



**DECISION**

**PLAN OF ACTION REGARDING THE IMPLEMENTATION OF  
ARTICLE VII OBLIGATIONS**

**The Conference of the States Parties,**

**Recalling** the recommendations that the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (First Review Conference) made on national implementation measures (as covered under agenda item 7(c)(v) of its report, subparagraphs 7.74 to 7.83 of RC-1/5, dated 9 May 2003), in particular the agreement in subparagraph 7.83(h) of that report to develop, at its next regular session, a plan of action based on a recommendation from the Executive Council (hereinafter “the Council”) regarding the implementation of obligations under Article VII of the Chemical Weapons Convention (hereinafter “the Convention”), with the objective of fostering the full, effective, and non-discriminatory implementation of the Convention by all States Parties;

**Stressing** the need to fully implement the recommendations of the First Review Conference on national implementation measures;

**Recognising** how important and how urgent it is that States Parties complete their obligations under Article VII to adopt, in accordance with their constitutional processes, the necessary measures to implement the Convention;

**Convinced** that the full and effective implementation of Article VII by all States Parties also contributes to universal adherence to the Convention;

**Concerned** that a large number of States Parties have not yet fulfilled the range of obligations under Article VII, and **recognising** that many of them may have difficulties in doing so; and

**Taking note of** the report by the Director-General to the Eighth Session of the Conference on national implementation measures (C-8/DG.5, dated 18 September 2003, and Add.1, dated 22 October 2003);

**Having received** the recommendation by the Council on the Plan of Action on national implementation measures (EC-M-23/DEC.2, dated 21 October 2003),



**Hereby:**

Identification and analysis of problems and needs (action items for the Technical Secretariat and States Parties)

1. **Requests** the Technical Secretariat (hereinafter “the Secretariat”) to intensify its work with those States Parties that have difficulties in adopting the measures required under Article VII, by further identifying, analysing, and addressing those difficulties;
2. **Further requests** the Secretariat to submit to the Thirty-Sixth Session of the Council a report covering, *inter alia*, problems that have been identified, requirements of States Parties for support, the capabilities of the OPCW (that is, both of the Secretariat and of the States Parties) to provide implementation support, and any recommendations relevant to the implementation of the plan of action;
3. **Requests** States Parties seeking assistance of any kind in meeting their national implementation obligations and that have not yet informed the Secretariat of what assistance they require, to do so preferably before 1 March 2004;

Resources for implementation support (action items for the Technical Secretariat and States Parties)

4. **Requests** the Secretariat, within the parameters set by the OPCW Programme and Budget, to offer sustained technical support to States Parties that request it for the establishment and effective functioning of National Authorities, the enactment of national implementing legislation, and the adoption of any administrative measures required in accordance with Article VII;
5. **Welcomes** voluntary contributions from States Parties towards the implementation of this plan of action, and **requests** the Secretariat to implement the plan of action within the resources approved for the OPCW Programme and Budget, together with any voluntary contributions received for national implementation, and in a cost-effective manner;
6. **Encourages** States Parties to lend advice, upon request, to other States Parties in drafting and adopting national measures necessary to implement the Convention, *inter alia* to ensure that the laws reflect the comprehensive nature of the Convention by covering all activities that are to be prohibited or required in accordance with the Convention, and that involve the use of any toxic chemicals and their precursors; to cover the provision of annual declarations on past and anticipated activities; to ensure the implementation of the provisions related to transfers of scheduled chemicals; and to cover the annual submission of information on national protective programmes in accordance with paragraph 4 of Article X;
7. **Requests** States Parties able to provide assistance of any kind towards national implementation in other States Parties to inform the Secretariat, preferably before 1 March 2004, of what they can offer;

