



### REPORT OF THE EXECUTIVE COUNCIL ON THE PERFORMANCE OF ITS ACTIVITIES<sup>1</sup> (30 April 1999 - 2 April 2000)

#### 1. ORGANISATIONAL MATTERS

1.1 The Executive Council (hereinafter the “Council”) is the executive organ of the OPCW. The Council promotes the effective implementation of, and compliance with, the Chemical Weapons Convention (hereinafter the “Convention”). It also supervises the activities of the Technical Secretariat (hereinafter the “Secretariat”), cooperates with the National Authority of each State Party, and facilitates consultations and cooperation amongst States Parties at their request.

1.2 In accordance with the decision of the Conference of the States Parties (hereinafter the “Conference”) at its Second Session (paragraph 12 of C-II/8, dated 5 December 1997), the composition of the Council for the period ending 11 May 1999 was as follows:

Africa: Algeria, Cameroon, Côte d’Ivoire, Ethiopia, Kenya, Morocco, South Africa, Tunisia, Zimbabwe;

Asia: China, India, Iran (Islamic Republic of), Japan, Pakistan, Philippines, Republic of Korea, Saudi Arabia, Sri Lanka;

Eastern Europe: Czech Republic, Hungary, Poland, Russian Federation, Slovakia;

Latin America and the Caribbean: Argentina, Brazil, Chile, Cuba, Ecuador, Mexico, Peru, Venezuela;

WEOG: Australia, Belgium, Finland, France, Germany, Italy, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America.

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<sup>1</sup> The Executive Council at its Nineteenth Session noted that its Chairman would report to the Conference of the States Parties at its Fifth Session on decisions adopted since the cut-off date for this report which would require consideration by the Conference.

- 1.3 In accordance with the decisions of the Conference at its Second and Third Sessions, the composition of the Council for the twelve-month period concluding on 11 May 2000 was as follows (paragraph 12 of C-II/8, dated 5 December 1997, and paragraph 13 of C-III/4, dated 20 November 1998):

Africa: Algeria, Cameroon, Côte d'Ivoire, Ethiopia, Kenya, Morocco, South Africa, Tunisia, Zimbabwe;

Asia: Bangladesh, China, India, Iran (Islamic Republic of), Japan, Pakistan, Philippines, Republic of Korea, Saudi Arabia, Sri Lanka;

Eastern Europe: Czech Republic, Romania, Russian Federation, Slovakia, Ukraine;

Latin America

and the Caribbean: Argentina, Brazil, Cuba, Ecuador, Mexico, Peru, Venezuela; and

WEOG: Australia, Belgium, Finland, France, Germany, Italy, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America.

- 1.4 The Conference at its Fourth Session elected the Council for the 12-month period commencing shortly after the conclusion of the period under review, on 12 May 2000 (paragraph 13 of C-IV/6, dated 2 July 1999, and Corr.1, dated 9 August 1999, and Corr.2, dated 5 January 2000).
- 1.5 At its Fourth Session the Conference adopted decisions, or took action other than a referral back to the Council, on a total of 25 matters referred to it by the Council, and referred to the Council 15 matters or issues requiring monitoring or action on its part, including recommendations to the Conference at its Fifth Session.
- 1.6 Mr Krzysztof Paturej, the Representative of Poland, was elected as Chairman of the Council for the term of office ending on 11 May 1999. The Representatives of Cameroon, China, Mexico and Switzerland were elected as its Vice-Chairmen for the same period. At its Fifteenth Session the Council elected H.E. Ambassador Ignacio Pichardo Pagaza of Mexico as its new Chairman, and the Representatives of Australia, Iran (Islamic Republic of), Slovakia, and South Africa as its new Vice-Chairmen, for the term of office commencing on 12 May 1999, and concluding on 11 May 2000.
- 1.7 The Council held three regular sessions during the period under review, on the following dates: 22 - 24 September 1999, 30 November - 3 December 1999, and 15 - 18 February 2000, as well as four meetings - from 3 - 4 June 1999, one on 23 June 1999, and two on 22 July 1999.

- 1.8 At its Seventeenth and Eighteenth Sessions the Council decided that it would meet in regular session on the following dates in 2000: 15 - 18 February; 3 - 7 April; 27 - 28 June (organisational issues); 3 - 6 October; and 5 - 8 December.

#### **Accreditation of representatives to the Council**

- 1.9 In accordance with Rule 4 of the Rules of Procedure of the Council, the credentials of representatives to the Council were examined by the Director-General and reported to the Council for approval at each of its regular sessions. The most recent examination of credentials established that the credentials of the representatives of all members of the Council were in conformity with its Rules of Procedure (EC-XVIII/DG.13, dated 16 February 2000).

#### **Application of the Rules of Procedure of the Council**

- 1.10 During the period under review the ability of members of the Organisation which were not members of the Council to make their views known to the Council in an appropriate way was, in practice, not inhibited. Observers were in attendance at all sessions and meetings of the Council during the period under review, with an average number of about fifteen observer States present. Each request of observers to present their views in accordance with Rule 22 of the Rules of Procedure of the Council was satisfied.
- 1.11 Action taken by the Conference at its Fourth Session in response to recommendations from the Council in the period under review is recorded in the annex to this report.

#### **Working methods of the Council**

- 1.12 During the period under review the Council devoted its Eighth Meeting to considering the effectiveness of its work. The Council discussed how it could improve its ability to reach timely decisions and provide the Secretariat with the necessary guidance on policy issues. The Council also discussed the need to move its attention away from excessive involvement in administrative detail and towards consideration of, and decisions on, policy, implementation, and compliance issues.
- 1.13 In the light of the decision by the Conference at its Fourth Session on the procedure for addressing unresolved issues (C-IV/DEC.18, dated 2 July 1999), the Council at its Sixteenth Session established two working groups in accordance with the proposal of its Chairman contained in his non-paper on the organisation of work during intersessional periods (EC-XVI/INF.3, dated 22 September 1999).
- 1.14 In response to the decision of the Council at its Eighth Meeting, encouraging him to take such necessary practical measures to facilitate its functioning as he deemed appropriate, the Chairman of the Council, in consultation with the Vice-Chairmen and members of the Council, published a plan of activities of the Council for the period prior to the Fifth Session of the Conference (EC-XIX/INF.1, dated 1 March 2000). This working paper, which was reviewed and updated and, as appropriate, reissued, throughout the period under review, incorporated the recommendations of the Conference at its Fourth Session for addressing unresolved issues. The first annex to this paper listed clusters of the outstanding issues transferred to the Council by the Committee of the Whole, as well as issues under consideration by the Council itself.

The Vice-Chairmen of the Council were designated as coordinators for the following clusters of issues: chemical weapons issues; chemical industry and other Article VI issues; administrative and financial; and legal, organisational, and other issues. Facilitators were also identified for many of the issues requiring either consideration or resolution, or both. The second annex to the working paper listed all key meetings and consultations during the period in question.

### **Functioning of subordinate bodies of the Council**

- 1.15 At the Eighteenth Session of the Council there was discussion of the mandate, terms of reference, and membership of the Advisory Body on Administrative and Financial Matters (ABAF). In introducing the report of the seventh session of the Advisory Body, its Chairman, Mr Arnoud Cals, also commented on these issues.

