Transfer Control
- Chemical Weapons Convention

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19 September 2019
“Activities not prohibited under this Convention”

Article 6 – Chemical Weapons Convention

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.
## Chemicals regulated by CWC

### Schedule 1
- High risk to the object & purpose of Chemical Weapons Convention
- Little or no use for purposes not prohibited

### Schedule 2
- Significant risk
- Not produced in large quantities for purposes not prohibited

### Schedule 3
- Risk
- May be produced in large quantities for purposes not prohibited

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**“Other Chemical Production Facilities” producing large quantities of “discrete organic chemicals (DOCs)”**

- Engineering capability of the facility is important, rather than DOCs produced
Dual-use chemicals

**Nitrogen Mustard (Schedule 1A)**
Anti-cancer chemotherapy drug

**Dimethyl methylphosphonate (Schedule 2B)**
Flame retardant for building materials, preignition additive for gasoline, anti-floating agent…
Verification cycle

- **Chemical Industry**
  - Engagement
  - Outreach
  - Awareness raising

- **Customs Administration**
  - National Authority

- **TS Inspections Feedback**
- **Data collection**

- **TS Evaluation Feedback**
- **Declaration**

TS – Technical Secretariat of the OPCW
Life-cycle of chemicals

Chemical companies

Logistics companies

Warehouse Storage companies

Laboratories

Chemical companies

Use

Disposal

Inception

Design

Develop

Manufacture

Transport

Sell
Types of Declarations
(Reports to be submitted to the OPCW)
Types of Declarations

- EIF: 30 days
- Initial Declaration:
  - S1 Facilities
  - S2/S3 Plant Sites
  - S2/S3 AND
  - OCPF Initial list
- ADAA – S1:
  - S1 Facilities
- ADAA – S2/S3:
  - S2/S3 Plant Sites
- End of the Year: 90 days
- Additional Planned Activities:
  - S2/S3 Plant Sites
- ADPA:
  - S1 Facilities
  - S1 Transfers
  - S2/S3 Plant Sites
  - S2/S3 AND
  - OCPF updates
Transfer control

**S1**
- Notification to OPCW before transfer
- Detailed annual declaration
- Transfer only to another State Party
  - Only for Research, Medical, Pharmaceutical or Protective Purposes.
  - Total ban on transfer of any quantity to States Not Party - no exceptions

**S2**
- Annual declaration on quantities *produced, processed, consumed, imported and exported*
- Quantitative specification of *import and export* for each country involved
- Ban on transfers of any quantity to or from States Not Party with some exceptions

**S3**
- Annual declaration on quantities *produced, imported and exported*
- Quantitative specification of *import and export* for each country involved
- No ban currently but *End Use Certificate* required for transfers to States Not Party with some exceptions
## Transfer to States not Party

### Schedule 3 chemicals
Reporting on transfers

Sample: Chemical Weapons (Prohibition) Act 2018 (Botswana)

Notification of Schedule 1 transfers
Section 20

1. Subject to subsection (2), any person who transfers a Schedule 1 chemical shall notify the Authority 45 days before the transfer of any such chemical to another State Party.

2. A person shall make a notification to the Authority at least five days before the transfer of the Schedule 1 chemical saxitoxin 1 if –
   a. The transfer is for medical or diagnostic purposes; and
   b. The transfer is for quantities of 5 milligrams or less.

3. A person who contravenes subsection (1) commits an offence and is liable to a fine not exceeding P3 000 000 or to imprisonment for a term of 20 years, or to both.
Reporting on transfers

Sample: Chemical Weapons Convention Act 2007 (Sri Lanka)

Section 13

The Authority shall prepare such initial, annual and other periodic declarations regarding toxic chemicals or precursors listed in Schedules I, II and III to this Act or any other declaration required to be made under the Convention and shall submit such declarations to the OPCW at such time or times as may be specified under the Convention.
Chemicals Imported/Exported in 2018

- Sched 1: 5.98 g
- Sched 2: 10735 t
- Sched 3: 661521 t
Schedule 1 declaration/notification

Exporting State Party (A)  Importing State Party (B)

NOTIFICATION  DECLARATION

NOTIFICATION  DECLARATION
Schedule 2 and 3 declarations

<table>
<thead>
<tr>
<th>Exporting State Party</th>
<th>Importing State Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHEMICAL A</td>
<td>Amount exported</td>
</tr>
<tr>
<td>DECLARATION</td>
<td>CHEMICAL A</td>
</tr>
</tbody>
</table>
Verification of transfer

• Only assessed through annual declarations (reports)
• It is not subject to OPCW inspection
• Likelihood of “transfer discrepancies”

Causes of discrepancies:

✓ Lack of harmonisation in reporting
✓ Ineffective customs/border controls

Possible proliferation risk?
What parliamentarians could do

✓ Support adoption / revision of CWC implementing national legislation with all the “initial measures”
✓ Ensure robust border /customs control including resources
✓ Ensure sufficient budget allocation to customs / border management, as well as to the CWC National Authority
✓ Provide oversight to ensure that CWC provisions are implemented thoroughly
South Pacific

State Party yet to submit the initial declaration

Tonga

State Party yet to designate/establish the National Authority

Timor-Leste

States Parties yet to have comprehensive CWC implementing legislation

Samoa, Timor-Leste, the Marshall Islands, Nauru, Papua New Guinea, Solomon Islands, Tonga, Tuvalu, and Vanuatu
141st Assembly of the IPU
The Role of Parliamentarians in Enhancing National Implementation of the CWC (side event)

Monday, 14 October 2019, 1330 - 1445
Hall 15/1, 1st floor, Sava Centre
Belgrade, Serbia

• Panel discussion featuring parliamentarians from States Parties to the CWC and officials from the TS of the OPCW
• Participants will have an opportunity to enhance their understanding of State obligations under the Convention
• States Parties will share their experiences of national implementation and the role of parliamentarians
OPCW

منظمة حظر الأسلحة الكيميائية
禁止化学武器组织
Organisation for the Prohibition of Chemical Weapons
Organisation pour l’Interdiction des Armes Chimiques
Организация по запрещению химического оружия
Organización para la Prohibición de las Armas Químicas