8. **Requests** the Secretariat to further develop and improve its implementation support programme, including by mobilising States Parties' efforts so as to provide, upon request and within the limits on available resources, technical assistance and technical evaluations to States Parties in the implementation of the provisions of the Convention, in the areas identified in the section of the report of the First Review Conference on national implementation measures (subparagraph 7.74 to 7.83 of RC-1/5);
9. **Encourages** the Secretariat to identify and, by mutual consent, engage with regional, subregional and other relevant groups of States Parties that can render support to the States Parties concerned in their implementation efforts;
10. **Encourages** the Secretariat and the States Parties to develop partnerships with relevant regional organisations and agencies that could render support to States Parties in their implementation work;

Overall time-frame, intermediate steps, and target date (action items for States Parties)

11. Without prejudice to the timelines set by the Convention, recalling States Parties' obligations under Article VII, and reminding them that it has been more than six years since the entry into force of the Convention, **agrees** 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, scheduled for November 2005;
12. **Calls upon** those States Parties that still need to do so to make every effort to adhere to the overall time-frame established in paragraph 11 above, as well as to the steps and target dates they have established for themselves, and to maintain regular contact with the Secretariat about the implementation of these steps and target dates;
13. **Encourages** States Parties and the Secretariat to take measures to raise awareness of the prohibitions and requirements of the Convention, *inter alia* in their armed forces, in industry, and in their scientific and technological communities;
14. **Underlines** that the steps mentioned in paragraph 11 above should include:
  - (a) designating or establishing a National Authority and notifying the Secretariat thereof in accordance with Article VII of the Convention, as soon as possible;
  - (b) taking the steps necessary to enact the legislation, including penal legislation, and/or to adopt the administrative measures States Parties need in order to implement the Convention in accordance with their constitutional processes; and
  - (c) providing the Secretariat with the full text of their national implementing legislation, including updates, or, in the case of States Parties with a monist legal system, with information on the specific measures they have taken to implement the Convention;

15. **Urges** States Parties that have not yet done so to review their existing regulations in the field of trade in chemicals in order to render them consistent with the object and purpose of the Convention;  
  
Oversight by the Executive Council and the Conference of the States Parties (action items for States Parties and the Technical Secretariat)
16. **Requests** the Secretariat to report to the Ninth Session of the Conference and to every second session of the Council starting with the Thirty-Sixth, in March 2004, on the progress made in implementing this plan of action;
17. **Further requests** the Council to provide guidance to, and to coordinate with, the Secretariat as necessary and to monitor the implementation of this plan of action;
18. **Also requests** States Parties that lend advice, upon request, to other States Parties on the drafting and adopting of national measures to implement the Convention, to keep the OPCW informed of their actions and the results they have achieved; and
19. **Undertakes to review**, at its Ninth Session, the progress made in implementing this plan of action, and to **decide** on any further action needed; and **undertakes to review further**, 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.

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**ANNEX II ACTION PLAN FOR THE UNIVERSALITY OF THE CHEMICAL WEAPONS CONVENTION: OPCW Executive Council, EC-M-23/DEC.3, dated 24 October 2003**

**DECISION**

**ACTION PLAN FOR THE UNIVERSALITY OF THE CHEMICAL WEAPONS CONVENTION**

**The Executive Council,**

**Recalling** that the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter “the First Review Conference”) attached great importance to the attainment of universal adherence by States to the Chemical Weapons Convention (hereinafter “the Convention”) and **acting upon** the recommendation of the First Review Conference that the Executive Council (hereinafter “the Council”), with the cooperation of the Technical Secretariat, develop and implement a plan of action to further encourage, in a systematic and coordinated manner, adherence to the Convention, and to assist States ready to join the Convention in their national preparations for its implementation;

**Recalling also** resolutions of the United Nations General Assembly which stress the importance of achieving the universality of the Convention;

**Recalling** that the Conference of the States Parties has reviewed annually the progress, and has repeatedly adopted decisions entitled “Recommendation on ensuring the universality of the Chemical Weapons Convention” which, *inter alia*, have urged all States that have neither ratified nor acceded to the Convention to do so without delay;

**Firmly believing** that universality of the Convention is fundamental to the full achievement of its object and purpose;

**Welcoming** the substantial progress made towards universality of the Convention since its entry into force;

**Noting however** that among the States not Party are some whose non-ratification or non-accession is a cause for serious concern;