## **2. THE STATUS OF IMPLEMENTATION OF THE DECLARATION AND NOTIFICATION REQUIREMENTS OF THE CONVENTION**

### **Submission of declarations**

- 2.1 The Conference at its Fourth Session requested the Council to monitor closely the fulfilment by States Parties of the important obligation under the Convention to provide initial declarations and notifications in order to enable the Council to consider recommendations to the Conference at its Fifth Session with a view to redressing the situation.
- 2.2 The Council at its Eighteenth Session noted the report by the Director-General on the status of implementation of the Convention as of 31 December 1999, Part I (EC-XVIII/HP/DG.1, dated 31 January 2000, and Corr.1, dated 9 February 2000). The Council also noted the annex to the opening statement by the Director-General (EC-XVIII/DG.12, dated 15 February 2000). The Council reiterated its concern that, as of the beginning of February 2000, almost 25% of States Parties had submitted no initial declarations, while others had submitted initial declarations in part only, and urged these States Parties to fulfil this obligation as soon as possible. In this regard the Council recalled the request of the Conference at its Fourth Session, that it should monitor closely the fulfilment by States Parties of this important obligation under the Convention, with a view to reporting back to the Conference at its Fifth Session.

### **Status of contributions**

- 2.3 The Conference at its Fourth Session noted that many States Parties had paid no contributions to the Working Capital Fund, and that the same was true for contributions to the OPCW budgets for 1997, 1998, and 1999 respectively. The Conference noted that many States Parties had also not paid their assessed contributions to the Preparatory Commission. In this respect the Conference once again drew attention to the provisions of paragraph 8 of Article VIII of the Convention.
- 2.4 The Council at its Eighteenth Session noted the report by the Director-General on the status of assessed contributions as of 31 January 2000 (EC-XVIII/DG.8, dated 8 February 2000). The Council noted with concern that, in accordance with

paragraph 8 of Article VIII of the Convention, 24 States Parties were at risk of losing their voting rights because their arrears exceeded the amount of the contributions due from them for the years 1998 and 1999, and that the Conference, at its Fourth Session, had explicitly drawn attention to this provision of the Convention.

#### **Reimbursement of verification costs under Articles IV and V**

- 2.5 The Conference at its Fourth Session noted the concern of the Council that reimbursement payments were outstanding for the great majority of verification costs for which invoices had been issued at that time, and requested the Council to closely monitor the fulfilment by States Parties of this important obligation in order to enable it to consider recommendations to the Conference at its Fifth Session with a view to redressing the situation.
- 2.6 The Council at its Seventeenth Session noted with concern that, as of 20 November 1999, Article IV or V reimbursements in a total amount of NLG 10.2 million were still outstanding, and urged those States Parties whose reimbursements were still unpaid to meet their financial obligations as soon as possible. In this regard the Council recalled the request of the Conference at its Fourth Session for it to closely monitor the fulfilment by States Parties of this important obligation, as a basis for considering recommendations to the Conference at its Fifth Session, with a view to redressing the situation. The Council at its Eighteenth Session noted the report by the Director-General on the status of reimbursement of verification costs under Article IV or V of the Convention as of 31 January 2000 (EC-XVIII/DG.10, dated 9 February 2000).

#### **Legislation, cooperation, and legal assistance**

- 2.7 The Conference at its Fourth Session noted that less than 40% of States Parties had met their obligation under Article VII of the Convention to adopt the measures necessary to implement their obligations under the Convention, including enacting penal legislation with respect to prohibited activities, and to inform the Organisation of the legislative and administrative measures taken. The Conference urged States Parties: (a) to complete, where necessary, the legislative and administrative measures to implement the Convention in their jurisdictions; and (b) to inform the Organisation of such measures taken.

#### **Procedures for the handling of confidential information**

- 2.8 The Conference at its Fourth Session noted that, as of 28 April 1999, only 31 of 121 States Parties were in compliance on this important matter regarding confidentiality, and had provided the Secretariat with details of their procedures for the handling of confidential information, in accordance with paragraph 4 of Part A of the Confidentiality Annex. The Conference requested the Council to monitor closely the fulfilment by States Parties of this important obligation under the Convention in order to enable the Council to consider recommendations to the Conference at its Fifth Session with a view to redressing the situation.

**Requirements for reporting information to the Council on verification activities, including inspection results**

- 2.9 The Conference at its Fourth Session received the non-paper by Italy and the United States of America on a demonstration of coding or masking sensitive information (C-IV/NAT.13\*, dated 2 July 1999), as well as the draft decision on the reporting requirements for the status of implementation report submitted by the latter two members of the Council (C-IV/NAT.12\*, dated 2 July 1999). In accordance with the recommendation of the Council at its Sixth Meeting, the Conference referred the issue back to the Council for further urgent consideration.

**Status of the requirement for States Parties to provide two-year multiple entry/exit visas to inspectors/inspection assistants**

- 2.10 The Council at its Sixteenth Session noted the report by the Director-General on the status of implementation of the requirement for States Parties to provide two-year multiple entry/exit visas to inspectors/inspection assistants (EC-XVI/DG.4\*, dated 13 August 1999, and Corr.1, dated 27 August 1999). The two annexes to this report showed that the great majority of States Parties had not fulfilled this requirement of the Convention.

**3. MATTERS REFERRED TO THE COUNCIL BY THE CONFERENCE AT ITS FOURTH SESSION, OR REQUIRING CONSIDERATION/ACTION BY THE CONFERENCE AT ITS FIFTH SESSION**

**Staff rules and effective starting date for seven-year tenure**

- 3.1 In adopting the decision on the OPCW Staff Regulations (C-IV/DEC.25, dated 2 July 1999), the Conference at its Fourth Session requested the Council to decide, at its next regular session, on the effective starting date of the seven-year period of tenure for staff (subparagraph 4.4(b) of the staff regulations). The Conference requested the Secretariat, on a priority basis, to prepare the draft staff rules in time for the Council to consider them as soon as possible.
- 3.2 In the light of the above-mentioned request of the Conference that the Council should decide, at its Sixteenth Session, on the effective starting date for the seven-year period of tenure specified in subparagraph 4.4(b) of the Staff Regulations, the Council at its Sixteenth Session requested the Friend of the Chair on this issue, H.E. Ambassador L'ubomir Kopaj of Slovakia, to continue his consultations on it as a matter of priority, and to report back to a session or meeting of the Council as soon as a basis for decision-making by the Council had emerged.
- 3.3 The Council returned to this issue at its Seventeenth and Eighteenth Sessions, without being able to adopt a decision. At the Eighteenth Session of the Council several delegations stressed the need to resolve this matter urgently. The Council decided to continue its consultations on this matter, and to return to it at its Nineteenth Session.

- 3.4 The Council at its Seventeenth Session addressed the question of the Staff Rules, and requested the Advisory Body, at its eighth session, to consider the Draft Staff Rules (EC-XVII/DG.9, dated 16 November 1999) and the rules governing the Provident Fund, and to submit its recommendations back to the Council.

