of Ukraine (NSA) and NASA are working on Launchmaster. One of the international Space Welding Experiment, which will test an electron beam welding tool for emergency repairs of the International Space Station. The Paton Welding Institute in Kyiv is developing this tool. Another cooperative project involves carrying a joint NSAI-NASAL-payload on a Space Shuttle mission in November 1997 along with five other countries. Although Ukraine's plans remain on track, its National Space Program would turn a profit within the next three years. This hopeful outlook is due, in large part, to the U.S. incentive strategy.

Will the Strategy Work?

As in the case of China and Russia, the U.S. incentive strategy toward Ukraine has not eliminated the proliferation threat completely. Although this strategy and closer U.S.-Ukrainian cooperation on export controls will not negate the threat entirely, they are likely to help reduce it significantly.

The Ukrainian government has two options at this point. First, it can decide not to join the MTCR and keep the right to manufacture a limited range of Category I missiles. Under this scenario, Kyiv will become less attractive for certain types of U.S. military assistance, and will place itself in a less favorable position than Russia with respect to future space cooperation agreements.

The second option would be to join the MTCR. But the U.S. would still be bound by its 1994 MOU with the United States not to export missiles capable of delivering a 500-kiloton payload to a range greater than 300 kilometers, any Ukrainian program to develop a missile with a range of 300 to 500 kilometers would be limited to a national defense role.

While Ukraine may perceive a need for missiles of that range as a deterrent in case of confrontation with Russia, it is likely that open deployment of such systems would reduce, rather than enhance, Ukraine's security vis-a-vis Europe. Moreover, Ukraine's continued reluctance to recognize Category I missiles programs could prevent it from obtaining the financial assistance Ukraine receives from international financial institutions.

Should Ukraine pursue this option, such deployments would definitely run counter to U.S. security interests. Ukrainian authorities have a range of 300 to 500 kilometers that could be aimed at Moscow, thus destabilizing Russian-Ukrainian relations. This could also encourage European regional stability, as well as Russia's commitments under U.S.-Russian arms control treaties. Such missile programs could also lead to exports to third countries of their own systems (or more likely) missile technology, violating Ukraine's MTCR commitments and undermining the U.S. non-proliferation efforts.

Kyiv's second option is to agree to the U.S. criteria and join the MTCR. This could mean that the warhead would be a psychologically painful decision, and many in Ukraine, especially the "Dolgopolovskiy lobby" and the military, would be strongly against it. However, this decision would give Ukraine access to the technology and expertise of MTCR members and a voice in the consensus-based regime. The U.S. criterion permits new MTCR members to produce and purchase SLV's, which means that Ukraine does not have to forgo its major industrial activity and its associated money-making potential. Joining the MTCR would also facilitate Ukraine's participation in international space projects, which has been rather limited because of Kyiv's status as a non-member, and enhance the country's" national image and international legitimacy. Finally, MTCR accession would complement more effectively the other actions Kyiv is undertaking to enhance its security than would the development of missiles that can reach Moscow.

U.S.-Ukrainian grappling with the future of Ukraine's missile and space industries has much to do with bilateral negotiations over Kyiv's decision on a clear statement in 1992 to 1994. The Ukrainian government is still shaping its national sectoral policies, and defense strategy, evaluating the military and civilian heritage left after the collapse of the Soviet Union, and footing out how to use it as a bargaining chip in negotiations with the West. Kyiv is reluctant to assume any obligations which would cut down the growth and technological potential, preclude some options in military developments and limit its room for maneuver in the future. But it seems unlikely that the United States would make concessions to Ukraine and let it join the MTCR prior to giving up its Category I offensive systems.

It is obvious that Ukrainian government and industry leaders are more sensitive to the political and economic aspects of the National Space Program than to missile production and exports. Incentives promoting their economic and political interests can resolve the deadlock. An agreement with the United States and other Western nations could persuade Kyiv that Ukraine's advanced rocket industry has economic and political advantages. A launch contract with the West could also bring more economic profit than could afford missile trade with rogue nations. There is a reason to hope that Ukraine will accept the "carrots" offered by the United States, recognize all offensive Category I program and join the MTCR in the near future.

