

CHEMICAL WEAPONS (PROHIBITION) ACT, 2018

No. 16



of 2018

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SCHEDULE

An Act to re-enact with amendments, the Chemical Weapons (Prohibition) Act and to provide for the prohibition of the development, production, acquisition, stockpiling, retention, transfer and use of chemical weapons, the coordination of the management of chemical weapons, nuclear weapons and the management of biological and toxin weapons, and other matters incidental thereto.

Date of Assent: 29.06.18

Date of Commencement: 29.06.18

ENACTED by the Parliament of Botswana.

PART I – Preliminary

Short title

1. This Act may be cited as the Chemical Weapons (Prohibition) Act, 2018.

Interpretation

2. (1) In this Act, unless the context otherwise requires —
 “Authority” means the Chemical, Biological, Nuclear and Radiological Weapons Management Authority established under section 5;
 “Board” means the Board established under section 7 of the Act;
 “chemical weapon” means —
 (a) toxic chemicals and their precursors, except where intended for —
 (i) peaceful purposes,
 (ii) purposes relating to protection against toxic chemicals, or
 (iii) law enforcement purposes within the State,
 as long as the types and quantities are consistent with such purposes;

- (iv) munitions and devices specifically designed to cause death or other harm through the toxic properties of those toxic chemicals defined in paragraph (a) of this definition which would be released as a result of the employment of such munitions and devices; or
- (b) any equipment specifically designed for use directly in connection with the employment of those munitions or devices;
- “controlled agents and toxins” has the same meaning assigned to the term under the Biological and Toxin Weapons (Prohibition) Act;
- “Convention” means the Convention on the Prohibition, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, signed by the State Parties on the 13th January, 1993, as amended from time to time;
- “Director” means the Director of the Authority appointed under section 7 (2);
- “facility” means any equipment, including any building or vessel housing the equipment, where at any stage in the production of scheduled chemicals, the material flows would contain any of the scheduled chemicals;
- “inspector” means a person appointed as such under section 24;
- “member” means a member of the Board appointed under section 7;
- “non-State Party” means a State that is not a signatory to the Convention;
- “nuclear material” has the same meaning assigned to the term under the Nuclear Weapons (Prohibition) Act;
- “Organisation” means the Organisation for the Prohibition of Chemical Weapons established under the Convention;
- “precursor” means any chemical reactant which is used in the production of a chemical weapon or any toxic chemical;
- “proliferation financing” means the act of providing funds or financial services which are used, in whole or in part, for the manufacture, acquisition, possession, development, export, transshipment, brokering, transport, transfer, stockpiling or use of chemical toxins and their means of delivery and related materials, including both technologies and goods used for non-legitimate purposes;
- “repealed Act” means the Chemical Weapons (Prohibition) Act repealed under section 34;
- “riot control agent” means any chemical not listed in a Schedule 1, 2 or 3, which can produce rapidly in humans sensory irritation or disabling physical effects disappear within a short time following termination of exposure but does not include chloropicrin;
- “Schedule 1 chemical” means a chemical listed in Schedule 2 to this Act;
- “Schedule 2 chemical” means a chemical listed in Schedule 2 to this Act;
- “Schedule 3 chemical” means a chemical listed in Schedule 2 to this Act;

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“scheduled chemical” means a chemical that is listed in Schedule 2 to this Act;

“State Party” means a State that is a signatory to the Convention; and

“toxic chemical” means any scheduled chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals.

Application of Convention

3. The Convention on the Prohibition, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, 1993, as set out in Schedule 1 to this Act including any amendments thereto, shall have force of law in Botswana.

Act binds State

4. This Act binds the State.

PART II – *Establishment of Chemical, Biological, Nuclear and Radiological Weapons Management Authority*

Continuation of establishment of Chemical Weapons Management Authority

5. (1) The Chemical Weapons Management Authority established under the repealed Act, is hereby continued as if established under this Act as the Chemical, Biological, Nuclear and Radiological Weapons Management Authority.

(2) Subject to the laws governing the public service, there shall be appointed a Director and such other officers of the Authority as may be deemed necessary.

(3) The Authority shall be under the general supervision of the Director.

