



OPCW

Conference of the States Parties

Thirteenth Session
2 – 5 December 2008

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**CHAIRPERSON'S REPORT ON THE PROCEEDINGS OF THE CONFERENCE OF
THE STATES PARTIES AT ITS THIRTEENTH SESSION
2 – 5 DECEMBER 2008**

The Chairperson of the Thirteenth Session of the Conference of the States Parties (hereinafter “the Conference”) issues this report under the general powers of the presiding officer (Rule 50 of the Rules of Procedure of the Conference of the States Parties). As explained in paragraph 22, consensus could not be reached on the adoption of the report of the Conference due to the circumstances described in paragraph 9.7. All other paragraphs contained in this report were approved by consensus.

All decisions adopted by the Conference at its Thirteenth Session, referenced in this report, remain legally valid and binding for all States Parties. The language of this report also reflects the understandings and interpretations agreed by delegations during the consideration of items on the agenda of the Session.



1. AGENDA ITEM ONE – Opening of the Session

- 1.1 The Thirteenth Session of the Conference of the States Parties was opened at 10:40 on 2 December 2008 by the Chairperson of the Twelfth Session of the Conference, Ambassador Abuelgasim Abdelwahid Sheikh Idris of Sudan. The Conference received a message from the Secretary-General of the United Nations, delivered by his special representative, Mr Sergei Ordzhonikidze, Director-General of the United Nations Office at Geneva.
- 1.2 The following 126 States Parties participated in the Thirteenth Session: Afghanistan, Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malaysia, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Samoa, San Marino, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, United States of America, Uzbekistan, Viet Nam, Yemen, Zambia, and Zimbabwe.
- 1.3 In accordance with Rule 29 of the Rules of Procedure of the Conference of the States Parties, the following signatory State participated in this Session of the Conference as observer: Israel.
- 1.4 In accordance with Rule 30 of these Rules of Procedure, and pursuant to a decision of the Conference on the matter (C-13/DEC.1, dated 2 December 2008), the following non-signatory States were accorded observer status: Iraq and Lebanon.
- 1.5 In accordance with Rules 31 and 32 of these Rules of Procedure, and pursuant to a decision of the Conference on the matter (C-13/DEC.2, dated 2 December 2008), seven international organisations, specialised agencies, and other international bodies attended the Thirteenth Session.
- 1.6 The Conference **approved** the participation of seven non-governmental organisations in its Thirteenth Session (C-13/DEC.3, dated 2 December 2008).

2. AGENDA ITEM TWO – Election of the Chairperson

In accordance with Rules 34 and 35 of its Rules of Procedure, the Conference, by acclamation, **elected** as its Chairperson Ambassador Minoru Shibuya of Japan, who

shall hold office until his successor is elected at the next regular Session of the Conference.

3. AGENDA ITEM THREE – Election of Vice-Chairpersons and other officers

3.1 In accordance with Rules 34 and 35 of its Rules of Procedure, the Conference **elected** representatives of the following 10 States Parties as Vice-Chairpersons of the Conference, to hold office until their successors are elected at its next regular Session: China, Costa Rica, Czech Republic, Ecuador, Germany, Iran (Islamic Republic of), Nigeria, Russian Federation, South Africa, and United States of America.

3.2 Also, in accordance with Rules 34 and 35 of its Rules of Procedure, the Conference **elected**, as Chairperson of the Committee of the Whole, Ambassador Benchaâ Dani of Algeria, who shall hold office until a new Chairperson is elected at the next regular Session of the Conference.

4. AGENDA ITEM FOUR – Adoption of the agenda

4.1 The provisional agenda for the Thirteenth Session was circulated under cover of C-13/1/Rev.1, dated 15 October 2008.

4.2 The Conference **approved** the following agenda for its Thirteenth Session:

AGENDA ITEM ONE – Opening of the Session

AGENDA ITEM TWO – Election of the Chairperson

AGENDA ITEM THREE – Election of Vice-Chairpersons and other officers

AGENDA ITEM FOUR – Adoption of the agenda

AGENDA ITEM FIVE – Organisation of work and establishment of subsidiary bodies

AGENDA ITEM SIX – Appointment of the Credentials Committee

AGENDA ITEM SEVEN – Statement by the Director-General

AGENDA ITEM EIGHT – General debate

AGENDA ITEM NINE – Status of implementation of the Convention

AGENDA ITEM TEN – Annual report of the OPCW on the implementation of the Convention in 2007