NOTES
3. Fact Sheet on Non-Proliferation and Export Control Policies, Office of the White House Press Secretary, September 27, 1993.
4. Interview with Ukrainian Foreign Ministry official, April 1995.
7. In January 1996, the United States and Russia concluded a deal that allows Russia to launch 16 to 20 nightvings the first two weeks of October on launch market conditions. See Joseph Ainslie, "US-NATO Launch Pact Stationary Delayed," Aviation Week and Space Technology, February 5, 1996, p. 84.

Article I: General Obligations

1. Each State Party to this Convention undertakes never under any circumstances:
   1. To develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone;
   2. To use chemical weapons;
   3. To engage in any military preparations to use chemical weapons;
   4. To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention;
   5. 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;
   6. 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;
   7. 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;
   8. 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.

Conventions on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons And on Their Destruction

Preamble

The States 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, Determined to contribute to the realization of the purposes and principles of the Charter of the United Nations, Recognizing that the General Assembly of the United Nations has repeatedly called upon all States parties to 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, 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, Recognizing 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 economic and technological development of all States Parties, Convinced that the complete and effective prohibition of the development, production, acquisition, stockpiling, retransfer, and use of chemical weapons will contribute to the destruction, represent a necessary step towards the achievement of these common objectives, Agree as follows.

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, serious irreversible or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or their method of manufacture, 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 Schedule 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 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 Party between 1 January 1925 and 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 rapidity in human sensory irritation or disabling physical effects which disappear within a short time following termination of exposure.

8. "Chemical Weapon 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;
(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;
(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 munitions or devices, and the loading of the containers and chemical munitions into the respective munitions and devices;
(iii) 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 sub-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 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 optimized for maximum quantity for the production facility, as demonstrated by one or more test runs. The design capacity is the corresponding theoretically calculated output product.

11. "Organization" means the Organization 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 extraction, extension 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: Declarations
1. Each State Party shall submit to the Organization, not later than 30 days from the date of its accession to 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, where there are any chemical weapons located in any place under its jurisdiction or control, in accordance with Part IV, paragraph 3 to 5, of the Verification Annex;
      (ii) Specify the precise location, aggregate quantity and detailed inventory of any chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with Part IV, 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 used 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 chemical weapons, in accordance with Part IV (A), paragraph 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 1 (o), of the Verification Annex;
      (vi) 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, in accordance with Part V, paragraph 7, of the Verification Annex;
   (b) With respect to other facilities:
      (i) Specify the precise location, nature and general scope of activities of any facility or establishment located 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 facilities;
      (ii) With respect to riot control agents:
         (a) Specify the chemical name, structural formula and Chemical Abstracts Service (CAS) registry number, if assigned, and other data after consultation in the event of 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 V 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 or control, other 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, has been submitted, provide access to chemical weapons stockpile inventories. Paragraph 1, sub-paragraph 5, 13, and 14 is 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 those which become destination facilities for the purpose of systematic on-site verification.

1. Each State Party shall provide access to any chemical weapons destruction facilities located in any area, 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.

4. 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 "compliance rate of destruction") beginning 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 chemical weapons at a faster rate.

7. Each State Party shall:
(a) Submit a draft 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 of the Verification Annex to the Organization for the purpose of destruction facilities shall be established and all stockpiles of chemical weapons shall be destroyed for their destruction.
(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 party ratifies or accedes to this Convention after the 10 year period for destruction set forth in paragraph 6, it shall destroy chemical weapons 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 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 have 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. Within one year, the State Party may request the Organization 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 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 V of the Verification Annex, the Executive Council shall consider measures to avoid unnecessary duplication of bilateral or multilateral agreements on verification of chemical weapons storage and destruction facilities.