Functions of Authority

6. (1) The Authority shall be the principal agency in Botswana for the management of scheduled chemicals, nuclear material and controlled agents and toxins and shall coordinate, monitor and supervise all activities related to scheduled chemicals, nuclear material and controlled agents and toxins in addition to any other power conferred on it by this Act, the Nuclear Weapons (Prohibition) Act and the Biological and Toxin Weapons (Prohibition) Act.

(2) Notwithstanding the generality of subsection (1), the Authority shall –

(a) institute measures for the implementation of the Convention both solely and in cooperation with other public bodies, organs of Government, non-governmental organisations, private sector organisations and members of the public;

(b) monitor the implementation of this Act, the Nuclear Weapons (Prohibition) Act and the Biological and Toxin Weapons (Prohibition) Act and assess their effectiveness in improving the level of protection, control or prevention of the use of scheduled chemicals, nuclear material and controlled agents and toxins in Botswana, and to advise the Minister on ways of giving effect to the purposes of this Act, the Nuclear Weapons (Prohibition) Act and the Biological and Toxin Weapons (Prohibition) Act effectively;

- (c) issue any licence or permit required under this Act and the Biological and Toxin Weapons (Prohibition) Act;
- (d) keep and maintain a register of licences and permits issued under this Act and the Biological and Toxin Weapons (Prohibition) Act, and notifications and declaration made under this Act and the Biological and Toxin Weapons (Prohibition) Act;
- (e) prepare an annual report, which shall be submitted to the Minister, of all notifications, facilities and any other matter connected with the prohibition of the production, development, acquisition, stockpiling, retention, use or transfer of scheduled chemicals, nuclear material or controlled agents and toxins in Botswana, and their destruction;
- (f) publish and disseminate manuals, standards, codes of practice and guidelines relating to scheduled chemicals, nuclear material or controlled agents or toxins management;
- (g) carry out research, promote and coordinate information and data collection relating to the scheduled chemical industry relating to the scheduled chemicals, nuclear material industry or controlled agents and toxins;
- (h) conduct inspections and take other measures to monitor compliance with this Act, the Nuclear Weapons (Prohibition) Act and the Biological and Toxin Weapons (Prohibition) Act and to conduct investigations into alleged contraventions of these Acts;
- (i) investigate any matter that may have a negative effect on the scheduled chemical industry, nuclear material industry or controlled agents and toxins and make recommendations thereon to the Minister;
- (j) perform other functions incidental or conducive to the operation of this Act, the Nuclear Weapons (Prohibition) Act and the Biological and Toxin Weapons (Prohibition) Act as assigned to it by the Minister from time to time; and
- (k) manage and control the use of scheduled chemicals, nuclear material and controlled agents and toxins as well as to regulate the field of chemistry so as to ensure that their exclusive use is for the benefit of mankind.

PART III — *Establishment and Membership of Board*

7. (1) There is hereby established a Board of the Authority which shall perform such functions as may be conferred on it under this Act.

(2) The Board shall consist of the following members appointed by the Minister —

- (a) the Permanent Secretary from the Ministry of Defence, Justice and Security;
- (b) a nominee from the ministry responsible for agriculture;

Establishment
and membership
of Board

- (c) a nominee from the ministry for health;
- (d) a nominee from the Attorney General's Chambers;
- (e) a member from the ministry responsible for environment, wildlife and tourism;
- (f) the Director of the Radiation Inspectorate established under the Radiation Protection Act;
- (g) a nominee from the Botswana Police Service;
- (h) a nominee from the Botswana Defence Force;
- (i) the Director of International Trade;
- (j) a nominee from the Directorate of Intelligence and Security established under the Intelligence and Security Service Act;
- (k) the Director as an *ex officio* member;
- (l) two persons who possess the skill, experience and competence in environmental issues, scheduled chemicals, nuclear material or controlled agents and toxins and other chemistry or biology-related professions;
- (m) a representative of the mines or mining industry; and
- (n) a representative of the Botswana Institute for Technology, Research and Innovation.

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Cap. 23:02

(3) The Minister shall appoint a Chairperson of the Board and the members shall elect a member from among their number to be the Vice Chairperson.