AGENDA ITEM ELEVEN – Annual report of the Executive Council on the performance of its activities for the period from 30 June 2007 to 27 June 2008

AGENDA ITEM TWELVE – Election of Member States to membership in the Executive Council

AGENDA ITEM THIRTEEN – Programme and Budget of the OPCW for 2009, submitted by the Executive Council, and all items pertaining to this budget

AGENDA ITEM FOURTEEN – Scale of assessments to be paid by States Parties

AGENDA ITEM FIFTEEN – External Auditor’s report on the audited financial statements of the OPCW for 2007

AGENDA ITEM SIXTEEN – Administrative and financial matters

AGENDA ITEM SEVENTEEN – Fostering of international cooperation for peaceful purposes in the field of chemical activities

AGENDA ITEM EIGHTEEN – Ensuring the universality of the Convention

AGENDA ITEM NINETEEN – Implementation of the Programme for Africa

AGENDA ITEM TWENTY – Reports of subsidiary bodies

AGENDA ITEM TWENTY-ONE – Any other business

AGENDA ITEM TWENTY-TWO – Adoption of the report of the Conference of the States Parties

AGENDA ITEM TWENTY-THREE – Closure

5. AGENDA ITEM FIVE – Organisation of work and establishment of subsidiary bodies

The Conference **considered** and **adopted** the recommendations of the General Committee that were reported to it in accordance with Rule 43(b) of the Rules of Procedure of the Conference.

6. AGENDA ITEM SIX – Appointment of the Credentials Committee

In accordance with Rule 27 of its Rules of Procedure, the Conference, on the recommendation of its Chairperson, **appointed** the following 10 members of the Credentials Committee to hold office until new members are appointed at the next regular Session of the Conference: Afghanistan, Argentina, Bolivia, Finland, Kenya, Morocco, Portugal, Slovenia, The former Yugoslav Republic of Macedonia, and United Arab Emirates.

7. AGENDA ITEM SEVEN – Statement by the Director-General

The Conference **noted** the opening statement by the Director-General (C-13/DG.9, dated 2 December 2008).

8. AGENDA ITEM EIGHT – General debate

The following delegations made statements during the general debate: France (on behalf of the European Union and associated countries), Cuba (on behalf of the

Non-Aligned Movement and China), South Africa (on behalf of the Africa Group), Pakistan, Saudi Arabia, Iran (Islamic Republic of), Serbia, China, Russian Federation, Ukraine, Mexico, Japan, South Africa (on its own behalf), United States of America, Lebanon (observer), Canada, Nigeria, New Zealand, Algeria, Costa Rica, Turkey, Switzerland, Brazil, Argentina, Singapore, Philippines, Norway, Australia, Malaysia, Sudan, Sri Lanka, Libyan Arab Jamahiriya, Indonesia, El Salvador, Namibia, India, Yemen, Morocco, Zambia, Jamaica, Ecuador, Kenya, United Arab Emirates, Qatar, Republic of Korea, , Colombia, Israel (observer), Nepal, and Bolivia.

9. AGENDA ITEM NINE – Status of implementation of the Convention

Subitem 9(a): Progress report on the implementation of the plan of action regarding the implementation of Article VII obligations

- 9.1 The Conference at its Twelfth Session adopted a decision regarding the implementation of Article VII obligations (C-12/DEC.9, dated 9 November 2007), in which it requested the Technical Secretariat (hereinafter “the Secretariat”), inter alia, to continue to provide its annual report on the status of implementation of Article VII of the Convention and of the decision on follow-up to the plan of action regarding the implementation of Article VII obligations (C-10/DEC.16, dated 11 November 2005) to the Council at its Fifty-Fourth Session. In its decision, the Conference also requested the Council to submit the progress report to it at its Thirteenth Session, along with its recommendations, as appropriate.
- 9.2 In its report, the Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (Second Review Conference) requested the Conference to continue at its annual sessions to review progress towards the full and effective national implementation of obligations under the Convention and to encourage further progress (subparagraph 9.80(c) of RC-2/4, dated 18 April 2008).
- 9.3 The Conference **noted** a report on the status of implementation of Article VII of the Convention as at 15 September 2008 (C-13/DG.6, dated 11 November 2008).
- 9.4 The Conference **approved** a decision on the matter (C-13/DEC.7, dated 5 December 2008).