#### **Classification of posts**

- 3.5 In adopting the decision on the review of the classification of posts at its Fourth Session (C-IV/DEC.19, dated 2 July 1999), the Conference, inter alia, requested the Director-General not to implement the classification study contained in document S/64/98, dated 7 August 1998, but to initiate a new classification study after the Council had approved its terms of reference and scope, taking into account recommendations of the Advisory Body on Administrative and Financial Matters, and to submit the results of the new classification study and recommendations on their implementation to the Council for appropriate decision.
- 3.6 The Council at its Sixteenth Session adopted the decision on the new study on the classification of posts (EC-XVI/DEC.4, dated 24 September 1999). In this decision the Council recalled both the relevant decision of the Conference at its Fourth Session and the recommendations contained in the report of the fifth session of the Advisory Body on Administrative and Financial Matters, reaffirmed the understandings on the top structure of the OPCW approved by the Conference at its First Session, and approved terms of reference and scope for a new study to be initiated by the Director-General. The Council encouraged the ABAF to offer any appropriate views in an expeditious manner, so that those comments could be taken into account by the Council when it proceeded further on the basis of its own decision.

#### **Agreement with Greece on the privileges and immunities of the OPCW**

- 3.7 The Conference at its Fourth Session gave approval for the Council at its Sixteenth Session to consider and conclude the decision on the draft agreement between the Republic of Greece and the Organisation for the Prohibition of Chemical Weapons on the privileges and immunities of the OPCW (C-IV/DEC.21, dated 2 July 1999).
- 3.8 In the light of its prior approval by the Conference at its Fourth Session, the Council at its Sixteenth Session adopted the decision on the agreement between the Republic of Greece and the Organisation for the Prohibition of Chemical Weapons on the privileges and immunities of the OPCW (EC-XVI/DEC.2, dated 24 September 1999).

#### **The list of inspection equipment and revised specifications for approved inspection equipment**

- 3.9 The Conference at its Fourth Session referred this matter back to the Council for consideration and for a recommendation for decision at the Fifth Session of the Conference. The Council at its Eighteenth Session decided to continue its consultations on this issue on the basis of the draft decision circulated by its Chairman on 2 February 2000, with a view to reaching a decision at its Nineteenth Session.

### **Implementation of Section B of Part IX of the Verification Annex**

- 3.10 With respect to its mandate under Part IX, paragraph 25, of the Verification Annex, the Conference at its Fourth Session endorsed the resolve of the Council, as expressed at its Fifth Meeting, to come forward with a substantive recommendation on this matter in time for the Fifth Session of the Conference. The Conference also noted the observation of the Council, at its Fifteenth Session, that so far no proposals by States Parties for inspections had been presented. Consultations on this matter continued from the Fourth Session of the Conference until the Nineteenth Session of the Council, after the close of the period under review.

### **Draft Medium-Term Plan**

- 3.11 In noting the Draft Medium-Term Plan 2000 - 2003 (C-IV/DEC/CRP.32, dated 2 July 1999), the Conference at its Fourth Session encouraged the Secretariat to continue to refine this document, with a view to making as much up-to-date information as possible available to Member States, for planning purposes.

### **Attribution of costs related to inspections of old chemical weapons**

- 3.12 The Conference at its Fourth Session noted the national paper by the United States of America on legal views on costs of verification of old chemical weapons (C-IV/NAT.10, dated 30 June 1999), and considered the draft decision on this matter (EC-XV/DEC/CRP.9, dated 26 April 1999). The Conference requested the Council to consider this issue urgently, and to report back to the Conference at its Fifth Session. Consultations on this matter continued from the Fourth Session of the Conference until the Nineteenth Session of the Council, after the close of the period under review.

### **Model facility agreement for chemical weapons destruction facilities**

- 3.13 The Conference at its Fourth Session took cognisance of the status of consultations on a draft decision on the model facility agreement for chemical weapons destruction facilities (C-IV/DEC/CRP.30, dated 2 July 1999), and recommended that the Council should consider this matter further with a view to reaching agreement on the text of the model facility agreement, and to elaborating a recommendation to the Conference for its adoption. Consultations on this matter continued from the Fourth Session of the Conference until the Nineteenth Session of the Council, after the close of the period under review.

### **Fostering of international cooperation for peaceful purposes in the field of chemical activities**

- 3.14 The Conference at its Fourth Session noted the report by the Chairman of the Council on the results of the Council's consultations on the proposal contained in document C-III/NAT.4, dated 19 November 1998. In the context of requests by many delegations for consultations on the draft resolution to be intensified, with a view to it being adopted by the Conference at its next session, the Conference decided to refer this matter back to the Council for further consideration, with a view to the Council reporting to the Conference at its Fifth Session. Consultations on this matter



continued from the Fourth Session of the Conference until the Nineteenth Session of the Council, after the close of the period under review.

### **Facility agreements**

- 3.15 The Council at its Seventh Meeting adopted the decision on facility agreements with the United States of America for two Schedule 1 facilities (EC-MVII/DEC.1, dated 22 July 1999).
- 3.16 The Council at its Seventh Meeting adopted decisions on facility arrangements with a State Party for the following: a chemical weapons storage facility (EC-MVII/HP/DEC.1, dated 22 July 1999); a single small-scale facility and a Schedule 1 facility (EC-MVII/HP/DEC.2, dated 22 July 1999); and a chemical weapons production facility (EC-MVII/HP/DEC.3, dated 22 July 1999).
- 3.17 The Council at its Sixteenth Session adopted facility agreements with India for the following: a Schedule 1 facility for protective purposes (EC-XVI/DEC.5, dated 24 September 1999, and Corr. 1, dated 9 November 1999); chemical weapons storage facilities (EC-XVI/DEC.6, dated 24 September 1999); and chemical weapons production facilities (EC-XVI/DEC.7, dated 24 September 1999).
- 3.18 The Council at its Sixteenth Session adopted a facility agreement with the Russian Federation for a chemical weapons production facility to be converted for purposes not prohibited under the Convention (EC-XVI/DEC.8, dated 24 September 1999).
- 3.19 The Council at its Seventeenth Session adopted the decision on facility agreements with Switzerland for five Schedule 2 plant sites at Pratteln, Monthey, Visp, Basel and Zofingen (EC-XVII/DEC.6, dated 3 December 1999). In this regard the Chairman of the Council made the following statement: "The inspection frequency contained in the five Swiss facility agreements is based on the Secretariat's current approach reflected in the Note by the Secretariat on the frequency of inspections at Schedule 1 facilities and Schedule 2 plant sites (EC-XVI/TS.3\*/Rev.1, dated 1 December 1999). At least one delegation has informed me that this document does not reflect its views. The Secretariat's Note contains a table on risk categories with the respective maximum number of inspections for Schedule 2 plant sites in 10 years. The maximum number of inspections in the 10-year period includes initial inspections. The 10-year period for a plant site or facility begins with the obligation to submit the initial declaration, but not before the plant site or facility becomes inspectable. It is my opinion that this now provides the basis for the Council to adopt the Swiss facility agreements".
- 3.20 The Council at its Seventeenth Session adopted the decision on a facility agreement with Switzerland for a Schedule 1 protective purposes facility (EC-XVII/DEC.1, dated 30 November 1999).

- 3.21 The Council at its Seventeenth Session adopted the decision on a facility agreement with the Russian Federation for a chemical weapons production facility to be converted for purposes not prohibited under the Convention (EC-XVII/DEC.2, dated 2 December 1999).