Functions of Board

- 8.** (1) The Board shall —
- (a) determine policies for giving effect to the objects and purposes of this Act, the Nuclear Weapons (Prohibition) Act and the Biological and Toxin Weapons (Prohibition) Act;
 - (b) advise the Minister to change, review or formulate scheduled chemical, nuclear material or controlled agents and toxins policies and strategies where necessary;
 - (c) recommend standards, codes of practice, guidelines and legislation to the Minister; and
 - (d) investigate any matter that may have a negative effect on the scheduled chemical industry, nuclear material industry or controlled agents and toxins and make recommendations thereon to the Minister.

(2) The Minister may give the Board written directions, of a general or specific nature, regarding the exercise of its powers and the performance of its functions, which directions shall not be inconsistent with this Act, the Nuclear Weapons (Prohibition) Act and the Biological and Toxin Weapons (Prohibition) Act.

(3) The Board shall give effect to the Minister's directions given in accordance with subsection (2).

Meetings of the Board

9. (1) Subject to the provisions of this Act, Board shall regulate its own proceedings.

(2) The Board shall meet for the transaction of its business at least four times in a year.

(3) Upon giving notice in writing of not less than 14 days, a meeting of the Board may be called by the Chairperson provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving of a shorter notice.

(4) The quorum at any meeting of the Board shall be a simple majority of the members of the Board.

(5) There shall preside at any meeting of the Board —

- (a) the Chairperson;
- (b) in the absence of the Chairperson, the Vice-Chairperson; or
- (c) in the absence of the Chairperson and Vice-Chairperson, such member as the members present may elect from amongst themselves for the purpose of that meeting.

(6) A decision of the Board on any question shall be by the majority of the members present and voting at the meeting and, in the event of an equality of votes, the member presiding shall have a casting vote in addition to that person's deliberative vote.

10. (1) A member attending a meeting of the Board, at which meeting a matter which is the subject of consideration is one in which he or she is directly or indirectly interested in a private capacity, the member shall, as soon as practicable after the commencement of the meeting, disclose the full nature and extent of such interest and shall not, unless the Board otherwise directs, take part in any consideration or discussion of, or vote on any question touching upon, such matter.

Disclosure of
interest

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting at which it was made.

(3) Where a member of the Board fails to disclose his or her interest in accordance with subsection (1) and a decision of the Board is made benefitting such member, the decision shall be null and void.

(4) A person who contravenes the provisions of subsection (1) commits an offence and is liable to a fine not exceeding P50 000, or to imprisonment for a term not exceeding five years, or to both.

11. (1) A member attending a meeting of the Board shall observe and preserve the confidentiality of all matters coming before the Board, and such confidentiality shall subsist even after the termination of their terms of office or their expert mandates.

Confidentiality

(2) Any person to whom confidential information is revealed through working with the Board or the Authority shall not disclose that information to any other person unless he or she is required to do so in terms of any written law.

(3) A person who contravenes the provisions of this section commits an offence and is liable to a fine not exceeding P10 000, or to imprisonment for a term not exceeding three months, or to both.

12. (1) The Authority shall provide secretarial services to the Board.

Secretarial
Services

(2) Any representative of the Authority who attends the meetings of the Board to provide secretarial services shall have no right to vote, and shall be responsible for the accurate and complete recording of the Board's proceedings and decisions.

Committees of Board

13. (1) The Board may appoint such committees as it considers appropriate, consisting of its members.

(2) The Board may delegate any of its functions or powers under this Act to a committee appointed under subsection (1) to carry out the functions under this Act, the Nuclear Weapons (Prohibition) Act or the Biological and Toxin Weapons (Prohibition) Act.

PART IV — *Chemical Weapons and Chemicals for Permitted Purposes*

Chemical weapons

14. (1) Subject to this Act, a person shall not —

(a) produce, develop, use, possess, acquire, develop, export, transport, stockpile or retain, or transfer, directly or indirectly to another person, a chemical weapon;

(b) construct, convert, maintain or use any premises or equipment for the production, development, retention, use or transfer of chemical weapons;

(c) assist another person to produce, develop, retain, use or transfer a chemical weapon either through assisting in the construction, conversion, maintenance or use of any premises or equipment;

(d) engage in preparations of a military nature to use a chemical weapon;

(e) use a riot control agent as a method of warfare; or

(f) engage in the proliferation financing of any chemical weapon.

