



**OPCW**

**Conference of the States Parties**

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First Special Session

C-SS-1/DG.6  
21 April 2002  
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**NOTE BY THE DIRECTOR-GENERAL**

**FORWARDING THE LEGAL ADVISER'S OPINION PRESENTED FOR  
INFORMATION TO THE DIRECTOR-GENERAL ON 15 MARCH 2002, AND  
ORALLY PRESENTED BY THE LEGAL ADVISER AT THE SEVENTEENTH  
MEETING OF THE EXECUTIVE COUNCIL ON WHETHER OR NOT THE  
DIRECTOR-GENERAL MAY BE REMOVED FROM OFFICE BEFORE THE END  
OF HIS TERM**

The legal reasons why the Director-General of the OPCW cannot be removed from his office during the term of appointment can be specified as follows:

Chemical Weapons Convention Article VIII, paragraphs 43, 46, 47 and 49 stipulate that:

- Appointment of the Director-General and the renewal of the appointment is made by the Conference, based on a recommendation of the Executive Council;
- The Director-General may not act upon instructions from any Government. He has to refrain from any action that might reflect on his position as an international officer responsible only to the Conference and the Executive Council;
- The responsibilities of the Director-General are exclusively international in character. Each State Party has the duty to respect the exclusive character and may not seek to influence the Director-General in the discharge of his responsibilities;
- The Director-General enjoys such privileges and immunities as are necessary in the independent exercise of his functions.

Article VIII stipulates that States Parties may not give instructions to the Director-General and may not take any action against the Director-General that would jeopardise his independence foreseen in paragraph 49 of Article VIII.

Based on the above, once the appointment of the Director General is made, this is for a period of 4 years as foreseen in Article VIII, paragraph 43. During this term the above legal provisions related to independence, the exclusive international character and the necessary immunities are in place to allow the Director-General to carry out his responsibility as head and chief administrative officer of the Technical Secretariat.

There are no provisions in the Convention that foresee the termination of appointment of the Director-General during the 4-year term of appointment. In the year 2000, the Conference had the option not to renew the appointment of the Director-General. This option was not taken.

The Director-General, on the other hand has, in accordance with his letter of appointment, the unilateral right to terminate his contract with the Organisation

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