



OPCW

Conference of the States Parties

Sixteenth Session
28 November – 2 December 2011

C-16/DEC.11
1 December 2011
Original: ENGLISH

DECISION

FINAL EXTENDED DEADLINE OF 29 APRIL 2012

The Conference of the States Parties,

Recalling the Obligation under Article 1 of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (hereinafter referred to as the “Convention”) in terms of which “Each State Party undertakes to destroy chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention”;

Recalling further that the Convention determines under Article IV that for each State Party “Such destruction shall begin not later than two years after this Convention enters into force for it and shall finish not later than 10 years after entry into force of this Convention” and that an extension of the deadline for destruction can be requested under Part IV (A) of the Convention’s Annex on Implementation and Verification (hereinafter referred to as the “Verification Annex”) “but in no case shall the deadline for a State Party to complete its destruction be extended beyond 15 years after the entry into force of this Convention”;

Recalling and again welcoming the completion of the full destruction of the chemical weapons that had been owned, or possessed, by Albania, India, and a State Party, in accordance with the provisions of the Convention;

Recalling that Libya, the Russian Federation, and the United States of America (hereinafter referred to as the “possessor State concerned” or “possessor States concerned”) were granted an extension of the deadline for the destruction of their chemical weapons by the Conference of the States Parties to the Convention (hereinafter referred to as the “Conference”) in terms of decisions C-11/DEC.17 and C-11/DEC.18 dated 8 December 2006;

Recalling further that the final extended deadline for the destruction of chemical weapons by the possessor States concerned that was established by the Conference in accordance with Part IV (A) of the Convention’s Verification Annex is 29 April 2012 and that further extensions of the deadline beyond this date are not possible;

Recalling further that the Executive Council of the Organisation for the Prohibition of Chemical Weapons (hereinafter referred to respectively as the “Executive Council” and the “Organisation”) as reported in EC-64/5 dated 3 May 2011 has already been addressing the



concern in accordance with Paragraph 36 of Article VIII of the Convention that the final extended deadline of 29 April 2012 may not be fully met and that the matter has also been brought to the attention of the Conference;

Recalling further that the Conference at its Fifteenth Session:

- (a) “**Considered** and **noted** a report by the Director-General on the progress made by those States Parties that have been granted extensions of deadlines for the destruction of their Category 1 chemical weapons (C-15/DG.13, dated 11 November 2010).”
- (b) “**Reaffirmed** the obligation of possessor States Parties to destroy their chemical weapons within the extended deadlines, in accordance with the relevant decisions by the Conference at its Eleventh Session, and to that end **emphasised** the timely commencement of destruction activities at all chemical weapons destruction facilities.”
- (c) “**Noted with concern** that the final extended deadline of 29 April 2012 may not be fully met (and) ... **urged** all possessor States Parties to take every necessary measure with a view to ensuring their compliance with the final extended destruction deadline.”
- (d) “**Stressed** in this regard that no action should be undertaken that would undermine the Convention or that would raise questions about the commitment of States Parties, or lead to the rewriting of or reinterpreting of Convention’s provisions.”
- (e) “**Further stressed** that issues in this regard should be dealt with faithfully in accordance with the relevant provisions of the Convention.”

Recalling further that the “Second Review Conference reaffirmed that complete destruction of chemical weapons, and conversion or complete destruction of CWPFs, is essential for the realisation of the object and purpose of the Convention. The Second Review Conference also reaffirmed the importance of the obligation of the possessor States Parties to complete the destruction of their chemical weapons stockpiles within the final extended deadlines as established by the Conference at its Eleventh Session.”

Noting the statements by Libya, the Russian Federation, and the United States of America underlining their unequivocal commitment to their Obligations under Articles I and IV of the Convention for the destruction of their remaining chemical weapons in accordance with the provisions of this Convention and **taking note** that the inability to fully meet the final extended deadline of 29 April 2012 would come about due to reasons that are unrelated to the commitment of these States Parties to the General Obligations for the destruction of chemical weapons established under Article I of the Convention;

On the basis of the powers and functions of the Conference to take specific actions to promote the object and purpose of the Convention, to oversee implementation, or to ensure compliance with the Convention’s provisions, and **underlining** that, in the event that the final extended deadline is not fully met, the destruction of the remaining chemical weapons of the possessor States concerned shall continue in accordance with the provisions of the Convention and its Annex on Implementation and Verification (“Verification Annex”), and with the application of the measures contained in this decision;

Hereby:

1. **Decides** that the Sixty-Eighth Session of the Executive Council shall be held immediately after the expiry of the final extended deadline of 29 April 2012 for the destruction of chemical weapons;
2. **Requests** the Director-General of the Organisation's Technical Secretariat (hereinafter referred to as the "Director-General") to report to the Sixty-Eighth Session of the Executive Council whether or not the final extended deadline has been fully met. The report to be submitted is to include information on the quantities of chemical weapons that have been fully destroyed and that remain to be destroyed by each of the possessor States concerned;
3. **Decides** that, if the Director-General reports that the final extended deadline has not been fully met, the following measures are to be implemented by the Organisation and the possessor States concerned:
 - (a) The destruction of the remaining chemical weapons in the possessor States concerned shall be completed in the shortest time possible in accordance with the provisions of the Convention and its Verification Annex and under the verification of the Technical Secretariat of the Organisation as prescribed under the Convention and its Verification Annex.
 - (b) The costs for the continued destruction of the chemical weapons by the possessor States concerned and the verification of their destruction shall continue to be met in accordance with Paragraph 16 of Article IV of the Convention;
 - (c) Each possessor State concerned is to submit a detailed plan for the destruction of its remaining chemical weapons, which are to be destroyed in the shortest time possible, to the Sixty-Eighth Session of the Executive Council. The plan submitted by each possessor State, which is to also be considered and noted by the Council at its Sixty-Eighth Session, is to specify the planned completion date by which the destruction of its remaining chemical weapons is to be completed (hereinafter referred to as the "planned completion date"). The possessor States concerned are to take appropriate measures to meet the planned completion date. The detailed plan is to inter alia specify:
 - (i) A schedule for destruction, giving types and approximate quantities of chemical weapons planned to be destroyed in each annual destruction period until completion for each existing destruction facility and, if possible, for each planned destruction facility.
 - (ii) The number of destruction facilities existing or planned to be operated over the destruction period until completion.
 - (iii) For each existing and planned chemical weapons destruction facility:
 - a. Name and location;

- b. The types and approximate quantities of chemical weapons, and the type (for example, nerve agent or blister agent) and approximate quantity of chemical fill, to be destroyed.

The submission of this detailed plan for destruction does not alter, modify or cancel any other requirements contained in the Convention and its Verification Annex for the submission of other destruction plans.

- (d) Each possessor State concerned is to report, and provide a briefing in a closed meeting, at each regular session of the Executive Council on the progress achieved towards the complete destruction of remaining stockpiles, including information on measures to accelerate such progress, and identifying progress made since the last briefing in order to meet the planned completion date. These reports and briefings are to also include reporting on any specific measures undertaken to overcome problems in the destruction programme.
- (e) The Director-General is to provide a written report at each regular session of the Executive Council on the overall destruction progress by the possessor States concerned that is based on the independent information that is received by the Technical Secretariat from the Organisation's inspectors undertaking verification in accordance with Part IV (A) D of the Verification Annex and that is to include information on:
 - (i) The progress achieved to meet the planned completion date(s).
 - (ii) The effectiveness of any specific measures that have been undertaken to overcome problems in the destruction programmes.
- (f) The Conference of the States Parties is to undertake an annual review of the implementation of this decision at a specially designated meeting(s) of the Conference. At the annual Conference of the States Parties in 2017 an extra day is to be added for a specially designated meeting(s) for this purpose, unless otherwise decided at the Conference of the States Parties in 2016. Each possessor State concerned is to provide an annual report to the Conference of the States Parties, and provide an annual briefing at a closed meeting of the Conference of the States Parties, on the progress in the destruction of its remaining stockpiles of chemical weapons and identifying progress made since the last briefing in order to meet planned completion date. These reports, and briefings, are to also include:
 - (i) Reporting on any specific measures undertaken to overcome problems in the destruction programmes.
 - (ii) Information on the projected schedule for destruction activities to meet the planned completion date.
- (g) The Director-General is to provide an annual written report to the Conference of the States Parties on the overall destruction progress by the possessor States concerned that is based on the independent information that is received by the Technical Secretariat from the Organisation's inspectors undertaking

verification in accordance with Part IV (A) D of the Verification Annex and that is to include information on:

- (i) The progress achieved to meet the planned completion date(s).
 - (ii) The effectiveness of any specific measures that have been undertaken to overcome problems in the destruction programmes.
- (h) The Review Conference is to conduct a comprehensive review on the implementation of this decision at a specially designated meeting(s) of the Conference. This review is to be based on:
- (i) Reports by the possessor States concerned on the progress achieved to meet the planned completion date. These reports are to also include:
 - a. Reporting on any specific measures undertaken to overcome problems in the destruction programmes.
 - b. Information on the projected schedule for destruction activities to meet the planned destruction date.
 - (ii) A written report by the Director-General of the Technical Secretariat that is based on the independent information that is received by the Technical Secretariat from the Organisation's inspectors undertaking verification in accordance with Part IV (A) D of the Verification Annex and that is to include information on:
 - a. The progress achieved to meet the planned completion date(s).
 - b. The effectiveness of any specific measures that have been undertaken to overcome problems in the destruction programmes.
- (i) The submission of the reports under operative paragraphs 3 (d), (f) and (h)i of this decision do not alter, modify or cancel any other requirements contained in the Convention and its Verification Annex for the submission of other reports.
- (j) The possessor States concerned are to invite the Chairperson of the Executive Council, the Director-General and a delegation representing the Executive Council to undertake visits to obtain an overview of the destruction programmes being undertaken. These visits are to inter alia include visits to destruction facilities as well as meetings with parliamentarians, if possible, and government officials in capitals as a formal part of the visits. Invitations are to also be extended to observers to participate in the Executive Council delegation. The visits are to take place annually on the basis of biennial visits to the major possessor States concerned consecutively. Visits would also take place to Libya on a biennial basis.

4. **Notes** that the Director-General has reported to the First Committee of the 66th Session of the United Nations General Assembly on the steps that have been undertaken by the Organisation in the event that the final extended deadline for the

destruction of chemical weapons of the possessor States concerned is not met and that the Director-General will also address this issue when he reports to the 67th Session of the United Nations General Assembly.

--- 0 ---