(2) Any action referred to in subsection (1) undertaken outside Botswana by a citizen of Botswana shall be deemed to have been undertaken at any place within Botswana.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable to a fine of P15 000 000 or to life imprisonment, or to both.

(4) A person who releases scheduled chemicals for the purpose of causing serious bodily injury or killing human beings, animals or plants or causing damage to property or natural resources commits an offence and is liable to a fine of P15 000 000 or to life imprisonment, or to both, where the act does not result in death, and where the act results in death is liable to the death penalty.

Schedule 1 chemicals and precursors

15. (1) Except as authorised by this Act, a person shall not produce, use, acquire, possess, transfer, import or export a Schedule 1 chemical or its precursor.

(2) For the purposes of subsection (1), Schedule 1 chemicals can only be produced, used, acquired, retained or transferred for research, medical or pharmaceutical purposes.

(3) The type and quantities of the scheduled chemicals or precursors shall be taken into account in determining whether a toxic chemical or precursor is a chemical weapon.

(4) A person who contravenes this section commits an offence and is liable to a fine of P25 000 000 or to life imprisonment, or to both.

16. (1) Except as authorised by this Act, a person shall not receive, transfer, import or export a Schedule 2 chemical or its precursor to a non-State Party —

Schedule 2
chemicals

- (a) without first notifying the Authority; and
- (b) unless it contains a low concentration of Schedule 2 chemicals to the extent allowed by the Convention.

(2) A person shall produce, process or use a Schedule 2 chemical in accordance with regulations prescribed by the Minister and subject to making such notifications and declarations required under Part V.

(3) A person who contravenes this section commits an offence and is liable to a fine of P3 000 000 or to imprisonment for a term of 20 years, or to both.

17. (1) Except as authorised by this Act, a person shall not receive, transfer, import or export a Schedule 3 chemical without first notifying the Authority.

Schedule 3
chemicals

(2) Any person who wishes to transfer a Schedule 3 chemical or its precursor to a non-State party shall first obtain an end-user certificate from a competent governmental authority in the non-State Party where the chemical is transferred to.

(3) A person shall produce, process or use a Schedule 3 chemical in accordance with regulations prescribed by the Minister and subject to making such notifications and declarations to the Authority as required under Part V.

(4) A person who contravenes a provision of this section commits an offence and is liable to a fine of P1 500 000 or to imprisonment for a term of 10 years, or to both.

18. (1) The operator of a facility where any of the scheduled chemicals is likely to be produced, acquired, retained, used or transferred shall not carry out any activity that would lead to the production, acquisition, retention, use or transfer of any scheduled chemicals without first obtaining the necessary licence in accordance with regulations prescribed by the Minister and subject to making such notifications and declarations to the Authority as required under Part V.

Chemical
facilities

(2) A person who contravenes this section commits an offence and is liable to a fine not exceeding P1 500 000, or to imprisonment for a term of 10 years, or to both.

(3) The Authority may debar a person who contravenes this section from obtaining any licence under this Act for five years.

PART V — Notifications and Declarations

19. (1) If a person finds a substance or article in Botswana that the person believes may be a chemical weapon, nuclear weapon or biological or toxin weapon the person shall immediately notify —

Notifications
of finding of
substances or
articles believed
to be chemical
weapons,
nuclear weapons
or biological
or toxin weapons

- (a) the Director; or
 - (b) a police officer,
- of the finding and location of the substance or article concerned.

(2) Where a person notifies a police officer under subsection (1), it shall be the responsibility of the police officer to notify the Director of the matter.

(3) A person who contravenes subsection (1) commits an offence and is liable to a fine not exceeding P10 000, or to imprisonment for a term not exceeding three months, or to both.

Notifications
and declarations
for Schedule 1
chemicals

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 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.

Declarations for
Schedule 2
chemicals

21. (1) Any person who transfers a Schedule 2 chemical shall declare all transfers relating such transfers within 30 days after the end of the calendar year.

(2) A person who contravenes subsection (1) commits an offence and is liable to a fine not exceeding P1 500 000 or to imprisonment for a term of 10 years, or to both.

Declarations for
Schedule 3
chemicals

22. (1) Any person who transfers a Schedule 3 chemical shall declare all transfers relating such transfers within 30 days after the end of the calendar year.

