



Fifty-Second Meeting
20 and 27 July 2016

EC-M-52/DEC.2
27 July 2016
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DECISION

**DETAILED REQUIREMENTS FOR THE DESTRUCTION OF LIBYA'S REMAINING
CATEGORY 2 CHEMICAL WEAPONS**

The Executive Council,

Recalling the letter from the Libyan authorities to the Director-General of 16 July 2016 (EC-M-52/DG.1, dated 18 July 2016), informing the Technical Secretariat (hereinafter “the Secretariat”) of the movement of its remaining Category 2 chemical weapons to a temporary storage site in the north of the country and requesting the assistance and support of the Secretariat and States Parties in ensuring their destruction on an expedited basis;

Underscoring with concern the security situation in Libya and the risk of the remaining Category 2 chemical weapons falling into the hands of non-State actors and possibly being used for terrorist purposes;

Recalling the decision of the Executive Council (hereinafter “the Council”) on the “Destruction of Libya’s Remaining Chemical Weapons” (EC-M-52/DEC.1, dated 20 July 2016), requesting that the Director-General assist Libya in developing a modified plan of destruction for consideration by the Council;

Having considered the modified plan of destruction submitted by Libya (EC-M-52/NAT.1, dated 25 July 2016), which states, inter alia, the reasons why Libya considers that destruction should take place at facilities outside its territory, under strict verification by the OPCW;

Having considered the recommendations from the Director-General regarding additional measures needed to ensure the expeditious transport, storage, and destruction of Libya’s remaining Category 2 chemical weapons;

Recalling the letter of the Director-General transmitting United Nations Security Council resolution 2298 (2016), dated 22 July 2016, which authorises United Nations Member States to, inter alia, “acquire, control, transport, transfer and destroy chemical weapons identified by the Director-General of the OPCW, consistent with the objective of the Chemical Weapons Convention, to ensure the elimination of Libya’s chemical weapons stockpile in the soonest and safest manner”;

Welcoming the offers of several States Parties to provide assistance related to the destruction of Libya’s remaining Category 2 chemical weapons; and



Recognising that, pursuant to the present decision and United Nations Security Council resolution 2298 (2016), States Parties assisting in the destruction of Libya's remaining Category 2 chemical weapons, transporting Libya's remaining Category 2 chemical weapons from the territory of Libya to a State Party hosting destruction activities, or hosting destruction activities on their territory, must act in a manner consistent with the objective of the Chemical Weapons Convention (hereinafter "the Convention"), to ensure the elimination of Libya's remaining Category 2 chemical weapons in the soonest and safest manner, and assign the highest priority to ensuring the safety of people and to protecting the environment, as specified in paragraph 10 of Article IV of the Convention;

Hereby:

1. **Decides** to establish the detailed requirements set out below for the destruction of Libya's remaining Category 2 chemical weapons, which satisfy the requirements of Article IV of the Convention and Part IV(A) of the Verification Annex to the Convention (hereinafter "the Verification Annex");

Timeline for the removal of Category 2 chemical weapons from the territory of Libya

2. **Decides** that the remaining Category 2 chemical weapons shall be removed from Libya for the purpose of destruction outside its territory within the shortest time possible and no later than 8 September 2016;
3. **Decides** that the destruction outside the territory of Libya of the remaining Category 2 chemical weapons shall be completed within the shortest time possible and within 15 months after arrival in the State Party hosting the destruction;
4. **Reaffirms** that, under paragraphs 4 and 10 of Article IV and paragraph 7 of Part IV(A) of the Verification Annex, Libya is responsible, while its remaining Category 2 chemical weapons remain on its territory, for taking such measures as it considers appropriate to secure storage facilities for the remaining Category 2 chemical weapons and to prevent any movement of the remaining Category 2 chemical weapons out of such facilities, except for the purpose of removal to a destruction facility, and that Libya shall assign the highest priority to ensuring the safety of people and protecting the environment during the transportation, sampling, and storage of its remaining Category 2 chemical weapons;
5. **Reaffirms** that Libya maintains ownership of its remaining Category 2 chemical weapons until they are destroyed, wherever that destruction may take place;
6. **Recognises** that, upon removal of the declared remaining Category 2 chemical weapons from its territory, Libya will no longer have possession, nor jurisdiction, nor control over these chemical weapons;
7. **Recognises** that Libya has informed States Parties that it is unable to meet the costs of destruction of the remaining chemical weapons outside its territory and **decides** therefore to request the Director-General to establish a special trust fund for the financial resources needed for the activities related to the complete destruction of the remaining Category 2 chemical weapons outside of the territory of Libya, and **invites** all States Parties in a position to do so to provide voluntary contributions for this purpose;

