



THE CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ORDINANCE, 2000.



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THE CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ORDINANCE, 2000.

ORDINANCE No. LIV of 2000.

[11th October, 2000]

An Ordinance to give effect in Pakistan to the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction signed at Paris on the 13th January, 1993

WHEREAS it is expedient to give effect in Pakistan to the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons, and on their destruction signed at Paris on the 13th January, 1993;

AND WHEREAS the National Assembly and the Senate stand suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No.1 of 1999;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No 1 of 1999, as well as Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

1. Short title, extent and commencement.-(1) This Ordinance may be called the Chemical Weapons Convention Implementation Ordinance, 2000.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.—(1) In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) "assistance inspection" means an inspection conducted pursuant to Parts II and XI of the Verification Annex;

(b) "challenge inspection" means an inspection conducted pursuant to Parts II and X of the Verification Annex;

(c) "chemical weapons" means—

- (i) a toxic chemical and its precursor, except where intended for permitted purposes, as long as types and quantities are consistent with such purposes;
 - (ii) a munition or device, specifically designed to cause death or other harm through the toxic properties of a toxic chemical specified in sub-clause (i), which would be released as a result of the employment of such munition or device; or
 - (iii) any equipment specifically designed for use directly in connection with the employment of a munition or device specified in sub-clause (ii);
 - (d) “Convention” means the convention on the Prohibition of the Development, Production, stockpiling and use of Chemical Weapons and on their Destruction signed at Paris on the 13th January, 1993;
 - (e) “National Authority” means the National Authority designated as such under section 9;
 - (f) permitted purposes" means—

 - (i) industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;
 - (ii) protective purposes, that is such purposes which are directly related to protection against toxic chemicals and to protection against chemical weapons;
 - (iii) 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; and
 - (iv) law enforcement including domestic riot control purposes;
 - (g) “precursor” means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical and includes any key component of a binary or multi-component chemical system;
 - (h) “prescribed” means prescribed by rules made under this Ordinance;
 - (i) “riot control agent” means any chemical which is not a scheduled chemical, which can produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure;
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- (j) “routine inspection” means an inspection conducted pursuant to Parts II to IX of the Verification Annex;
- (k) “scheduled chemical” means a chemical listed in Schedules I or, as the case may be, Schedule II or Schedule III to this Ordinance;
- (l) “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 and 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; and
- (m) “Verification Annex” means the Verification Annex to the Convention and portions of which are reproduced in Schedule IV to this Ordinance.

3. Prohibition on development etc; of chemical weapons.—(1) No person shall—

- (a) develop, produce, otherwise acquire, stockpile or retain a chemical weapon, or transfer, directly or indirectly, a chemical weapon to anyone;
- (b) use a chemical weapon;
- (c) engage in any military preparations to use a chemical weapon;
- (d) assist, encourage or induce, in any way, any other person to engage in any activity prohibited to a State Party under the Convention; or
- (e) use a riot control agent as a method of warfare.

(2) For the purposes of sub-section (1) an object shall not be a chemical weapon if the person uses the object only for permitted purposes and in deciding whether permitted purposes are intended the types and quantities of objects shall be taken into account.

(3) Whoever contravenes the provisions of this section shall be guilty of an offence punishable with imprisonment for a term which may extend to twenty-five years.

4. Premises or equipment for producing chemical weapons.—(1) No person shall-

- (a) construct any premises intended to be used for production of chemical weapons;
 - (b) alter any premises with intention to use the same for production of chemical weapons;
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