(2) A person who contravenes subsection (1) commits an offence and is liable to a fine not exceeding P500 000 or to imprisonment for a term of five years, or to both.

Declarations
by Authority

23. The Director shall compile all notifications and declarations required under this Part and submit to the Organisation a detailed annual declaration within 90 days after the end of the calendar year.

PART VI — *Inspections and Enforcement*

Inspectors

24. (1) The Director may appoint such number of officers of the Authority as he or she thinks fit to be inspectors for purposes of this Act, the Nuclear Weapons (Prohibition) Act or the Biological and Toxin Weapons (Prohibition) Act.

(2) The Authority shall issue to every inspector an identity card of authority and, when exercising a power conferred on him or her under this Act, the Nuclear Weapons (Prohibition) Act or the Biological and Toxin Weapons (Prohibition) Act the inspector shall, on being so requested by a person in charge of a place to be inspected, show the identity card to that person.

Inspections

25. (1) An inspector may, for the purposes of ensuring that this Act is complied with —

- (a) at any reasonable time enter any place with reasonable force if necessary and as may be permitted by a warrant issued under section 26 –
 - (i) in respect of which under Part V information has been or is required to be provided,
 - (ii) which place is subject to an on-site challenge inspection referred to in paragraph 8 of Article IX of the Convention,
 - (iii) in respect of a place which an investigation under paragraph 9 of Article X of the Convention has been initiated, or
 - (iv) in, at or on any place which there are reasonable grounds to believe an offence against this Act has been or is being committed, and inspect the place;
- (b) request any person in, at or on the place to give to the inspector access to any area, container or thing in, at or on the place;
- (c) secure under a warrant issued under section 26, for later inspection, any such place or area, or any container or thing in, at or on the place;
- (d) examine any container or thing in, at or on the place;
- (e) request any person in charge or employed in, at or on the place to produce to the inspector such information contained in the records, files, papers or electronic information systems kept in, at or on, or used in relation to, the place and, in the case of such information in a non-legible form, to reproduce it in a legible form;
- (f) inspect and take copies of or extracts from any such records, files, papers or electronic information system in, at or on the place, including in the case of information in a non-legible form, copies of or extracts from such information in a permanent legible form;
- (g) remove and retain, under a warrant under subsection (2), those records, files or papers or equipment used in such information systems, for such period as may be reasonable for further examination or until the conclusion of any legal proceedings;
- (h) have photographs taken of any thing in, at or on the place and remove the photographs from the place;
- (i) where appropriate, install, use and maintain in, at or on the place monitoring instruments, systems and seals in a manner consistent with the Convention;
- (j) take samples for analysis of any thing in, at or on the place, without payment, and analyse those samples or remove them from the place for analysis outside the place;
- (k) as regards any product or any article or substance used in the manufacture of a product the inspector finds in, at or on the place, require any person in, at or on the place, or who appears to the inspector to be in possession of the product or the article or substance, to supply without payment for test, examination or analysis, sufficient samples thereof;

- (l) cause any product or any substance or thing used in the manufacture of a product found in, at or on the place the possession or use of which appears to the inspector to constitute an offence under this Act, to be dismantled or subjected to any process or test, but not so as to damage or destroy it unless it is in the circumstances necessary for the purposes of this Act;
- (m) take possession of any such product, substance or thing in, at or on the place and retain it for so long as is necessary for all or any of the following purposes —
 - (i) to examine or arrange for its examination and do to it anything that he or she has power to do under paragraph (g),
 - (ii) to ensure that it is not tampered with before the examination is completed, and
 - (iii) to ensure that it is available for use as evidence in any proceedings;
- (n) require any person in, at or on the place to afford the inspector such facilities and assistance within the person's control or responsibilities as are reasonably necessary to enable the inspector to exercise any of the powers conferred on him or her by or under this Act; and
- (o) exercise such other powers as may be necessary to ensure that this Act is complied with.

(2) Before exercising the power conferred under subsection (1) (g) in the case of any substance or thing, an inspector shall, so far as it is reasonably practicable to do, consult such persons as appear to him or her to be appropriate for the purposes of ascertaining what danger, if any, there may be in doing anything that he or she proposes to do under that power.

