

## SANCTIONS

The question of sanctions was considered by the Working Group on Legal and Political Questions during four meetings. Document CW/Group 2/16 was presented to the Working Group on 7 July 1989. On the basis of that document, some 40 interventions were made during the discussion on sanctions, from which the following emerged:

- A number of delegations were of the view that the Chemical Weapons Convention should contain a provision on sanctions. It was also understood that the Organization, through one of its organs, should take action in order to redress and repair any situation which would be in contradiction with the provisions of the Convention. 1/
- It was argued by several delegations that not all violations would fall into the same category. They suggested that there might be a distinction between serious violations and minor or technical ones. 2/
- In connection with this classification, some delegations were of the view that automatic measures may be laid down in the Convention to cover cases of minor violations.
- It was also agreed by all delegations that the existence of a provision on sanctions within the Convention or the failure to implement it should not affect the rights of States Parties to carry out unilateral actions amounting to sanctions as long as they are kept within the bounds of International Law.
- It was suggested by some delegations that sanctions may imply the withdrawal or restriction of rights and privileges from States Parties. In this respect, certain rights and privileges were mentioned such as: the right to membership in organs of the Organization; the right to Challenge Inspections, the right to have nationals as inspectors. However, it was understood by delegations that in no way should the withdrawal of rights and privileges amount to the withdrawal of the right of membership in the Organization.
- The question of what type of sanctions in addition to withdrawal or restriction of rights and privileges may be suggested has yet to be considered.

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1/ The view was expressed that divergent views remain on the feasibility of sanctions and the effectiveness of their deterrence of non-compliance.

2/ A view was expressed that the nature of a violation depends upon the context of the situation and, depending on the context, a technical violation may be a serious one.