

and systematic inspections of chemical weapons storage, production and destruction facilities and relevant chemical industry. The second regime, challenge inspection, allows a State Party to request and have conducted an international inspection of any facility or location in another State Party in order to clarify and resolve questions of possible non-compliance. To deter abuse, the Convention contains provisions for both the requesting and inspected Parties to have their concerns about compliance and possible abuse of the system addressed by the Executive Council at both the beginning and conclusion of a challenge inspection. The Convention also contains inspection procedures which provide the inspected party with means to protect sensitive sites. Such means include: the timing specified to provide access; limitations on observers; and the process of managed access at the site.

The verification regime, though intrusive, respects industry's legitimate concerns in safeguarding proprietary information and avoiding disruption of production.

States Parties have the obligation to promote the Convention's effectiveness through domestic implementation and responsible, active participation in the organization for the Prohibition of Chemical Weapons (OPCW).

Article VI stipulates that States Parties must submit annual industry declarations pertaining to activities not prohibited under the Convention. States Parties must also establish "penal" legislation that would make CWC violations also a violation of national law. This provides an enforcement mechanism rarely found in international law. The Convention also penalizes countries that do not join. Non-participating States are barred from access to certain treaty-controlled chemicals.

The negotiators recognized the need for making the Convention a "living document" which will allow for the possibility of improvement based on inspection experience and advances in verification technology. The CWC contains provisions to allow for technical changes and annual and special conferences to discuss implementation and address any particular problems.

Another issue of importance was that of equitable participation in the OPCW in particular the Executive Council since it plays a large role in CWC implementation. The Convention establishes the principle of rotational seats on the Executive Council and seat allocation on a regional basis, leaving it up to each region to designate members, taking into account not only a State's industrial significance but also other regional factors.

The successful completion of this multilateral convention was no doubt facilitated by the signing of a US- USSR bilateral entitled Agreement on Destruction and Non-Production of Chemical Weapons and on Measures to Facilitate the Multilateral Chemical Weapons Convention.<sup>24</sup> Recognizing their special responsibility in the area of chemical weapons disarmament, the US and USSR agreed to destroy significant quantities of chemical weapons and make every effort to conclude and to bring into force at the earliest date, a convention providing for a global ban on the development, production, stockpiling and use of chemical weapons and on their destruction.

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<sup>24</sup> Signed and entered into force 1<sup>st</sup> June 1990.