(3) Where an inspector exercises the power under subsection (1) (l), the inspector shall, if required by a person who at the time is present in, at or on and is in charge of the place, cause anything which is to be done by virtue of that power to be done in the presence of that person.

(4) Where under the power conferred by subsection (1) (m) an inspector takes possession of any substance or thing found in, at or on a place, the inspector shall, if it is practicable for him or her to do so, take samples of the substance or thing and give to a person who holds himself or herself out as being in charge of the place, a portion of the sample marked in a manner sufficient to identify it.

Powers of
entry and
search

26. (1) An inspector shall not, except with the consent of the occupier, enter a place unless he or she has obtained a search warrant from a Magistrate's Court under subsection (4) authorising such entry.

(2) Where an inspector in the exercise of his or her powers under this section is prevented from entering any place, an application may be made to the Magistrate's Court for a search warrant under subsection (4) authorising such entry.

(3) An inspector may, where he or she considers it necessary, be accompanied by a law enforcement officer when exercising any powers conferred on an inspector under this Act.

(4) Without prejudice to the powers conferred on an inspector under any other provision of this Act, if a magistrate is satisfied on the sworn information of an inspector that —

- (a) there are reasonable grounds for suspecting that there is information required by an inspector under this Act held in, at or on any place;
- (b) there is a product, substance or thing that an inspector requires to inspect for the purposes of this Act; or
- (c) an inspection is likely to disclose evidence of a contravention of this Act, the magistrate may issue a search warrant authorising an inspector, accompanied by other inspectors or law enforcement officers, at any time or times within one month from the date of issue of the warrant, to enter the place, if need be by reasonable force, and exercise all or any of the powers conferred on inspectors under this Act.

(5) An application for a search warrant under subsection (4) shall be made to a Magistrate's Court in the district in which the place to be searched is situated.

(6) Where under this section a warrant under subsection (4) would otherwise be required to exercise a power by an inspector, it shall not be so required if the conditions for obtaining a warrant exist but, by reason of exigent circumstances, it would not be practicable to obtain the warrant.

(7) Any person who —

- (a) obstructs or interferes with an inspector in the exercise of his or her powers under this Act;
- (b) refuses or fails to comply with a request by an inspector under this Act; or
- (c) makes a statement to an inspector which the person knows to be false or misleading or which he or she does not believe to be true, commits an offence and is liable to a fine not exceeding P500,000 or to imprisonment for a term not exceeding five years, or to both.

27. Where a member of the Police Service suspects, on reasonable grounds, that an offence under this Act has been or is being committed in, at or on any place or by any person, and that member of the Police Service has and may exercise, in relation to that place or person, in addition to any powers that he or she may have by virtue of being a member of the Police Service, any of the powers of an inspector under this Act.

Members of the Police Service to have powers of inspectors in certain circumstances

28. (1) Any chemical weapon, nuclear weapon or biological or toxin weapon that is developed, produced or otherwise acquired, stockpiled, retained or transferred in contravention of this Act shall be forfeited to the State and shall be disposed of as the Authority may direct.

Forfeiture, seizure and disposal of chemical weapons, nuclear weapons or biological or toxin weapons

(2) An inspector may seize any substance or article which is forfeited or which the inspector has reasonable grounds to believe should be forfeited to the State as a chemical weapon, nuclear weapon or biological or toxin weapon under subsection (1).

(3) Where a person has been convicted of an offence under this Act, the Nuclear Weapons (Prohibition) Act and the Biological and Toxin Weapons (Prohibition) Act any chemical weapon, nuclear weapon or biological or toxin weapon or other thing seized by means of or in respect of which the offence was committed is forfeited to the State shall be disposed of as the Authority may direct.

Indemnity

29. An inspector shall not be liable to be sued in any civil court in respect of anything done or omitted to be done by such inspector, if the thing is done or omitted to be done bona fide in the course of the operations of the Authority, render that inspector personally liable to an action, claim, demand.

PART VII — *Miscellaneous Provisions*

Director may seek information

30. (1) The Director may, by written notice, require a person to give such information as may be prescribed within such reasonable period and in such manner as is specified in the notice.

(2) The Director may, by written notice given to a person, require the person to give to the Director particular documents, or documents of a particular kind, specified in the notice, within such reasonable period as is specified in the notice.

