



Office of the Deputy Director-General

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### NOTE BY THE DIRECTOR-GENERAL

#### INFORMATION ON THE IMPLEMENTATION OF THE PLAN OF ACTION FOR THE IMPLEMENTATION OF ARTICLE VII OBLIGATIONS

1. This Note supplements the information provided to the Executive Council (hereinafter “the Council”) at its Thirty-Sixth Session in the first progress report on the action plan regarding the implementation of Article VII obligations (EC-36/DG.16, dated 4 March 2004; Corr.1, dated 15 March 2004; and Add.1, dated 25 March 2004).
2. The following key indicators summarise the situation with respect to the implementation of Article VII obligations as at 22 June 2004:
  - (a) One hundred and twenty-eight of the 164 States Parties (78%) have notified the Secretariat about the designation or establishment of their National Authority. (In the last report, EC-36/DG.16, Add.1, and Corr.1, the figures were 126 of 160 States Parties, or 79%.)
  - (b) Ninety-seven States Parties (59%) have submitted information on their legislative and administrative measures in accordance with Article VII, paragraph 5. (In the last report, the figures were 97 of 160 States Parties, or 61%). Of these, 64 have submitted the actual text of the measures they have adopted, as recommended by the First Review Conference.
  - (c) An examination of the information submitted to the Secretariat in response to the second legislation questionnaire (an assessment provided by the States Parties themselves) and/or of the legislation they submitted under paragraph 5 of Article VII has shown that the measures adopted by 53 States Parties (32%) cover all key areas required under the Convention. (In the last report, the figure was 52, or 32%).
3. Whilst these data appear to suggest that there was no substantial improvement in the implementation of Article VII obligations, it should be noted that this update covers a period of only four months, and that it takes some time to achieve results in areas such as drafting and enacting legislation, and establishing a National Authority. The Secretariat’s experience with its implementation-support programme shows that, over a period of three years, it has accomplished the following results:
  - (a) an 18% increase in the number of National Authorities designated or established by States Parties;



- (b) a 21% increase in the number of Member States that have notified the Secretariat, in accordance with Article VII, paragraph 5, of their legislative and administrative provisions to implement the Convention (even though in many cases significant improvements are needed in order to ensure that all requirements of the Convention are met);
- (c) a 6% rise in the number of cases where such full coverage has indeed been ensured by States Parties; and
- (d) an additional 37% improvement in the number of declarations made by States Parties as a result of the Secretariat's Article VI project.

Since the Council reviewed the plan of action at its Thirty-Sixth Session, it is the assessment of the Secretariat, from the feedback it has received in conducting its implementation-support programme, that further progress has been made at the national level in a good number of Member States.

4. It is foreseeable that the adoption of United Nations Security Council resolution 1540 (2004) will provide additional momentum to the work of the States Parties, because it overlaps with the measures they have already committed to take under the plan of action regarding Article VII obligations.
5. In pursuit of the objectives of the plan of action, the Secretariat has continued to render implementation support to States Parties. Training courses have been conducted for the National Authorities of Bosnia and Herzegovina, El Salvador, Fiji, Indonesia, Malaysia, Nicaragua, and United Arab Emirates. At the regional and subregional levels, the OPCW organised the Fifth Regional Meeting of National Authorities in Latin America and the Caribbean, which took place in La Paz, Bolivia, from 10 to 12 March 2004; the Third Regional Meeting of National Authorities of States Parties in Eastern Europe, which took place in Bucharest, Romania, from 17 to 19 May 2004; and a technical-assistance visit on industry verification to Qatar from 12 to 15 June 2004. Other activities included a workshop on the practical implementation and universality of the Convention, which was organised for the Pacific Islands Forum States in Nadi, Fiji, from 14 to 15 June 2004.
6. The Secretariat also organised a workshop in June with permanent representations to the OPCW that are based in Brussels. The Council's facilitator on the plan of action, Mark Matthews of the United Kingdom of Great Britain and Northern Ireland, also participated, as did the coordinator of the African Group, Ali Elsadig Ali Al-Hussein of the Sudan. Twenty-five States Parties from all regions attended the event. They were briefed on the current status of the work under the plan of action regarding Article VII obligations, including upcoming implementation-support measures being planned by the Secretariat, and on the objectives of the recently adopted Security Council resolution 1540 and its relevance to the implementation of the plan of action.
7. The Council at its Thirty-Sixth Session encouraged the Secretariat to enhance the coordination of its activities under the Article VII plan of action with States Parties that provide, or that have requested, support under it (subparagraph 6(c) of EC-36/3, dated 26 March 2004). To this end, at two informal meetings the Secretariat has submitted information to delegations, *inter alia* on the situation regarding requests for assistance received by the Secretariat.