#### **Combined plans for destruction and verification**

- 3.22 The Council at its Fifth Meeting adopted the decision on the agreed detailed plan for the verification of the destruction of the chemical weapons at the chemical weapons destruction facility of a State Party (EC-MV/HP/DEC.1, dated 4 June 1999).
- 3.23 The Council at its Fifth Meeting adopted the decision on the agreed detailed plan for the verification of the destruction of the chemical weapons at the chemical weapons destruction facility of a State Party (EC-MV/HP/DEC.2, dated 4 June 1999).
- 3.24 The Council at its Seventh Meeting adopted the decisions on the combined plans for destruction and verification for the HD Distillation Facility and the HD Fill Facility at Rocky Mountain Arsenal, United States of America (EC-MVII/DEC.2 and EC-MVII/DEC.3, both dated 22 July 1999). At the Fifth Meeting of the Council, which had been unable to adopt the above-mentioned decisions, the United States of America had reassured the Council that it would continue to plan to execute these destruction plans, and to undergo verification in accordance with the verification plan, on an interim basis, in accordance with the plans submitted to the Council, until the Council approved the combined plans.
- 3.25 The Council at its Seventeenth Session adopted the decision on the combined plans for the destruction and verification of a chemical weapons production facility of a State Party (EC-XVII/DEC.8, dated 3 December 1999).

#### **Requests for conversion**

- 3.26 The Council at its Seventeenth Session adopted the decision recommending that the Conference at its Fifth Session approve the request by the Russian Federation for the conversion of a mustard gas production facility at the Open Joint Stock Company Srednevolzhski chemical plant in Chapaevsk, in accordance with paragraph 75 of Part V of the Verification Annex (EC-XVII/DEC.3, dated 2 December 1999).
- 3.27 The Council at its Seventeenth Session adopted the decision recommending that the Conference at its Fifth Session approve the request by the Russian Federation for the conversion of a mustard gas production facility at the Open Joint Stock Company "Soda" in Berezniki, in accordance with paragraph 75 of Part V of the Verification Annex (EC-XVII/DEC.4, dated 2 December 1999).
- 3.28 The Council at its Seventeenth Session adopted the decision recommending that the Conference at its Fifth Session approve the request by the Russian Federation for the conversion of a facility for filling mustard gas-lewisite mixture into munitions at the Open Joint Stock Company Srednevolzhski chemical plant in Chapaevsk, in accordance with paragraph 75 of Part V of the Verification Annex (EC-XVII/DEC.5, dated 2 December 1999).

**Request by the Russian Federation to grant an extension of its obligation to meet an intermediate deadline for destruction of Category 1 chemical weapons stockpiles**

- 3.29 The Council at its Seventeenth Session noted the request from the Russian Federation to make a recommendation to the Conference to grant an extension of the Russian Federation's obligation to meet an intermediate deadline for the destruction of Category 1 chemical weapons stockpiles in accordance with paragraph 22, Part IV(A) of the Verification Annex to the Chemical Weapons Convention (annex to EC-XVII/1/Add.2, dated 1 November 1999).
- 3.30 The Council returned to this item at its Eighteenth Session, in the light of additional written information provided by the Russian Federation, and decided to return to it again at the next meeting or session of the Council.

**Documentation on the destruction or disposal of equipment**

- 3.31 The Council at its Sixteenth Session took note of the Note by the Director-General on chemical weapons production facilities: absence of documentation on the destruction or disposal of equipment (EC-XVI/DG.14, dated 10 September 1999). This Note outlined the approach which the Secretariat intended to take in relation to issuing certificates of destruction or completion of conversion for the currently declared CWPFs when it had been informed that documentation on the destruction or disposal of equipment, prior to entry into force (EIF), at such CWPFs is not available. A view was expressed that further thought should be given to this issue.

**Certificates confirming the destruction and completion of conversion of chemical weapons production facilities**

- 3.32 The Council at its Seventeenth Session took note of the report by the Director-General on certificates confirming the destruction and completion of conversion of chemical weapons production facilities (EC-XVII/HP/DG.2, dated 30 November 1999). This report contained updated information on all CWPFs declared since the entry into force of the Convention which had, as of 29 November 1999, been certified as completely destroyed and as having completed conversion to purposes not prohibited under the Convention.

**Additional Schedule 3 inspections**

- 3.33 The Council at its Sixteenth Session took note of the Note by the Director-General on additional Schedule 3 inspections for 1999 (EC-XVI/DG.11, dated 7 September 1999, and Corr.1, dated 13 September 1999, and Corr.2, dated 24 September 1999). Some delegations expressed views on the effect which this proposal would have on technical issues including the principle of the random selection process and non-compliance with decisions adopted by the Conference at its Third Session. Some other delegations expressed the view that the Director-General was acting in accordance with his obligations.

### **Industry verification issues**

- 3.34 The Council at its Sixteenth Session noted and considered a range of industry verification issues on the basis of papers submitted by the Director-General and the Secretariat. Non-papers on these issues were introduced by three States Parties, and the views of other States Parties were expressed as well. The Council decided to further consider all these issues. The issues thus considered were: understandings on the inspection of records during initial Schedule 2 inspections and during Schedule 3 and DOC/PSF plant site inspections; criteria for making Schedule 2 and Schedule 3 industry declarations; the revision of the algorithm used for the assessment of the risk posed by Schedule 2 plant sites to the object and purpose of the Convention; the frequency of inspections at Schedule 1 facilities and Schedule 2 plant sites; and the comparison of methodologies for selecting Schedule 3 plant sites for inspection.
- 3.35 The Council at its Seventeenth Session adopted the decision entitled the methodology for selecting Schedule 3 plant sites for inspection (EC-XVII/DEC.7, dated 1 December 1999), and referred it to the Conference at its Fifth Session for confirmation.

### **Destruction of VX and GB by neutralisation, on a limited scale**

- 3.36 The Council at its Fifth Meeting noted the national papers by the United States of America on a description of the monoethanolamine based reactions for destruction of GB and VX for non-stockpile chemical materiel (EC-MV/NAT.1, dated 21 May 1999), as well as on proposed verification and transparency measures to be applied to the monoethanolamine based chemical weapons (CW) destruction of small quantities of nerve agents GB and VX (EC-MV/NAT.2, dated 21 May 1999). The Council adopted the corresponding decision on the destruction of VX and GB by neutralisation, on a limited scale (EC-MV/DEC.1, dated 4 June 1999). This decision was taken on the understanding that the destruction is limited to the approximate quantities of GB and VX and the destruction locations specified in EC-MV/NAT.2.

### **New validated data for inclusion in the Central OPCW Analytical Database**

- 3.37 The Council at its Sixteenth Session took note of the Note by the Director-General on the list of new validated spectra for approval by the Council for inclusion in the Central OPCW Analytical Database (EC-XVI/DG.1, dated 21 June 1999), and adopted the corresponding decision (EC-XVI/DEC.3, dated 24 September 1999).
- 3.38 The Council at its Eighteenth Session adopted the decision approving the list of new validated analytical data for inclusion in the Central OPCW Analytical Database (EC-XVIII/DEC.1, dated 16 February 2000), taking into account the corresponding Note by the Director-General (EC-XVIII/DG.1, dated 25 November 1999, and Corr.1, dated 10 February 2000).

**1986 Vienna Convention on the Law of Treaties between States and international organisations or between international organisations**

- 3.39 The Council at its Sixteenth Session took note of the addendum to the Note by the Director-General on this subject which had been submitted to the Council at its Fifteenth Session (EC-XV/DG.11/Add.1, dated 29 July 1999), and adopted the corresponding decision (EC-XVI/DEC.1, dated 24 September 1999). In this decision the Council recommended that the Conference at its Fifth Session authorise the Director-General, on behalf of the OPCW, to deposit its instrument of accession to the 1986 Vienna Convention on the Law of Treaties between States and International Organisations, or between International Organisations, with the Secretary-General of the United Nations as the Depositary for the Convention.