8. **Recognises and welcomes** that an international endeavour is being undertaken, including through the establishment by the Director-General of a special trust fund, to provide adequate assistance for the activities related to the complete destruction of the remaining Category 2 chemical weapons outside of the territory of Libya, and **requests** the Director-General to report to the Council if concerns arise with regard to the availability of the required financial resources, and to provide his recommendations on how further international resources can be secured;
9. **Requests** the Director-General, in close consultation with States Parties offering to host a destruction facility or otherwise providing assistance with transport or destruction, to present to the Council for its consideration, not later than 19 August 2016, a plan for the destruction of the remaining Category 2 chemical weapons outside the territory of Libya which includes provisions for ensuring clear responsibility at each stage for the chemicals and takes into account all relevant considerations, including the date specified in paragraph 3 above, requirements for safety and security, and overall costs;
10. **Decides** that the plan submitted pursuant to paragraph 9 above will fulfil the requirements of subparagraph 7(a) of Article IV of the Convention and replaces the Concept Plan For Destruction of the Remaining Category 2 Chemical Weapons in Libya (EC-79/NAT.1, dated 1 June 2015);

Detailed arrangements with respect to chemical weapons transportation, storage, and destruction

11. **Decides** that any State Party providing destruction assistance for the remaining Category 2 chemical weapons, transporting the remaining chemical weapons from Libya to a State Party hosting destruction activities, or hosting destruction activities on its territory with respect to those chemical weapons identified by the Director-General, and subject to the requirement to act in a manner consistent with the objectives of the Convention, and to ensure the elimination of Libya's remaining Category 2 chemical weapons in the soonest and safest manner, shall:
 - (a) not be regarded as a possessor State Party or incur the obligations of a possessor State Party with respect to the remaining Category 2 chemical weapons;
 - (b) provide the necessary access to the Secretariat for carrying out its verification activities with respect to the remaining Category 2 chemical weapons;
 - (c) grant to the Secretariat, during the conduct of such verification activities, the privileges and immunities set forth in the Convention, in particular in Part II of its Verification Annex;
 - (d) consult closely with the Director-General in the implementation of this decision and provide information updates to him, as necessary, for his monthly reports to the Council;
 - (e) facilitate observation of the transport and destruction of the remaining Category 2 chemical weapons by representatives of Libya; and

- (f) take all measures to implement the relevant provisions of this decision and to meet the requirements provided in paragraph 10 of Article IV of the Convention with respect to the safety of people and to protecting the environment;
12. **Requests** the relevant State Party hosting destruction activities, in close consultation with the relevant States Parties providing assistance with destruction and the Secretariat, to provide the Secretariat with the detailed facility information specified in paragraphs 30 and 31 of Part IV(A) of the Verification Annex, to the extent needed by the Secretariat for verification, not later than 30 days before the facility begins destruction operations;
13. **Requests** the Secretariat to develop, for any destruction facility outside Libya and together with the relevant State Party hosting destruction activities and relevant States Parties providing assistance with destruction, an agreed detailed plan for verification and a draft facility agreement, and to forward them to the Council for review and approval, as soon as possible. The review should be completed not later than 15 days before the facility begins operations;

Other provisions

14. **Decides** that Libya shall notify the Director-General when the remaining Category 2 chemical weapons have been removed from its territory;
15. **Authorises** the Director-General to share, with the consent of Libya and in cooperation with the relevant States Parties, specific information on the remaining Category 2 chemical weapons with entities offering to provide transport or to assist in destruction, subject to strict application of the “need-to-know” principle and to the conclusion of an appropriate confidentiality agreement between the Director-General and the relevant entity;
16. **Requests** the Director-General to explore, on an urgent basis and in consultation with the relevant States Parties, options for the destruction of the remaining Category 2 chemical weapons in chemical disposal facilities and to include his findings in the plan for destruction to be presented to the Council for its consideration pursuant to paragraph 9 above;
17. **Requests** the Director-General, in close consultation with the relevant States Parties, to report to the Council, once the remaining Category 2 chemicals are removed from Libya, and on a monthly basis, on the implementation of this decision, which, inter alia, could affect the date specified in paragraph 3 above of the completion of the destruction of the chemicals, and with no undue delay on any problem relating to the implementation of this decision. Such reports shall include, where appropriate, the Director-General’s recommendations for the consideration and action of the Council with a view to completing destruction as soon as possible;
18. **Requests** the Director-General to transmit a copy of this decision to the United Nations Secretary-General, in accordance with subparagraph 2(a) of Article II of the Agreement concerning the Relationship between the United Nations and the Organization for the Prohibition of Chemical Weapons of 17 October 2000; and

19. **Recognises** that this decision is made due to the extraordinary character of the situation posed by the remaining Category 2 Libyan chemical weapons and does not create any precedent for the future.

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