



**OPCW**

**Conference of the States Parties**

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First Special Session

C-SS-1/DG.5  
21 April 2002  
Original: ENGLISH

**NOTE BY THE DIRECTOR-GENERAL**

**ON THE REQUIREMENTS OF FINANCIAL REGULATION 4.9  
IN RELATION TO THE DRAFT DECISION UNDER ITEM 3 OF THE  
PROVISIONAL AGENDA OF THE FIRST SPECIAL SESSION  
OF THE CONFERENCE OF THE STATES PARTIES  
SUBMITTED BY THE UNITED STATES OF AMERICA**

**Financial implications of a decision to terminate the appointment of the  
Director-General**

Financial Regulation 4.9 states: “No draft decision involving financial implications shall be presented to the Conference of the States Parties unless it is accompanied by an estimate of expenditure and a report on the financial, administrative and programme and budget implications, prepared by the Director-General, and the Executive Council’s recommendations thereon.”

The draft decision was received only on 18 April 2002 (but distribution authorised for 19 April 2002 by the USA). Neither the draft decision nor the explanatory memoranda make clear the conditions under which the Director-General is to be removed.

Taking into account the absence of clarity in the explanatory memorandum submitted by the United States of America on the draft decision and the action contemplated thereof; further taking into account the legal opinion by the Legal Adviser (C-SS-1/DG.6, dated 21 April 2002) according to which the termination of the Director-General’s appointment in the manner contained in the draft decision (C-SS-1/DG.3 dated 19 April 2002) would be illegal under the Statutes of the Organisation as they exist; and considering that the Statutes make no reference as to how the financial implications of removing the Director-General would be worked out; and considering that the Director-General would be assessing such financial implications as they affect him personally, the Director-General is not in a position to determine the financial implications of the proposed action of the Special Session of the Conference of the States Parties. Accordingly, he leaves the matter in the hands of the Conference.

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