**Availability of official OPCW documents on the Internet**

- 3.40 The Council at its Seventeenth Session noted the Note by the Director-General on the availability of official OPCW documents on the Internet (EC-XVII/DG.1, dated 4 November 1999). The Council also noted statements made by delegations on the need to ensure that the availability of official documentation on the Internet is consistent with the Confidentiality Annex, the OPCW Policy on Confidentiality, and the OPCW Media and Public Affairs Policy. The Council also recommended that the Secretariat carefully select the non-classified documents which would be made publicly available through the OPCW website.

**Establishment of a special account for the repatriation of critically ill internationally recruited staff members**

- 3.41 In the light of the Note by the Director-General on the establishment of a special account, in an amount not to exceed NLG 100,000, for the repatriation of critically ill internationally recruited staff members (EC-XVII/DG.10, dated 17 November 1999), and on the basis of the advice contained in paragraph 12 of the report of the ABAF on its sixth session (ABAF-VI/1, dated 19 October 1999, and Corr.1, dated 2 November 1999), the Council at its Seventeenth Session, in accordance with Financial Regulation 6.9, adopted the decision recommending that the Conference at its Fifth Session consider and approve the establishment of such an account.

**Reports of the External Auditor on the financial statements of the OPCW for 1998**

- 3.42 In accordance with Regulation 13.10 of the OPCW Financial Regulations, the Council at its Seventeenth Session noted and examined the audited financial statements of the OPCW and the Provident Fund of the OPCW for the period ended 31 December 1998 and the External Auditor's report and opinion thereon (C-V/DG.1, dated 11 November 1999, and Corr.1\*, dated 1 December 1999), including the response of the Director-General to the above-mentioned External Auditor's report. The audited financial statements were presented by Mr K.N. Khandelwal, on behalf of the Auditor-General of India. The Council forwarded the audited financial statements of the OPCW and the Provident Fund of the OPCW for the period ended 31 December 1998 and the External Auditor's report and opinion thereon to the Conference at its Fifth Session.

- 3.43 The Council at its Seventeenth Session noted the review by the Advisory Body on Administrative and Financial Matters, at its sixth session, of the audited financial statements of the OPCW for 1998, together with the comments of the Secretariat on major areas of underspending. The Council also noted the advice of the Advisory Body that, in future, in addition to financial auditing, the external audit should give greater emphasis to value for money auditing, that is, to the efficiency, effectiveness and economy of the Organisation's functions. The Council also noted the Advisory Body's observation that the Secretariat has established a systematic means for following through on recommendations made by the External Auditor (paragraph 7 of ABAF-VI/1).

#### **Issues related to confidentiality**

- 3.44 The Council at its Eighteenth Session discussed some issues related to confidentiality, and requested the Secretariat to apprise in broad terms the "Commission for the settlement of disputes related to confidentiality" ("Confidentiality Commission") of these issues. The Council also requested that the Confidentiality Commission review the OPCW Policy on Confidentiality and advise the Director-General on related procedures, and in particular on the remedial measures suggested by the Secretariat to address the shortcomings identified as a result of issues during the discussion under this agenda item, with a view to making the policy and procedures more relevant, stricter, and easier to access and understand. The Council also recommended that the Confidentiality Commission, in its reports to the Conference, should consider, in order to enhance its effectiveness and efficiency, which criteria should be applied by the Secretariat in the issuance of classified documentation, as required by the Confidentiality Annex to the Convention.

#### **Financial Regulations of the OPCW**

- 3.45 The Council at its Eighteenth Session considered the draft decision on a recommendation to the Conference to amend the Financial Regulations of the OPCW (EC-XVIII/DEC/CRP.5, dated 9 February 2000), taking into account both the Note by the Director-General on this subject (EC-XV/DG.6, dated 1 April 1999) and the advice of the Advisory Body on Administrative and Financial Matters (subparagraph 8.1(a) of ABAF-VII/1, dated 27 January 2000), and decided to return to it at its Nineteenth Session.

#### **Provisional agenda for the Fifth Session of the Conference**

- 3.46 The Council at its Eighteenth Session approved the provisional agenda for the Fifth Session of the Conference, to take place from 15 - 19 May 2000.

### **4. OTHER DECISIONS OR ACTIONS OF THE COUNCIL**

#### **Security audit**

- 4.1 In the light of the documents received by the Council at its Fifteenth Session in relation to the update on the security audit team II (EC-XV/DG.7, dated 7 April 1999, and EC-XV/DG.24, dated 28 April 1999, and Add.1, dated 29 April 1999), the Council at its Fifth Meeting returned to the issue of the information management system. The Council noted the above-mentioned reports, and requested the Secretariat to implement, as a matter of priority, the audit team's recommendations relating to the provision of information and the reporting of procedures to the audit team, to enable it to arrive at appropriate conclusions. Furthermore, the Council also requested the security audit team to address, at an early stage, the relational database management system (RDBMS) which was currently being developed, with a view to making appropriate recommendations to the Secretariat, and to report to the Council on this issue.
- 4.2 The Council at its Seventeenth Session considered the outcome of the next security audit, and noted the Notes by the Director-General annexing the security audit team II (SAT II) report, and commenting on the report (respectively EC-XVII/DG.8, dated 12 November 1999, and EC-XVII/DG.14, dated 25 November 1999). The Council considered the above-mentioned report of the SAT II and the Note by the Director-General on it. The Council expressed grave concern about the findings of the SAT II, and endorsed its conclusion that the VIS-EDMS should not, at present, be expanded beyond its current level of utilisation. The Council concluded that, under the responsibility of the Director-General, urgent action, especially with regard to security controls, should be taken to ensure that, by 1 April 2000, the VIS-EDMS passes the security audit attempted in June and October 1999. To achieve this objective, the Council endorsed the Director-General's intention to create an internal task force with the necessary authority to ensure action. Should the objective of a successful audit by 1 April 2000 not be achieved, the Council recognised that it might need to meet urgently to consider what should be done with confidential information on the system, and what action was needed. The Council hoped that the SAT II members would be able to meet this timetable.
- 4.3 Also at its Seventeenth Session, the Council welcomed the Director-General's assurance that action was in hand, and requested him to provide, by the end of January 2000, a progress report on actions taken and planned to be taken to ensure the effectiveness of the VIS-EDMS, for consideration at its Eighteenth Session. The Council at its Eighteenth Session took note of the Note by the Director-General on the update on the SCN security audit (EC-XVIII/DG.6, dated 1 February 2000, and Corr.1, dated 4 February 2000).

#### **Request for transfer between chapters of the 1999 programme and budget**

- 4.4 The Council at its Sixteenth Session approved the request for a transfer between chapters of the 1999 programme and budget contained in the Note by the Director-General on this subject (EC-XVI/DG.8, dated 27 August 1999).

#### **Draft Financial Rules of the OPCW**

- 4.5 In accordance with the advice of the Advisory Body on Administrative and Financial Matters at its sixth session (paragraph 10 of ABAF-VI/1, dated 19 October 1999), to which this matter had been referred by the Council at its Sixteenth Session, as well as of the Note by the Director-General on this subject (EC-XVII/DG.2, dated 9 November 1999), the Council at its Seventeenth Session approved the amendments to Draft Financial Rules 10.6.04(a)(i), 10.6.04(a)(iii), and 10.6.06(c) contained in EC-XVI/DG.10, dated 3 December 1999. The Council continued its consideration of the Draft Financial Rules during the remainder of the period under review.