To this end, the Executive Council shall decide to limit verification to measures complementary to those undertaken pursuant to a bilateral or multilateral agreement, if it considers that:
(a) The verification provisions of such an agreement are consistent with the verification provisions of this Article and Part IV 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 Organization fully informed about the verification activities and the implementation of this Convention.

14. If the Executive Council takes a decision pursuant to paragraph 13, the Organization 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 of the Verification Annex.

16. Each State Party shall meet the costs of destruction of chemical weapons as 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 that the destruction activities pursuant to paragraph 13, the costs of complementary verification and monitoring by the Organization shall be paid in accordance with the General Assembly 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 located in its territory not later than 1 January 1977 and which remain buried, or which had been dumped at sea by 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 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 at chemical weapons production facilities for defense purposes.

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 in this manner close them down and:
(b) Provide access to chemical weapons production facilities specified in paragraph 1, subsequent to closure, for the purpose of verification and continuous 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, including those in paragraph 1 and related facilities and equipment associated with such facilities, pursuant to the Verification Annex and in accordance with an agreed rate and sequence of destruction (hereinafter referred to as "compliance rate of destruction") beginning 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 such 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 party ratifies or accedes to this Convention after the 10 year period for destruction set forth in paragraph 8, it shall destroy chemical weapons production facilities 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 transport, sample, store, and 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 production facilities specified in any other 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 such a 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 recovered into a chemical weapons production facility than any other chemical weapons facility or for other purposes not prohibited under this Convention.
specified in Part VI of the Verification Annex. It shall subject Sched-
ule 1 chemicals and facilities specified in Part VI of the Verification
Annex to systematic verification through on-site inspection and
removal or immobilization of chemical 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.
4. Each State Party shall subject chemicals listed in Schedule 2 (hereinafter referred to as “Schedule 2 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 Verifica-
tion 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 Verifica-
tion Annex.
6. Each State Party shall subject facilities specified in Part IX of the Verification Annex to data monitoring and eventual on-site veri-
fication 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 particu-
lar, abide by the provisions set forth in the Annex on the Protection
of Confidential Information (hereinafter referred to as “Confidenti-
ality Annex”).
11. The provisions of this Article shall be implemented in a manner
which avoids hampering the economic or technological develop-
ment of States Parties. In this regard, the Technical Secretariat shall
select natural and legal persons anywhere on its territory or
in any other place under its jurisdiction as recognized
by international law from undertaking any activity prohib-
ited to a State Party under this Convention, including enacting
penal legislation with respect to such activity.
12. Not permit in any place under its control any activity
prohibited to a State Party under this Convention; and
13. Extend its portal data and under paragraph (a) to any activity prohibited to a State Party under this Convention undertaken anywhere by natural persons, pos-
sessing 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 its 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 States Parties in this regard.
Relations between the State Party and the Organization
4. In order to fulfil its obligations under this Convention, each State
Party shall designate or establish within the Authority to serve as
the national focal point for effective liaison with the Organization and
other States Parties. Each State Party shall notify the Organiza-
tion of its National Authority at the time that this Convention enters
into force for it.
5. Each State Party shall inform the Organization 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 Organization 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 Confidential-
ity Annex.
7. Each State Party undertakes to cooperate with the Organization in
the exercise of all its functions and in particular to provide assistance to the Technical Secretariat.
Article VIII: The Organization
A. General provisions
1. The States Parties to this Convention hereby establish the Organi-
zation for the Prohibition of Chemical Weapons to achieve the object
and purpose of this Convention and to implement its provisions, including those for international verification of com-
pliance with it, and to provide a forum for consultation and coop-
eration among States Parties.
2. All States Parties to this Convention shall be members of the
Organization. A State Party shall not be deprived of its membership in
the Organization.
3. The seat of the Headquarters of the Organization shall be
The Hague, Kingdom of the Netherlands.
4. There are hereby established as the organs of the Organization:
the Conference of the States Parties, the Executive Council, and the
Technical Secretariat.
5. The Organization shall conduct its verification activities provided
for under this Convention in the least intrusive manner possible,
consistent with the timely and efficient accomplishment of its objectives.
It shall request only the information and data necessary to ful-
fill its responsibilities under this Convention. It shall take every
precaution to protect the confidentiality of information on
chemical and technological 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 Organization shall con-
sider measures to make use of advances in science and technology.
7. The costs of the Organization’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 subject to the provi-
sions 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. Under this budget,
the Organization shall comprise two separate chapters, one relating
to administrative and other costs, and one relating to verification costs.
8. A member of the Organization which is in arrears in the payment
of its financial contribution to the Organization shall have no vote
in the Organization if the amount of its arrears equals or exceeds
the amount of its contribution due by it for the preceding two
full years. The Conference of States Parties may, nevertheless, per-
mit 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
1. The Conference of the States Parties (hereinafter referred to as
“the Conference”) shall be composed of all members of this Organi-
zation. Each member shall have one representative in the Confer-
ence or such number of alternates as it shall determine.
2. The first session of the Conference shall be convened by the
Secretary-General not later than 30 days after the entry into force
of this Convention.
3. The Conference shall meet in regular sessions which shall be
held annually unless it decides otherwise.
4. 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
and a half times the number of States Parties;
(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 convoked at the earliest receipt of the request from
the Director-General of the Technical Secretariat, unless specified
otherwise in the request.
5. The Conference shall also be convened in the form of an Amend-
ment Conference in accordance with Article XV, paragraphs 1 and 2.
6. Sessions of the Conference shall take place at the seat of
the Organization unless the Conference decides otherwise.
7. The Conference shall adopt its rules of procedure. At the begin-
ing of each regular session, it shall elect its Chairman and two
other officers as may be required. They shall hold office until a new
Chairman and other officers are elected at the next regular session.
8. A majority of the members of the Organization shall constitute
a quorum for the decisions of the Conference.
9. Each member of the Organization shall have one vote in the
Conference.
10. 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 a vote, the Conference shall decide by a majority of its members, for
24 hours and during this period of defferment 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 the 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. If a question shall arise prior to the Conference by the major-
ity required for decisions on matters of substance.
C. Powers and functions
19. The Conference shall be the principal organ of the Organization.
It shall consider any questions, matters or issues within the scope
of this Convention, including those relating to the powers and
functions of the Organization, the General Assembly 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
submitted by the Conference by the Conference by the
majority required for decisions on matters of substance.

