



OPCW

Conference of the States Parties

Tenth Session
7 – 11 November 2005

C-10/DEC.16
11 November 2005
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DECISION

**FOLLOW-UP TO THE PLAN OF ACTION
REGARDING THE IMPLEMENTATION
OF ARTICLE VII OBLIGATIONS**

The Conference of the States Parties,

Reaffirming that each State Party shall, in accordance with its constitutional processes, adopt the necessary measures to implement its obligations under the Chemical Weapons Convention (hereinafter “the Convention”), in particular under Article VII;

Recalling the provisions of the plan of action regarding the implementation of Article VII obligations, which it adopted at its Eighth Session (C-8/DEC.16, dated 24 October 2003) with the objective of fostering the full, effective, and non-discriminatory implementation of the Convention by all States Parties;

Affirming the autonomous and independent status of the OPCW, and **cognisant of** the resolutions of the United Nations (UN) that call upon all UN Member States to take measures to implement the multilateral disarmament treaties to which they are parties;

Bearing in mind in particular that it agreed at its Eighth Session that it is imperative that those States Parties that still need to do so take the necessary steps and set realistic target dates for these steps leading to the enactment of the necessary legislation, including penal legislation, and/or the adoption of administrative measures to implement the Convention no later than the Tenth Session of the Conference of the States Parties (hereinafter “the Conference”);

Recalling further that it decided to review at its Tenth Session the status of implementation of Article VII and to consider and decide on any appropriate measures to be taken, if necessary, in order to ensure compliance by all States Parties with Article VII;

Having considered the report by the Technical Secretariat (hereinafter “the Secretariat”) on the plan of action regarding the implementation of Article VII obligations (EC-42/DG.8; C-10/DG.4, dated 7 September 2005) as well as the updated version (EC-M-25/DG.1 C-10/DG.4/Rev.1, dated 2 November 2005; EC-M-25/DG.1/Corr.1 C-10/DG.4/Rev.1/Corr.1, dated 10 November 2005; and EC-M-25/DG.1/Add.1 C-10/DG.4/Rev.1/Add.1, dated 8 November 2005);



Acknowledging the success of the plan of action and welcoming the significant results achieved by States Parties in implementing their Article VII obligations since the entry into force of the Convention and in particular since the adoption of the plan of action, and **recognising** the increase in the number of States Parties that are in the process of enacting the necessary legislation, including penal legislation, and/or adopting administrative measures;

Commending States Parties and the Secretariat for their efforts in assisting States Parties on request with the implementation of their Article VII obligations;

Recognising also that, along with the progress achieved in fulfilling the provisions of the plan of action, there remain a sizeable number of States Parties that need to take further action to complete the implementation of their Article VII obligations, and that a number of these States Parties still require assistance and technical support from the Secretariat, including some that joined the Convention after the Eighth Session of the Conference; and

Reaffirming the importance and urgency of States Parties fulfilling their obligations under Article VII;

Hereby:

1. **Stresses** that it is imperative for States Parties that have yet to fulfil their obligations under Article VII to do so, in accordance with their constitutional processes, without delay;
2. **Urges** each State Party that has yet to designate or establish a National Authority and to take the steps necessary to enact legislation, including penal legislation, and/or that has yet to adopt administrative measures to implement the Convention, to notify the OPCW of the following actions:
 - (a) the designation or establishment of its National Authority, which will serve as its national focal point for effective liaison with the OPCW and other States Parties—such designation or establishment to take place by the Forty-Fifth Session of the Executive Council (hereinafter “the Council”); and
 - (b) the steps it has taken to enact legislation, including penal legislation, and to adopt administrative measures to implement the Convention—such notification to take place by the Forty-Seventh Session of the Council;
3. **Urges** each State Party that has not fulfilled the Article VII obligations referred to in paragraph 2 above to:
 - (a) enhance its interaction with the OPCW and inform it, preferably by the end of 2005, of the difficulties it has in adopting the measures required to implement its Article VII obligations;
 - (b) without prejudice to the provisions of Article VII, develop plans with realistic target dates for itself for the national implementation measures to be taken, in accordance with its constitutional processes—plans that would enable its obligations under Article VII to be fulfilled by the Eleventh Session of the

Conference—and provide these plans to the Secretariat preferably by the end of 2005; and

- (c) keep the OPCW informed of the progress made in implementing its Article VII obligations;
4. **Requests** the Secretariat to continue to provide States Parties that have yet to implement their Article VII obligations with further assistance on request, as a matter of priority, and within the parameters set by the OPCW Programme and Budget;
5. **Encourages** States Parties to offer assistance in implementing this decision, including, *inter alia*, through the provision of expertise to States Parties, through the development of partnerships with relevant regional organisations, and through voluntary contributions to the OPCW and any other offers; and to keep the OPCW informed about their activities;
6. **Strongly encourages** States Parties that have yet to fulfil their Article VII obligations to avail themselves of assistance that is offered, to consult with the Secretariat, and to provide it with details, as appropriate, of their assistance requirements, including as regards putting into place their national implementation plans, as soon as possible and preferably by the end of 2005, with a view to preparing the ground for effective support by the Secretariat and/or States Parties during 2006;
7. **Requests** the Secretariat and the States Parties, in providing assistance, to take account of the particular requirements of those States Parties that have recently joined the Convention and have requested such assistance;
8. Without prejudice to the rights and privileges of the States Parties under Articles X and XI, **decides** that technical assistance provided by the Secretariat to States Parties that have not designated or established National Authorities and have not submitted any information in accordance with paragraphs 2 and 3 above, should focus as a matter of priority on technical assistance for the designation or establishment of National Authorities to serve as the focal point for effective liaison with the OPCW as well as on drafting legislation and administrative measures and on their implementation;
9. **Requests** the Secretariat to report to the Forty-Fourth, Forty-Fifth, and Forty-Sixth Sessions of the Council on the progress made in implementing Article VII, and to place these reports, together with regular updates, on the external server of the OPCW;
10. **Requests** the Secretariat to publish the contact details of each State Party's National Authority, alongside information about the entry into force of the Convention for it, on the OPCW Web site;
11. **Further requests** the Council to monitor the implementation of this decision, to provide guidance to and to coordinate with the Secretariat as necessary, and to take any further action in accordance with the provisions of the Convention to ensure the full implementation of Article VII;

12. **Decides** that, in cases where a State Party has not submitted any information in accordance with paragraph 2 of this decision by the Forty-Seventh Session of the Council, or where it has made a submission that, in the view of the Council, requires further information, the Council shall consult with the State Party concerned, taking account also of the State Party's response to subparagraph 3(a) of this decision, and request it to take measures to redress the situation;
13. **Requests** the Secretariat to provide a comprehensive report on the status of implementation of Article VII to the Forty-Seventh Session of the Council, which the Council, along with its recommendations, will submit to the Conference for consideration at its Eleventh Session;
14. **Undertakes** to review further at its Eleventh Session the status of implementation of Article VII, and to consider and decide on any appropriate measures to be taken, if necessary, in order to ensure fulfilment by States Parties of their Article VII obligations, in particular by those States Parties that have not submitted any information in accordance with paragraph 2 above; and
15. **Requests** the Director-General to inform all States Parties, in particular those referred to in paragraph 2 above, of the provisions of this decision as soon as possible after the Tenth Session of the Conference.

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