**Establishment of a special account for the accreditation of the OPCW Laboratory**

- 4.6 In accordance with the advice of the Advisory Body on Administrative and Financial Matters (paragraph 11 of ABAF-VI/1), to which this matter had been referred by the Council at its Sixteenth Session, as well as of the Note by the Director-General on the advice of the Advisory Body (paragraph 5 of EC-XVII/DG.3, dated 10 November 1999), the Council at its Seventeenth Session approved the inter-chapter transfer, within the programme and budget for 1999, of the budget item "Consultant for accrediting OPCW Laboratory" - NLG 120,000 - from subprogramme A.1.3 - Internal Oversight, to subprogramme V.1.6 - Technical Support.

**Memorandum of understanding between the OPCW and the Government of the Islamic Republic of Iran**

- 4.7 The Council at its Eighteenth Session adopted the decision approving the memorandum of understanding between the OPCW and the Government of the Islamic Republic of Iran regarding the provision of assistance (EC-XVIII/DEC.2, dated 16 February 2000), taking into account the corresponding Note by the Director-General (EC-XVIII/DG.2, dated 17 January 2000, and Corr.1, dated 10 February 2000).

**5. MATTERS UNDER CONSIDERATION BY THE COUNCIL**

The following is a listing of some matters still under consideration by the Council at the close of the period under review. These matters are not listed in order of priority:

- (a) Draft OPCW programme and budget for 2001
- (b) Draft report of the Organisation for 1999
- (c) Report of the Council on the performance of its activities
- (d) Facility agreements
- (e) Combined plans for destruction and verification;



- (f) Requests for the conversion of CWPFs for purposes not prohibited under the Convention
- (g) Guidelines to determine the usability of chemical weapons produced between 1925 and 1946
- (h) Advice of the Council to the Conference pursuant to Part IX, paragraph 25 of the Verification Annex
- (i) Requirements for reporting information to the Council on verification activities, including inspection results
- (j) List of inspection equipment and revised specifications for approved inspection equipment
- (k) List of new validated analytical data for inclusion in the Central OPCW Analytical Database
- (l) Attribution of costs related to inspections of old chemical weapons
- (m) Model facility agreement for chemical weapons destruction facilities
- (n) Request by the Russian Federation to grant an extension of its obligation to meet an intermediate deadline for the destruction of Category 1 chemical weapons stockpiles
- (o) Criteria for determining specialised equipment in CWPFs
- (p) Industry verification issues:
  - (i) Recommendation on the applicable concentration limits for declarations under Parts VII and VIII of the Verification Annex in relation to mixtures containing Schedule 2 or Schedule 3 chemicals
  - (ii) Recommendation on the application of paragraphs 31 and 32 of Part VII and paragraph 26 of Part VIII of the Verification Annex with respect to mixtures containing Schedule 2 or Schedule 3 chemicals
  - (iii) Understandings on the inspection of records during Schedule 2, Schedule 3 and DOC/PSF plant site inspections
  - (iv) Criteria for making Schedule 2 and Schedule 3 industry declarations
  - (v) Assessment of the risk posed by Schedule 2 plant sites to the object and purpose of the Convention
  - (vi) Frequency of inspections at Schedule 1 facilities and Schedule 2 plant sites
  - (vii) Methodology for the selection of DOC/PSF plant sites for inspection

- (q) Challenge inspection
- (r) Procedures for the handling of confidential information
- (s) Legislation, cooperation, and legal assistance
- (t) Classification of posts
- (u) Effective starting date for the tenure of posts in the Secretariat in accordance with Staff Regulation 4.4
- (v) Staff Rules
- (w) Financial Regulations and Rules of the OPCW
- (x) Proposal for an amendment to paragraphs 12 and 14 of the Rules of Procedure of the Council
- (y) Fostering of international cooperation for peaceful purposes in the field of chemical activities

## **6. REPORTS TO THE COUNCIL**

### **Reports to the Council on the status of consultations on clusters of issues**

- 6.1 In the context of the new working method for the Council devised in accordance with the decision of the Conference at its Fourth Session, and at the request of the Chairman of the Council, the Council Vice-Chairmen and coordinators for clusters of issues reported to the Council at its Seventeenth and Eighteenth Sessions on informal consultations during the intersessional periods: H.E. Ambassador Carl Niehaus of South Africa, on chemical weapons issues; H.E. Ambassador Ted Delofski of Australia, on chemical industry and other Article VI issues; H.E. Ambassador L'ubomír Kopaj of Slovakia, on administrative and financial issues; and H.E. Ambassador Seyed Shamseddin Khareghani of the Islamic Republic of Iran, on legal, organisational, and other issues.

### **Advisory Body on Administrative and Financial Matters**

#### **Recommendation of the fifth session of the ABAF**

- 6.2 The Council at its Fifteenth Session had requested the Secretariat to fulfil the recommendation contained in subparagraph 5.4 of the report of the fifth session of the Advisory Body (ABAF-V/1, dated 5 March 1999). At its Sixteenth Session the Council noted the correspondence with the International Civil Service Commission (ICSC) on this matter which had been submitted by the Secretariat in accordance with its request (EC-XVI/TS.2, dated 27 August 1999).

### **Report of the sixth session of the ABAF**

- 6.3 The Council at its Seventeenth Session noted the report of the sixth session of the Advisory Body on Administrative and Financial Matters (ABAF-VI/1, dated 19 October 1999, and Corr.1, dated 2 November 1999).
- 6.4 The Council at its Seventeenth Session noted the resignation of the following members of the Advisory Body: Mr Marcos Benito Derizans Paiva (Brazil), Mr Peter Döllekes (Germany), Mr Gyehyun Kwon (Republic of Korea) and Mr Chris Park (United States of America), and, in their place, approved the appointment of the following nominees to the Advisory Body, with the date of appointment retroactive to the date of the letter of nomination in each case: Mrs Maria Dulce Silva Barros of Brazil (4 November 1999), Mr Rolf Herden of Germany (7 May 1999), Mr Chul-Min Park of the Republic of Korea (14 June 1999), and Mr John Fleming of the United States of America (14 October 1999). The Council also approved the appointment of Mr Amir A. Shadani of Pakistan to the Advisory Body as of 3 December 1999, the date of the letter of nomination. The Council expressed its thanks to the outgoing members of the Advisory Body for their work.

### **Report of the seventh session of the ABAF**

- 6.5 The Council at its Eighteenth Session noted the report of the seventh session of the Advisory Body on Administrative and Financial Matters (ABAF-VII/1, dated 27 January 2000, and Corr.1, dated 14 February 2000), which was introduced by Mr Arnoud Cals, the Chairman of the Advisory Body, as well as the Note by the Secretariat commenting on this report (EC-XVIII/TS.2, dated 15 February 2000).