Subitem 9(b): Implementation of the regime governing the handling of confidential information by the Technical Secretariat in 2007

- 9.5 The Conference **considered** and **noted** the report by the Director-General on the implementation of the regime governing the handling of confidential information by the Secretariat in 2007 (EC-52/DG.5 C-13/DG.1, dated 7 February 2008).

Subitem 9(c): Progress made in meeting revised deadlines for the destruction of chemical weapons

- 9.6 Pursuant to a decision by the Conference at its Eleventh Session (paragraph 9.12(b) of C-11/5, dated 8 December 2006), the Conference **considered** and **noted** a status report by the Director-General on the progress made by those States Parties that have

been granted extensions of deadlines for the destruction of their Category 1 chemical weapons (C-13/DG.7/Rev.1, dated 28 November 2008).

- 9.7 Several proposals were made to complement the text of paragraph 9.6. None met the consensus. Under these circumstances a decision was taken not to include any of these proposals in the text of the report. After the adoption of paragraph 9.6 a proposal was made that the issue be reopened. This proposal was not supported by the Conference.

Subitem 9(d): Implementation of Article X

- 9.8 The Conference at its Twelfth Session requested the Council to conduct intensive deliberations to develop measures for emergency assistance to Member States, including with regard to the victims of chemical weapons, as provided in Article X of the Convention, and to report to the Conference at its Thirteenth Session, along with any appropriate recommendations (paragraph 21.8 of C-12/7, dated 9 November 2007).

- 9.9 The Conference **requested** the Council to continue further intensive deliberations in line with the above-mentioned mandate given to it by the Conference at its Twelfth Session, and to report to the Conference at its Fourteenth Session.

Subitem 9(e): Guidelines regarding declaration of import and export data for Schedule 2 and 3 chemicals

- 9.10 The Conference **considered** and **approved** a decision on the guidelines regarding declaration of import and export data for Schedule 2 and 3 chemicals (C-13/DEC.4, dated 3 December 2008).

10. AGENDA ITEM TEN – Annual report of the OPCW on the implementation of the Convention in 2007

The Conference **considered** and **approved** the report of the OPCW on the implementation of the Convention in 2007 (C-13/4, dated 3 December 2008).

11. AGENDA ITEM ELEVEN – Annual report of the Executive Council on the performance of its activities for the period from 30 June 2007 to 27 June 2008

The Conference **noted** the report of the Council on the performance of its activities in the period from 30 June 2007 to 27 June 2008 (EC-54/4 C-13/2, dated 15 October 2008). The report was introduced by the Chairperson of the Council, Ambassador Oksana Tomová of Slovakia, who also briefed the Conference on the developments that had taken place since the cut-off date for the report.

12. AGENDA ITEM TWELVE – Election of Member States to membership in the Executive Council

In accordance with paragraph 23 of Article VIII of the Convention, and with Rule 83 of its Rules of Procedure, the Conference **elected** 21 members for the following

elective places on the Council for a term of two years, starting on 12 May 2009:

Africa:	Cameroon, Morocco, Mozambique, Sudan, Tunisia
Asia:	China, India, Japan, Republic of Korea, Saudi Arabia
Eastern Europe:	Poland, Ukraine
Latin America and the Caribbean:	Argentina, Brazil, Mexico, Uruguay
Western Europe and Other States:	France, Germany, Italy, United Kingdom of Great Britain and Northern Ireland, United States of America

13. AGENDA ITEM THIRTEEN – Programme and Budget of the OPCW for 2009, submitted by the Executive Council, and all items pertaining to this budget

13.1 In accordance with subparagraph 21(a) of Article VIII of the Convention, and pursuant to Financial Regulation 3.6(a), the Conference **considered** and **adopted** the Programme and Budget of the OPCW for 2009, which the Council had submitted to it (C-13/DEC.5, dated 4 December 2008).