8. Given the resources made available in the 2004 Programme and Budget and voluntary contributions from States Parties, the Secretariat can provide assistance to all those States Parties that have formally requested it, including national training courses and workshops, and legislative assistance. Twenty-one States Parties have already received, or will receive, such national implementation support in 2004. The Secretariat has yet to respond to two formal requests for assistance, which can also, however, still be incorporated into the implementation-support programme for 2004 given the available resources.
9. Another 18 States Parties have indicated informally that they may need implementation support, but the Secretariat has yet to receive formal requests from them. Were these or other States Parties to submit formal requests for on-site implementation support, the Secretariat would have to schedule such support for 2005, or attempt to facilitate bilateral support by a State Party that has indicated its willingness to render such support.
10. The Secretariat will continue with its efforts to further develop its implementation-support programmes and to facilitate States Parties' efforts to provide assistance to other requesting States Parties in accordance with operative paragraphs 1 and 7 of the plan of action<sup>1</sup>. This involvement has so far included the following:
  - (a) voluntary financial contributions;
  - (b) the provision of resource persons and experts to help with the Secretariat's implementation-support programmes; and
  - (c) assistance offered and provided on a bilateral basis.
11. The Secretariat's implementation-support programmes have been useful in helping States Parties to create the necessary technical mechanism through which they can implement their Article VII obligations. However, the Secretariat has been unable to provide the sustained and targeted follow-up assistance that is often required to keep up the momentum generated by its programmes. At the moment, such follow-up is provided through the Secretariat's capacity-building programme for implementation support. In view of the Secretariat's limited resources, both financial and human, it is difficult for it to provide speedy, targeted follow-up on a sustained basis. The Secretariat's resources with respect to country-specific assistance are committed to providing implementation support to States Parties that request it for the first time, and, except in a small number of cases, they do not allow for systematic and sustainable follow-up in States Parties where such assistance has already been provided but where additional support is needed.

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<sup>1</sup> The following States Parties have indicated they would be willing to provide assistance under the action plan: Algeria (in the subregion, through the Network of Legal Experts (NLE)), Argentina, Australia (to States Parties in Southeast Asia and the Southwest Pacific), Austria (through the NLE), Belarus, Canada (through the NLE), Cuba (with respect to drafting legislation), Czech Republic (through the NLE), France (by providing a legal consultant), Germany, India (by making available a panel of legal experts), Italy, Japan, New Zealand (with respect to States Parties in the Pacific region), Norway, Portugal (to States Parties in Africa where Portuguese is spoken), Romania (through the NLE), Spain (primarily to States Parties where Spanish is spoken), Sweden, Switzerland, United States of America, and United Kingdom of Great Britain and Northern Ireland.

12. States Parties willing and able to provide assistance of any kind towards national implementation in other States Parties may wish to consider whether they are in a position to complement the Secretariat's efforts by offering such follow-up. The Secretariat stands ready to coordinate such follow-up support with States Parties interested in providing or receiving it, and will continue to share information on its planned implementation-support projects and on cases where its resources are insufficient to bring about the desired results within the timeframes set out in the plan of action.

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