20. The Conference shall review the implementation of this Conven-
tion, and act in order to promote its object and purpose. The Conference shall review compliance with this Convention. It shall also overste 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.
(a) Consider and adopt at its regular sessions the report,
programme and budget of the Organization, 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) Support international 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 its
functions, to render specialized advice in areas of science
and technology relevant to this Convention, to the Conference,
the Executive Council and the Technical Secretariat.
(i) The Scientific Advisory Board shall be composed of independent experts appointed
in accordance with terms of reference adopted by the Conference.
(j) Consider and approve at its first session any draft agree-
ments, provisions and guidelines developed by the Prepara-
tory Commission;
(k) Establish a first session the voluntary fund for assis-
tance in accordance with Article X.

(1) Take the necessary measures to ensure compliance
with this Convention and to redress and remedy any situation
which compromises the effectiveness of this Convention, in ac-
cordance with Article XII.
22. The Conference shall not later than one year after the entry of
force 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, to 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 object.

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 the Conference, to send representatives to 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, representation in the Executive Council shall be assigned to as many regions of the world as possible.

24. The first election of the Executive Council shall be held at the first session of the Conference. The Executive Council 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 of the Convention, a special meeting of the members of the Executive Council, review the composition of the Executive Council and, taking into account developments related to the principles specified in paragraph 23, shall decide on 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 fulfillment 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 procedure by a majority of one to three. A decision of 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 Organization. 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 of the Conference and shall ensure that it provides the necessary services and supplies to enable 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 of the States Parties 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 Conference.
(b) Consider and submit to the Conference the draft report of the Conference and implement the Draft Report of the Conference on 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 organizations on behalf of the Organization, subject to the approval of the Conference.
(b) Conclude agreements with States Parties on behalf of the Organization in connection with Article X and supervise the voluntary fund referred to in Article X.
(c) Make arrangements relating to the implementation of verification activities, negotiated by the Technical Secretariat with States Parties.
(d) Be charged with the organization of the Conference.
(e) Be charged with any other matter which may be assigned to it by the Conference, as well as such other functions as the Conference may decide.