Annex (English only):

Action taken by the Conference at its Fourth Session in relation to recommendations of the Council

## **Annex**

### **ACTION TAKEN BY THE CONFERENCE AT ITS FOURTH SESSION IN RELATION TO RECOMMENDATIONS OF THE COUNCIL**

#### **1. Status of implementation of the Convention**

##### **Submission of declarations**

- 1.1 The Conference took cognisance of the Note by the Director-General on the status of initial declarations and notifications (C-IV/DG.10, dated 21 June 1999), as well as of the report by the Director-General on experiences in implementing the provisions of Parts VII and VIII and Section A of Part IX of the Verification Annex within the verification regime for “other chemical production facilities”, and containing detailed data requested by the Council (C-IV/DG.6/Rev.1, dated 23 June 1999, and Corr.1, dated 1 July 1999). The Conference requested the Council to monitor closely the fulfilment by States Parties of this important obligation under the Convention in order to enable the Council to consider recommendations to the Conference at its Fifth Session with a view to redressing the situation.

##### **Procedures for the handling of confidential information**

- 1.2 The Conference noted that the issue of the procedures for the handling of confidential information had been discussed by the Council at its Fourteenth and Fifteenth Sessions, and strongly endorsed the concern, expressed by the Council at its Fifteenth Session, that, as of the date of that session, the majority of States Parties were not yet in compliance on this important matter regarding confidentiality. The Conference noted the information on this subject contained in the report by the Director-General on the status of implementation of the regime governing the handling of confidential information by the Secretariat (C-IV/DG.8, dated 17 June 1999), and requested the remaining States Parties to provide this information to the Secretariat forthwith. The Conference requested the Council to monitor closely the fulfilment by States Parties of this important obligation under the Convention in order to enable the Council to consider recommendations to the Conference at its Fifth Session with a view to redressing the situation.

##### **Status of assessed contributions**

- 1.3 The Conference took cognisance of the most recent Note by the Director-General on the status of assessed contributions as of 31 May 1999 (C-IV/DG.5, dated 11 June 1999, and Add.1, dated 30 June 1999). The Conference noted that, as of the cut-off date of 24 June 1999 for the addendum to this report, 34 States Parties had paid no contributions to the Working Capital Fund, while 25, 34, and 52 had paid no contributions to the OPCW budgets for 1997, 1998, and 1999 respectively. The Conference also noted that, as of the same cut-off date, 30 States Parties had not paid their assessed contributions to the Preparatory Commission. In this respect the Conference once again drew attention to the provisions of paragraph 8 of Article VIII of the Convention.

### **Reimbursement of verification costs under Articles IV and V**

- 1.4 The Conference noted that the Council, at its Fourteenth Session, had expressed concern that reimbursement payments were outstanding for the great majority of verification costs in question at that time. The Conference also noted that, before the Fourteenth Session of the Council, there had been bilateral discussions between the Secretariat and inspected States Parties to resolve problems related to the billing procedures, and that the Council, at that session, had strongly urged all inspected States Parties and the Secretariat to do everything in their power to resolve any outstanding problems in relation to the reimbursement of verification costs, and had requested those States Parties to make payment as soon as possible. The Conference took cognisance of the recent Note by the Director-General on the status of reimbursement of verification costs under Articles IV or V of the Convention (C-IV/DG.4, dated 11 June 1999), and requested the Council to closely monitor the fulfilment by States Parties of this important obligation in order to enable the Council to consider recommendations to the Conference at its Fifth Session with a view to redressing the situation.

### **Legislation, cooperation, and legal assistance**

- 1.5 The Conference noted from the annex to the Note by the Director-General on the status of submission of initial declarations and notifications that, as of 15 June 1999, only 34% of States Parties had met their obligation under Article VII of the Convention to adopt the measures necessary to implement their obligations under the Convention, including enacting penal legislation with respect to prohibited activities, and to inform the Organisation of the legislative and administrative measures taken. The Conference urged States Parties: (a) to complete, where necessary, the legislative and administrative measures to implement the Convention in their jurisdictions; and (b) to inform the Organisation of such measures taken.

## **2. Action taken on other matters**

### **Report of the Organisation on the implementation of the Convention in 1998**

- 2.1 The Conference approved the "Report of the Organisation on the Implementation of the Convention (1 January - 31 December 1998)" (C-IV/5, dated 2 July 1999).

### **Report of the Council on the performance of its activities**

- 2.2 The Conference noted the "Report of the Executive Council on the Performance of its Activities (5 September 1998 - 29 April 1999)" (C-IV/1 EC-MV/2, dated 4 June 1999).

### **Attribution of costs related to inspections of abandoned chemical weapons**

- 2.3 The Conference, in accordance with the recommendation of the Council at its Fifteenth Session, adopted the decision on the costs of inspections of abandoned chemical weapons (C-IV/DEC.5, dated 29 June 1999).

**Draft relationship agreement between the United Nations and the OPCW**

- 2.4 The Conference, in accordance with the recommendation of the Council at its Fifteenth Session, adopted the decision on the draft relationship agreement between the United Nations and the OPCW (C-IV/DEC.4, dated 2 July 1999) on the understanding that the Conference did not wish to reopen the text of the draft.

**Model facility agreements**

- 2.5 The Conference, in accordance with the recommendations of the Council at its Fourteenth and Fifteenth Sessions, as well as with the procedure for addressing unresolved issues (C-III/DEC.11, dated 20 November 1998), confirmed the decisions on a model facility agreement for chemical weapons storage facilities and a model facility agreement for chemical weapons production facilities (respectively C-IV/DEC.12, dated 29 June 1999, and C-IV/DEC.13, dated 29 June 1999). In confirming these decisions the Conference noted subparagraph 7.2 of the report of the Fourteenth Session of the Council (EC-XIV/2, dated 2 February 1999) and subparagraph 11.2 of the report of the Fifteenth Session of the Council (EC-XV/3, dated 29 April 1999).

**Declaration requirements for CW and the determination of how States Parties report CW on their territory which are owned by another State**

- 2.6 The Conference, in accordance with the recommendation of the Council at its Fourteenth Session, as well as with the procedure for addressing unresolved issues (C-III/DEC.11, dated 20 November 1998), confirmed the decision on the declaration requirements for chemical weapons and the determination of how States Parties report chemical weapons on their territory which are owned by another State (C-IV/DEC.10, dated 29 June 1999).

**Requests for conversion of chemical weapons production facilities for purposes not prohibited under the Convention**

- 2.7 The Conference, in accordance with the recommendation of the Council at its Fourth Meeting, and pursuant to paragraph 75 of Part V of the Verification Annex, approved the decision on a request from the Russian Federation for the conversion of a chemical weapons production facility for purposes not prohibited under the Convention (C-IV/DEC.6, dated 29 June 1999).
- 2.8 The Conference, in accordance with the recommendation of the Council at its Fifteenth Session, and pursuant to paragraph 75 of Part V of the Verification Annex, approved the decision on a request from a State Party to use a chemical weapons

production facility for purposes not prohibited under the Convention (C-IV/DEC.14, dated 1 July 1999).

- 2.9 The Conference, in accordance with the recommendation of the Council at its Sixth Meeting, and pursuant to paragraph 75 of Part V of the Verification Annex, approved the decision on a request from the Russian Federation for the conversion of a chemical weapons production facility for purposes not prohibited under the Convention (C-IV/DEC.7, dated 29 June 1999).
- 2.10 The Conference, in accordance with the recommendation of the Council at its Fourth Meeting, confirmed the decision on changes in chemical process equipment or plans for new types of chemical products at a facility converted for purposes not prohibited under the Convention (C-IV/DEC.8, dated 29 June 1999).