13.2 The Conference **received** the Medium-Term Plan for the period from 2009 to 2011 (EC-53/S/4 C-13/S/1, dated 23 June 2008; Corr.1, dated 13 October 2008; and Corr.2, dated 17 October 2008).

14. AGENDA ITEM FOURTEEN – Scale of assessments to be paid by States Parties

In accordance with paragraph 21(b) of Article VIII of the Convention, the Conference **adopted** the scale of assessments to be paid by States Parties for the financial year 2009 (C-13/DEC.6, dated 4 December 2008).

15. AGENDA ITEM FIFTEEN – External Auditor’s report on the audited financial statements of the OPCW for 2007

The Conference **noted** the financial statements of the OPCW and the report of the External Auditor for the year ending 31 December 2007 (EC-53/DG.10 C-13/DG.3, dated 16 June 2008) which was forwarded to it in accordance with Regulation 13.10 of the OPCW Financial Regulations.

16. AGENDA ITEM SIXTEEN – Administrative and financial matters

Subitem 16(a): OPCW income and expenditure for the financial year to 30 June 2008; and the cash situation and the use of the Working Capital Fund for the financial year to 31 August 2008

16.1 The Council at its Fifty-Fourth Session considered and forwarded to the Conference a report by the Director-General on OPCW income and expenditure for the financial year to 30 June 2008 (EC-54/DG.1, dated 21 July 2008). The Conference **noted** this report.

- 16.2 Further to a decision by the Conference at its Twelfth Session (paragraph 13 of C-12/DEC.4, dated 7 November 2007), the Conference **noted** a Note by the Director-General on the cash situation and the use of the Working Capital Fund for the financial year to 31 August 2008 (EC-54/DG.11, dated 25 September 2008).

Subitem 16(b): Status of implementation by States Parties of agreed multi-year payment plans to regularise the payment of their outstanding annual contributions

- 16.3 Pursuant to a decision by the Conference at its Eleventh Session (C-11/DEC.5, dated 7 December 2006), the Conference **considered** and **noted** the Note by the Director-General on status of implementation by States Parties of agreed multi-year payment plans (EC-54/DG.5 C-13/DG.4, dated 18 September 2008).

Subitem 16(c): Report of the Office of Internal Oversight for 2007

- 16.4 In accordance with Regulation 12.5 of the OPCW Financial Regulations, the Council at its Fifty-Fourth Session considered and forwarded to the Conference the annual report of the Office of Internal Oversight for the period from 1 January to 31 December 2007, and the accompanying Note by the Director-General (EC-53/DG.3, dated 2 April 2008). The Conference **noted** this report.

Subitem 16(d): Transfers of funds between programmes in 2007

- 16.5 In accordance with Regulation 4.5 of the OPCW Financial Regulations, all transfers between Budget programmes shall be reported to the Conference. The Conference **noted** the Note by the Director-General on this matter (EC-52/DG.7 C-13/DG.2, dated 12 February 2008).

17. AGENDA ITEM SEVENTEEN – Fostering of international cooperation for peaceful purposes in the field of chemical activities

- 17.1 At its Twelfth Session, the Conference requested the Council, pursuant to previous decisions, to continue its intensive consultations at regular intervals to develop concrete measures within an agreed framework to ensure the full implementation of Article XI, and to report back to the Conference at its Thirteenth Session for consideration (paragraph 3 of C-12/DEC.10, dated 9 November 2007).

- 17.2 Recalling the report of the Council at its Fifty-Fourth Session (EC-54/5, dated 17 October 2008), in particular paragraph 5.28, which noted a proposal initiated by the delegation of Cuba to convene a workshop to explore ways and means for the full implementation of Article XI, the Conference **recommended** the Council to continue and to intensify their deliberations on the elaboration of all the aspects of the workshop, taking into account all the views expressed on it, with a view to the convening of this workshop before the Fourteenth Session.

- 17.3 The Conference also **requested** the Council to continue to work, pursuant to previous decisions, to intensify consultations at regular intervals to develop concrete measures within an agreed framework to ensure the full implementation of Article XI, and to report back to the Conference at its Fourteenth Session for consideration.