35. The Executive Council shall consider any issue or matter within the competence of the Conference and, upon the request of the Conference, it shall deal with such matters as may be referred to it by the Conference.

36. The Executive Council shall consider any issue or matter, including, inter alia, abuse of the rights provided for in this Convention, the Executive Council shall consider any such matter, as it deems necessary or which the Conference may request.

37. The Executive Council shall, in cases of particular gravity and urgency, bring the issue or matter, including relevant information and the recommendation of the Conference, 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

38. 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 shall act in conformity with the recommendations of the Conference and the Executive Council.

39. The Technical Secretariat shall:
(a) Prepare and submit to the Executive Council the draft programme and budget of the Organization;
(b) Prepare and submit to the Executive Council the draft report of the Organization on the implementation of this Convention and such other reports as the Conference or the Executive Council may request;
(c) Provide necessary technical support to the Conference, the Executive Council and subsidiary organs;
(d) Advise and receive communications on behalf of States Parties to this Convention and on States Parties or 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 inspections;
(f) Advise and receive communications from States Parties to this Convention and on States Parties or matters pertaining to the implementation of this Convention;
(g) Advise and receive communications from States Parties to this Convention and on States Parties or matters pertaining to the implementation of this Convention.

40. The Technical Secretariat shall:
(a) Advise the National Authorities of all States Parties on the implementation of this Convention, including the establishment of national authorities and bodies and the development and implementation of national programmes.
(b) Provide such assistance to States Parties as may be requested by the Conference, the Executive Council and any subsidiary organs of the Convention or the states.
(c) Advise the National Authorities of all States Parties on the implementation of this Convention, including the establishment of national authorities and bodies and the development and implementation of national programmes.
(d) Provide such assistance to States Parties as may be requested by the Conference, the Executive Council and any subsidiary organs of the Convention or the states.
(e) Advise the National Authorities of all States Parties on the implementation of this Convention, including the establishment of national authorities and bodies and the development and implementation of national programmes.
(f) Provide such assistance to States Parties as may be requested by the Conference, the Executive Council and any subsidiary organs of the Convention or the states.
(g) Advise the National Authorities of all States Parties on the implementation of this Convention, including the establishment of national authorities and bodies and the development and implementation of national programmes.
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 the possibility of 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 the receipt of the request;
(b) The requesting 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 submission of the request; and
(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.

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 about the possibility of non-compliance with this Convention as specified in the Verification Annex. Each State Party shall refrain from unfounded inspection requests, since being able to avoid abuse. The challenge inspection shall be carried out for the sole purpose of determining facts relative to the possibility of non-compliance.

10. In the process of verifying compliance with the provisions of this Convention, each State Party shall permit the Technical Secretariat to conduct on-site challenge inspections pursuant to paragraph 11.

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 determine compliance with this Convention and, to that end, to enable the inspection team to fulfill its mandate;
(b) The obligation to provide access within the requested site for the sole purpose of establishing facts relative 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 not later than 12 days after the submission of the request for clarification, call an observer that can be a national of the requesting State or of a Third State, to observe the conduct of the challenge inspection.
(b) The inspected State Party shall 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, the observer shall not be permitted.

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 filling in any deficiencies or request new inspections. Wherever necessary the Director-General shall fulfill the requirements, preparations for the challenge inspection shall be completed.

15. The Director-General shall transmit the inspection request to the inspected State Party, which shall undertake 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 action on the request under its consideration and through out 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 present to approve the challenge inspection, if it considers the request as significant, or to refuse, if it decides that the request is not in accordance with 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, the request shall be stopped, no further inspections shall be carried out, 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 referred to in paragraphs 8 and 9 into operational terms, and shall conform with the inspection request.

