

- Some delegations held that the nature of sanctions (mandatory or voluntary) should depend on the nature of each specific case. It was suggested that a differentiation between violations of technical matters and the violation of other provisions may be useful, where, according to many delegations, mandatory sanctions should be carried out with regard to the latter category.
- There was a degree of uncertainty concerning the modalities by which to establish the occurrence of a breach or violation. One view supported the idea that the Organization should establish the existence of a violation on the basis of information arising from the verification activities which it conducts. A second view was that it is very difficult to entrust the Organization with the role of a Tribunal in establishing breaches or violations; however there could be a distinction between violations of technical matters, where establishing the facts will be automatic and self-evident, and the violations of other provisions. A third view was that sanctions should not depend on the formal establishment of a breach or violation; they should rather be used to enforce demands of the Organization vis-à-vis States Parties to bring their activities in line with their obligations under the Convention.
- The view was expressed that the Organization itself, through the Conference of States Parties or the Executive Council, should decide on sanctions according to a machinery which is yet to be considered.
- There is a common understanding that the efforts to incorporate into the Convention a provision on sanctions should not in any way aim at creating a mechanism parallel to that of the Security Council, nor should they undermine its prerogative to address any major breach of the Convention which is likely to endanger the maintenance of international peace and security or to constitute a threat to or breach of the peace and to impose appropriate sanctions under chapter VII of the United Nations Charter. However, a view was expressed that in many cases the Security Council was unable to perform its duties, and that, in the case of the Organization of Chemical Weapons Convention, such a situation would be fatal.
- Although the issue of how a provision on sanctions may be incorporated in the Convention has not yet been settled, a preference was expressed for a separate article, while some delegations find it more appropriate to combine it with other articles.
- There was no agreement on whether to impose sanctions on non-parties or not. A view was expressed that the universality of the Convention does not only mean membership of a great number of States Parties to the Convention but also erga omnes adherence to the principle objectives of the Convention due to its sui generis nature. Hence, there has to be a mechanism to control and sanction any such activities by non-parties which may endanger the system established by