(3) Any person who fails to comply with a notice given under this section commits an offence and is liable to a fine not exceeding P150 000, or to a term of imprisonment not exceeding two years, or to both.

(4) The power of the Director under this section to require a person to give information or documents is in addition to any obligation to give information or documents that the person may have under section 25; or any other power the Director has under this Act to require the person to give information or documents.

Extra-territorial jurisdiction

31. (1) A citizen of Botswana, or a person who permanently resides in Botswana, who commits an act outside Botswana that constitutes an offence under this Act if committed in Botswana, commits an offence and shall be liable to a penalty as prescribed under this Act.

(2) Any act prohibited under Part V undertaken outside Botswana by a citizen of Botswana shall be deemed to have been undertaken at any place within Botswana.

(3) A person may not be convicted of an offence under subsection (1) if such a person has been acquitted or convicted in the country where that offence was committed.

Official capacity or superior orders not a defence

32. It shall not be a defence to an offence under this Act for a person charged with the offence to plead that he or she acted in an official capacity or under the orders or instructions of his or her superior, provided that the person knew or ought to have known that he or she contravened the Act.

Regulations

33. The Minister may make regulations for any matter which is required to be prescribed or for the better carrying out of the provisions of this Act and without derogating from the generality of the foregoing, such regulations may prescribe —

- (a) a declaration regime for all declarations required under the Convention;
 - (b) a licensing regime for all licences to be granted;
 - (c) activities involving the production, processing or use of scheduled chemicals that is carried out, was carried out, or is anticipated to be carried out in the future; and
 - (d) any forms and fees as may be required under this Act.
- (2) When required under subsection (1), the regulations establishing a licensing and a declaration regime shall ensure that the Authority is enabled to —
- (a) prevent prohibited activities and comply with the requirements of the Convention;
 - (b) gather all information as required under Article VI of the Convention;
 - (c) make all declarations to the Organisation under Article VI of the Convention in a comprehensive and timely manner; and
 - (d) ensure that international inspections can be carried out in any place in Botswana when required by the Convention.

34. The Chemical Weapons (Prohibition) Act is hereby repealed.

Repeal of Cap.
24:04

Transitional
and Savings

35. (1) Any licence, permit, notice, order or authorisation issued or granted under the provisions of the repealed Act shall remain valid until its expiry date whereupon the holder of such licence, permit, notice, order or authorisation shall apply under this Act for a new licence, permit, notice, order or authorisation.

(2) Any decisions made and any other actions lawfully taken under the repealed Act are hereby deemed to be decisions made and actions taken under this Act.

(3) Any legal proceedings which, before the coming into operation of this Act, were pending shall be continued or enforced by or against the Authority in the same manner as they would have been continued or enforced before the coming into operation of this Act.

(4) The Board of the Authority, established under the repealed Act, shall continue as if established under this Act.

SCHEDULE

SCHEDULE 1

(sections 2 and 4)

CONVENTION 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,

Desiring to contribute to the realization 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),

Recognizing 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,

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 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 optimized 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. "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 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

DECLARATIONS

1. Each State Party shall submit to the Organization, 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 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 a 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 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 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 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 Organization 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 Organization fully informed about their verification activities.
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 (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 Organization pursuant to paragraph 13, the costs of complementary verification and monitoring by the Organization 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 for 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 Organization 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 Organization fully informed about their verification activities.

17. If the Executive Council takes a decision pursuant to paragraph 16, the Organization 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 Organization pursuant to paragraph 16, the costs of complementary verification and monitoring by the Organization 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 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 recognized 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 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 a National Authority to serve as the national focal point for effective liaison with the Organization and other States Parties. Each State Party shall notify the Organization 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 Confidentiality 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 Organization 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 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 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 Organization shall consider 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 this Organization, 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 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 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 Organization. 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 Organization 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 Organization shall constitute a quorum for the Conference.
17. Each member of the Organization 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 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 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 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) 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 specialized 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 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, 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 Organization;
 - (b) Consider and submit to the Conference the draft report of the Organization 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 organizations on behalf of the Organization, subject to prior approval by 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) 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 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 administrative and technical support to the Conference, the Executive Council and subsidiary organs;

- (d) Address and receive communications on behalf of the Organization 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 Organization 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 organization 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 organization 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 Organization. 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 Organization 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 Organization shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connection with the Organization.
50. The legal capacity, privileges, and immunities referred to in this Article shall be defined in agreements between the Organization and the States Parties as well as in an agreement between the Organization and the State in which the headquarters of the Organization 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 Organization 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 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 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 organizations 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 organizations. 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 Organization, 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 authorization 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 Organization. An agreement between the Organization 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 Depositary. 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 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 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 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 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.