19. The challenge inspection shall be conducted in accordance with the arrangements made by mutual agreement of the involved States Parties, subject to the provisions of the Verification Annex. The inspection team shall be guided by the principles of conducting the challenge inspection in the least intrusive manner possible, consistent with the effective and timely fulfillment of its mission.

20. The inspected State Party shall assist the inspection team throughout the challenge inspection and shall 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 inform the inspection team about these arrangements through consultations with the inspection team, to reach an 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 convened by 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 expressed by the Director-General for that purpose.

23. If the Executive Council reaches the conclusion, in keeping with its powers and functions, that further action may be necessary with regard to the suspected accumulation, it may decide to redress the situation and to ensure compliance with this Convention, including specific recommendations to the Conference of States Parties for further action. In such a case, the requesting State Party should bear any of the financial implications of the challenge inspection.

24. The inspecting 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 States Parties about the outcome of the process under its consideration.

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 coordi-
nation and delivery to States Parties of protection against chemical weapons and their precursors, that is, detection equipment, 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 an exchange of information on its programme, in accordance with procedures to be considered and approved by the Conference pursuant to Article VIII, paragraph 21 (d).

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.

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 export of such assistance.

7. Each State Party undertakes to provide assistance through the Organization 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 Organization 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 Organization. If, however, a State Party subsequently is unable to provide the assistance it had previously planned to provide, it is 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 9.70 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;

(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 Conference and to the Council and inform the Director-General shall immediately forward the request to States Parties which have volunteered, in accordance with paragraphs 7 (b) and (c), to provide 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, a process of cooperation 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 48 hours for facts and shall not exceed 14 days for similar periods. Reports at the end of each additional period shall be submitted to the Executive Council. The investigation shall be, 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 the time horizon needed to provide assistance in conformity with this Convention.

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 organizations the information from the investigation and the findings reached thereby by the Executive Council. When so decided by the Executive Council, the Director-General shall provide assistance immediately. For this purpose, the Director-General of the Executive Council, or other States Parties, shall provide assistance immediately. For this purpose, the Director-General of the Executive Council, or other States Parties, shall provide assistance immediately.

11. If the information available from the ongoing investigation or other information of chemical weapons or from the technical cooperation activities of States Parties is victim of use of chemical weapons and immediate action is indispensable, the Director-General shall notify all States Parties and shall take emergency measures, using the information that it has gathered through conferences have 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 or technological development of States Parties, and international cooperation in the field of chemical activities for purposes not prohibited under this Convention, including the promotion 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 use of chemicals and for purposes not prohibited under this Convention;

(c) Not maintain among themselves any restrictions, including those in any international agreements, incompatible with the objects and purposes of this Convention, which would restrict or impede trade and the development and promotion of scientific and technological knowledge in the field of chemistry or its industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;

(d) Not use this Convention as grounds for applying any measures or restrictions on the international exchange of information, goods or services which are not inconsistent with 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 that field, provide assistance, if necessary, and remove all obstacles 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 paragraph 11, to safeguard the object and purpose of 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 cease the use of chemical weapons or is otherwise called upon to discontinue a use of such weapons, and does not comply with that request, the Director-General shall report the situation to the Conference. If the Director-General determines that the use of chemical weapons or other such activities continues, he may recommend to the Conference that this country be deprived of its rights 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 follow-up measures to States Parties in conformity with international law.

4. The Conference shall, in cases of particular gravity, bring the issue, including relevant information, into the consideration 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 in accordance with the Prohibition of the Use of War as a Means of Pressure, 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 Toxic 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. If a dispute arises between two or more States Parties, or between a State Party and a regional organization, related to the interpretation or application of this Convention, the parties concerned shall consult together to a view the expediency of setting up an arbitral arrangement 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. Any such consultation or referral shall be undertaken in accordance with this Convention and, in any case, shall be subject to the consent of the States Parties involved.