#### **Annual report of the Office of Internal Oversight**

- 2.11 The Conference noted that, in accordance with Financial Regulation 12.5, the annual report of the Office of Internal Oversight for the period from 1 July 1997 to 31 December 1998 (attachment to EC-XV/DG.10, dated 9 April 1999) had been submitted to the Council at its Fifteenth Session before it was submitted to the Conference, and took cognisance of this annual report.

#### **Draft agreement between the Republic of Korea and the OPCW on the privileges and immunities of the OPCW**

- 2.12 The Conference, in accordance with the recommendation of the Council at its Fifteenth Session, approved the agreement between the Republic of Korea and the OPCW on the privileges and immunities of the OPCW (C-IV/DEC.9, dated 29 June 1999).

#### **Certification procedure for the Central OPCW Analytical Database and on-site databases**

- 2.13 The Conference, in accordance with the recommendation of the Council at its Fifteenth Session, took cognisance of the Note by the Director-General on the certification procedure for the Central OPCW Analytical Database and on-site databases (EC-XV/DG.2/Rev.1, dated 28 April 1999), and adopted the decision on the certification procedure for the Central OPCW Analytical Database and on-site databases (C-IV/DEC.11, dated 29 June 1999).

#### **Requirements for reporting information to the Council on verification activities, including inspection results**

- 2.14 The Conference noted that the Council, inter alia at its Sixth Meeting, had discussed the requirements for reporting information to the Council on verification activities, including inspection results. The Conference received the non-paper by Italy and the United States of America on a demonstration of coding or masking sensitive information (C-IV/NAT.13\*, dated 2 July 1999), as well as the draft decision on the

reporting requirements for the status of implementation report submitted by the latter two members of the Council (C-IV/NAT.12\*, dated 2 July 1999). In accordance with the recommendation of the Council at its Sixth Meeting, the Conference referred the issue back to the Council for further urgent consideration.

### **Staff regulations**

- 2.15 In connection with this agenda item, the Chairman of the Conference made a statement regarding understandings on the top structure of the OPCW that had emerged in the process of reaching consensus on the staff regulations (C-IV/4, dated 2 July 1999). The Conference requested the Director-General to take it into account when making decisions on the contracts of the staff members of the top structure.
- 2.16 The Conference adopted the decision on the OPCW Staff Regulations (C-IV/DEC.25, dated 2 July 1999). The Conference requested the Council to decide, at its next regular session, on the effective starting date of the seven-year period for the tenure of staff (subparagraph 4.4(b) of the staff regulations). The Conference considered that the staff regulations replace the Interim Staff Regulations as of the date of their adoption. The Conference noted the statements by the Director-General on this subject (C-IV/DG.14 and C-IV/DG.15, both dated 2 July 1999), and requested the Secretariat, on a priority basis, to prepare the draft staff rules in time for the Council to consider them as soon as possible.

### **The list of inspection equipment and revised specifications for approved inspection equipment**

- 2.17 The Conference noted the report by the Chairman of the Council on the consultations on this issue which, at the request of the Council, had been held since the Sixth Meeting of the Council. The Conference referred this matter back to the Council for consideration and for a recommendation for decision at the Fifth Session of the Conference.

### **Election of members of the Council**

- 2.18 In accordance with Article VIII, paragraph 23 of the Convention, and with Rule 83 of the Rules of Procedure of the Conference, the Conference elected the following 20 States Parties as members of the Council, for the two-year term of office commencing on 12 May 2000:

Africa: Algeria, Morocco, Namibia, South Africa;

Asia: Indonesia, Iran (Islamic Republic of), Pakistan, Sri Lanka;

Eastern Europe: Poland, Russian Federation, Slovenia;

Latin America  
and the Caribbean: Chile, Cuba, Peru, Panama;



WEOG: Austria, Canada, Netherlands, Spain, Sweden.

### **Implementation of Section B of Part IX of the Verification Annex**

- 2.19 With respect to its mandate under Part IX, paragraph 25, of the Verification Annex, the Conference noted the observation of the Council, at its Fifteenth Session, that so far no proposals by States Parties for inspections had been presented. The Conference endorsed the resolve of the Council, as expressed at its Fifth Meeting, to come forward with a substantive recommendation on this matter in time for the Fifth Session of the Conference.

### **The programme and budget of the Organisation, submitted by the Council for the ensuing financial period, and all items pertaining to this budget**

- 2.20 In accordance with the recommendation of the Council at its Sixth Meeting held on 23 June 1999, the Conference considered and adopted the decision on the OPCW Programme and Budget for 2000 and the Working Capital Fund (C-IV/DEC.23, dated 2 July 1999).

### **Draft Medium-Term Plan**

- 2.21 The Conference, in accordance with the recommendation of the Council at its Fifth Meeting, considered and noted the Draft Medium-Term Plan 2000 - 2003 (C-IV/DEC/CRP.32, dated 2 July 1999). The Conference encouraged the Secretariat to continue to refine this document, with a view to making as much up-to-date information as possible available to Member States, for planning purposes.

### **Classification of posts**

- 2.22 The Conference, in the light of the recommendations of the Council at its Sixth meeting, adopted the decision on the review of the classification of posts (C-IV/DEC.19, dated 2 July 1999).

### **Proposed establishment of special accounts**

- 2.23 The Conference adopted the decision on the establishment of special accounts (C-IV/DEC.17, dated 2 July 1999), which had been drafted by the Secretariat at the request of the Council at its Fifth Meeting.

### **Fostering of international cooperation for peaceful purposes in the field of chemical activities**

- 2.24 The Conference noted the report by the Chairman of the Council on the results of the Council's consultations on the proposal contained in document C-III/NAT.4, dated 19 November 1998. Statements were made emphasising the need for further work on the key matter of the fostering of international cooperation in the field of chemical activities for peaceful purposes, and stressing that the fostering of international cooperation for peaceful purposes in the field of chemical activities is an integral part of the Convention. Many delegations requested that the consultations on the draft resolution be intensified, with a view to it being adopted by the Conference at its next session. The Conference decided to refer this matter back to the Council for further consideration, with a view to the Council reporting to the Conference at its Fifth Session.

#### **Draft agreement with Greece on the privileges and immunities of the OPCW**

- 2.25 The Conference adopted the decision on the draft agreement between the Republic of Greece and the Organisation for the Prohibition of Chemical Weapons on the privileges and immunities of the OPCW (C-IV/DEC.21, dated 2 July 1999), which gave approval for the Council at its Sixteenth Session to consider and conclude the draft agreement between the Republic of Greece and the Organisation for the Prohibition of Chemical Weapons on the privileges and immunities of the OPCW.

#### **Attribution of costs related to inspections of old chemical weapons**

- 2.26 The Conference noted the national paper by the United States of America on legal views on costs of verification of old chemical weapons (C-IV/NAT.10, dated 30 June 1999). The Conference considered the draft decision (EC-XV/DEC/CRP.9, dated 26 April 1999), and requested the Council to consider this issue urgently, and to report back to the Conference at its Fifth Session.

#### **Model facility agreement for chemical weapons destruction facilities**

- 2.27 The Conference took cognisance of the status of consultations on a draft decision on the model facility agreement for chemical weapons destruction facilities (C-IV/DEC/CRP.30, dated 2 July 1999), and recommended that the Council should consider this matter further with a view to reaching agreement on the text of the model facility agreement, and to elaborating a recommendation to the Conference for its adoption.