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 authorized to that effect, have signed this Convention.

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

SCHEDULE 2

(section 15)

SCHEDULE 1 CHEMICALS AND PRECURSORS

A. TOXIC CHEMICALS (CAS Registry number)

- (1) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates
e.g. Sarin: O-Isopropyl methylphosphonofluoridate (107-44-8) Soman:
O-Pinacolyl methylphosphono- fluoridate (96-64-0)
- (2) O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr)
phosphoramidocyanidates e.g. Tabun: O-EthylN,N-dimethylphosphoramidocyanidate
(77-81-6)
- (3) O-Alkyl (H or ($\leq C_{10}$, 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. VXO-EthylS-2-diisopropylaminoethyl(50782-69-9)methyl phosphonothiolate
- (4) Sulfur mustards: 2-Chloroethylchloromethylsulfide (2625-76-5)
Mustard gas: Bis (2-chloroethyl) sulfide (505-60-2) Bis (2-chloroethylthio)
methane (63869-13-6)
Sesqui mustard: 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)
O-Mustard: Bis (2-chloroethylthioethyl) ether (63918-89-8)
Lewisites:
- (5) Lewisite 1: 2-Chlorovinylchloroarsine (541-25-3) Lewisite 2: Bis (2-chlorovinyl)
chloroarsine (40334-69-8)
Lewisite 3: Tris (2-chlorovinyl) arsine (40334-70-1)
Nitrogen mustards:
- (6) 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 (CAS Registry number)

- (9) Alkyl (Me, Et, n-Pr or i-Pr)
Phosphonyldifluorides e.g. DF: Methylphosphonyldifluoride (676-99-3)
O-Alkyl (H or (\leq C10, incl. cycloalkyl) O-2-dalkyl
- (10) (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and
Corresponding lkylated or protonated salts e.g. QL: O-Ethyl O-2-
diisopropylaminoethyl (57856-11-8) methylphosphonite
- (11) Chlorosarin: O-Isopropyl (1445-76-7) methylphosphonochloridate
- (12) Chlorosoman: O-Pinacolyl (7040-57-5) methylphosphonochloridate

(section 16)

SCHEDULE 2 CHEMICALS AND PRECURSORS

A. TOXIC CHEMICALS (CAS Registry number)

- (1) Amiton: O,O-Diethyl S-[2-(diethylamino) ethyl]
phosphorothiolate and corresponding alkylated or protonated salts (78-53-5)
- (2) b PFIB: 1,1,3,3,3-Pentafluoro-2- (trifluoromethyl)-1 -propene (382-21-8)
- (3) BZ: 3-Quinuclidinyl benzilate (*) (6581-06-2)

B. PRECURSORS (CAS Registry number)

- (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 (676-97-1) Dimethyl
methylphosphonate (756-79-6)
Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate (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) Quinuclidin-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
(108-01-0) N,N-Diethylaminoethanol and corresponding protonated salts (100-
37-8)
- (12) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding
protonated salts
- (13) Thiodiglycol: Bis(2-hydroxyethyl)sulfide (111-48-8)
- (14) Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol (464-07-3)

(section 17)

SCHEDULE 3 CHEMICALS AND PRECURSORS

A. TOXIC CHEMICALS (CAS Registry number)

- (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 (CAS Registry number)

- (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) Sulfur monochloride (10025-67-9)
- (13) Sulfur dichloride (10545-99-0)
- (14) Thionyl chloride (7719-09-7)
- (15) Ethyldiethanolamine (139-87-7)
- (16) Methyldiethanolamine (105-59-9)
- (17) Triethanolamine (102-71-6)

PASSED by the National Assembly this 18th day of June, 2018.

BARBARA N. DITHAPO,
Clerk of the National Assembly.