3. The States Parties involved shall keep the Executive Council informed of actions being taken.

4. The Executive Council may contribute to the settlement of a dispute through the organization of a meeting of representatives of the disputing States Parties. In cases where the disputing States Parties agree, the Executive Council, or any body designated by it, may participate directly in the resolution of the dispute.

5. 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 authorize organs with tasks related to the settlement of these disputes in conformity with Article VIII, paragraph 21 (f).

6. This Article is without prejudice to Article IX or to the provisions in 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 paragraphs 2 and 3, as a contribution to the proposed amendment. 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 proposed amendment or proposals 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 the Conference. The text of the proposed amendment 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 a regular session of the Conference unless the requesting States Parties ask for an earlier meeting. In that case, the Amendment Conference shall 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 with the States Parties referred to in subparagraph (b) below:

(a) When adopted by the Amendment Conference by a positive vote of two-thirds States Parties with no State Party casting a negative vote;

(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 a technical nature. All changes to the Annexes 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 any content not in Part X of the Verification Annex which relate exclusively to challenge inspections, shall not be subject to changes in accordance with paragraph 5.

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

(a) The test of the proposed changes shall be transmitted together with the necessary information to the Director-General. Additional information for the evaluation of the proposals 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 Depositary.

(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 fulfills 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 of the recommendation, but in no case earlier than two years after its opening for signature.

(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, in whole or in part, whether it fulfills 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 jeopardized 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 jeopardized its supreme interests.

3. The withdrawal of a State Party from this Convention shall not in any way affect the duty of all States Parties 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.

Summary of the Senate Resolution of Ratification

On April 24, the Senate approved a resolution of advice and consent to ratification (Senate Executive Resolution 75) of the Chemical Weapons Convention (CWC) by a vote of 74-26. The resolution contained 28 "conditions" for the Senate's consent to the treaty, agreed upon by CWC supporters and opponents, who also agreed to eliminate five "killer" conditions that would have prevented the president from formally ratifying the convention. Several presidential certifications were required by the resolution and were made (in an April 25 message to Congress) before the U.S. instrument of ratification was deposited with the UN secretary-general. The text of these conditions, which is almost as long as the treaty itself, is summarized below with explanatory comments in italics.

Condition 1: The Senate reserves the right to include reservations in its advice and consent to ratification, notwithstanding the explicit ban in Article XXII on reservations to the convention. Although the Senate approves the text of the resolution of ratification, the Senate reserves its constitutional right to do so in the future when considering amendments to the convention.

Condition 2: The executive branch is prohibited from providing any payment or assistance (including the transfer of non-Kind items) to the Organization for the Prohibition of Chemical Weapons (OPCW) without formal authorization and appropriation by Congress. This condition also mandates statutory authorization and appropriation for potential expenses such as the cost of challenge inspections should the treaty's Executive Council assess such a cost.

Despite this condition, under the convention, failure of the United States to meet its financial obligations would lead to the recalculation of its right to ratify if it fails to meet its other obligations.

Condition 3: Requires establishment by the OPCW of an independent office by the end of 1997 to investigate and report on the activities of the OPCW and perform annual audits of the handling of classified information and the laboratories designated in the convention's verification annexes (Part II, Paragraph 5). This condition mandates cooperation by the OPCW with the oversight office, and an annual evaluation of OPCW cooperation with oversight offices. After April 28, 1998, the president has not certified to Congress that such an office has been successfully created, 50 percent of the U.S. assessment for the OPCW budget will be witheld.

This condition addresses congressional concerns about safeguarding intelligence sources and methods in cases where the United States obtains information for the OPCW for purposes of verification or inspection (Article IX, Paragraph 5).

Condition 6: Requires Senate advice and consent to any amendment to the CWC, in accordance with its constitutional treaty powers.

Condition 7: Requires presidential certification, prior to deposit of the U.S. instrument of ratification, that the convention does not require the United States to weaken its national export controls, which are understood to be compatible with all the convention's provisions, including Article XI, Paragraph 2. The president is also...