**Recognising** the positive effects that every new accession or ratification has for international peace and security and for global stability;

**Recalling** the decision of the Council that the OPCW’s contribution to global anti-terrorist efforts in the context of the Convention should focus, *inter alia*, on the promotion of universal adherence to the Convention;

**Underlining** the important political, economic, and security benefits of becoming a State Party to the Convention, **recognising** the positive effect of international cooperation (e.g. on Article XI) among the States Parties on universality, **and convinced** that the desire for increased security and the determination to participate fully in the global community are incentives for States not Party to adhere to the Convention;

**Recalling** that States that remain outside the Convention would not be able to take advantage of the benefits that the Convention offers the States Parties;

**Encouraging** States Parties to promote the achievement of the common objectives of the Convention in order to encourage other countries to join the Convention;

**Conscious** of the fact that States Parties can encourage States not Party to adhere to the Convention, **and determined to** take all appropriate steps to intensify bilateral and multilateral efforts towards universality of the Convention; and

**Inspired by** the objective of achieving universal adherence to the Convention ten years after its entry into force;

**Hereby:**

**Urges** the States Parties, in conjunction with the Council and the Technical Secretariat, to undertake further efforts to promote universality of the Convention, including initiatives to address specific regions, sub-regions, or States, and covering all States not Party, in particular those whose non-adherence is a cause of serious concern;

**Strongly supports** the designation of “points of contact” by States Parties, on a voluntary and informal basis, in all regions and sub-regions relevant for the effective promotion of universality, to assist regularly in the implementation of this Action Plan and for the purposes of effective coordination;

**Recommends** that the Director-General should designate an officer of the External Relations Division to act as the focal point within the Technical Secretariat for the implementation of this Action Plan and for the purposes of effective coordination;

**Requests** the Technical Secretariat, having consulted with States Parties, to prepare a comprehensive annual document on planned universality-related activities, and to provide information to the Council on proposed initiatives, including on potential synergies with States Parties willing and able to join in universality-related efforts. The document should contemplate and systematise activities in which the Technical Secretariat has traditionally engaged and, if deemed appropriate, formulate new universality-oriented projects. The document should set indicative targets for increased membership. In particular, the document could include:

- (a) measures envisaged by the Technical Secretariat to assist States ready to join the Convention in their national preparations for implementing it;
- (b) bilateral assistance visits;
- (c) bilateral meetings with States not Party not represented in The Hague, as well as those represented in The Hague, and other activities of participation support and outreach;
- (d) regional and sub-regional seminars and workshops;

(e) international cooperation activities which might include States in the process of ratifying or acceding to the Convention;

(f) measures to increase awareness of the Convention, and of the work of the OPCW, including publications in official languages, as well as measures to reach the appropriate audience in States not Party; and

(g) attendance at meetings of, or joint activities with, relevant international and regional organisations;

**Requests** the Technical Secretariat, in support of the document of planned activities, to provide information containing up-to-date details regarding the status of States not Party *vis-à-vis* the Convention, their prospects for adherence, their participation in universality related activities, any significant chemical industry and any other issues relevant to the provisions of the Convention;

**Requests** the Technical Secretariat to implement the document of planned activities within the resources approved for the Organisation's Programme and Budget, together with any voluntary contributions received for universality-related purposes, and in a cost-effective manner;

**Strongly encourages** States Parties to strengthen their efforts in the promotion of universality of the Convention, to actively pursue this objective, as appropriate, in their contacts with States not Party, and to seek the cooperation of relevant international and regional organisations;

**Requests** the Director-General to submit to the Conference at its regular sessions an annual report on the implementation of the Action Plan, and to keep the Council regularly informed, so that the Conference and the Council may review progress and monitor its implementation effectively;

**Requests** that this Action Plan be brought to the attention of the Conference at its Eighth regular session; and

**Recommends** that the Conference decide to review, at its Tenth Session, the implementation of this Action Plan, and take any decisions deemed necessary.

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