18. AGENDA ITEM EIGHTEEN – Ensuring the universality of the Convention

- 18.1 The Conference **noted** the annual report by the Director-General on the implementation of the action plan for the universality of the Convention during the period from 3 September 2007 to 25 September 2008 (EC-54/DG.13 C-13/DG.5, dated 29 September 2008 and Add.1, dated 18 November 2008).
- 18.2 The Conference **noted** with satisfaction the substantial progress achieved since the adoption by the Council of the action plan for the universality of the Chemical Weapons Convention (EC-M-23/DEC.3, dated 24 October 2003) and subsequent decisions reaffirming its goals adopted by the Conference. It recalled that at its Twelfth Session the Conference decided to review the results and implementation of that plan at its Fourteenth Session (C-12/DEC.11, dated 9 November 2007). The Conference **commended** the Republic of Congo and Guinea-Bissau for having acceded to the Convention since its last Session.
- 18.3 The Conference also **congratulated** the Republic of Lebanon for its decision to accede to the Convention. Once the Convention enters into force for Lebanon, it will become the 185th State Party.
- 18.4 The Conference **noted** that ten States remain not Party to the Convention, including four signatory States and six non-signatory States, and that amongst the States not Party there are some whose non-adherence continues to be a matter of serious concern. The Conference **reiterated** that universality of the Convention is essential to achieve its object and purpose and **called upon** all remaining States not Party to the Convention (Angola, Bahamas, the Democratic People's Republic of Korea, the Dominican Republic, Egypt, Iraq, Israel, Myanmar, Somalia, and the Syrian Arab Republic) to ratify or accede to it as a matter of urgency and without preconditions in the interests of enhancing their own national security and to affirm their commitment to global peace and security.
- 18.5 The Conference **noted** the annual report by the Director-General on the implementation of the action plan for the universality of the Convention from 3 September 2007 to 25 September 2008 (EC-54/DG.13 C-13/DG.5, dated 29 September 2008), and the Addendum to the said report (EC-54/DG.13/Add.1 C-13/DG.5/Add.1, dated 18 November 2008).
- 18.6 The Conference **further noted** that the Second Review Conference had underlined that the goal of universality shall be pursued as a matter of high priority and **called upon** the Director-General, the Secretariat, the policy-making organs and all States Parties in a position to do so to intensify their efforts with States not Party with a view to achieving full universality at the earliest possible date.

19. AGENDA ITEM NINETEEN – Implementation of the Programme for Africa

- 19.1 The Conference **welcomed** the positive steps that the Secretariat is undertaking on the implementation of the Programme for Africa. In this regard, the Conference **noted** that the African States Parties had expressed their appreciation to donor States Parties for their voluntary contributions and **encouraged** further voluntary contributions through the Programme for Africa.

19.2 The Conference **noted** the Note by the Director-General on the Programme to Strengthen Cooperation with Africa (C-13/DG.8, dated 27 November 2008).

20. AGENDA ITEM TWENTY – Reports of subsidiary bodies

Committee of the Whole

20.1 The Conference **noted** that, during this Session of the Conference, no items had been allocated to the Committee of the Whole.

General Committee

20.2 The Conference **noted** the reports of the General Committee, and took appropriate action as required.

Confidentiality Commission

20.3 The Conference **noted** the report of the Tenth Meeting of the Commission for the Settlement of Disputes Related to Confidentiality (hereinafter “the Confidentiality Commission”) (CC-10/2, dated 27 May 2008).

20.4 In accordance with paragraph 23 of the Confidentiality Annex to the Convention and Rule 2(b) of the Operating Procedures of the Confidentiality Commission (C-III/DEC.10/Rev.1, dated 2 December 2004), the Conference **elected** the following 20 members of the Confidentiality Commission for a term of two years, beginning on 1 January 2009:

Africa	Ambassador Omer Dahab Fadl Mohamed (Sudan) Mr Lebogang Montjane (South Africa) Dr Charles Muzanila (Tanzania) Mr Austen Oniwon (Nigeria)
Asia	Mr Gholamhossein Dehghani (Islamic Republic of Iran) Mr Yu Dunhai (China) Ms Haruka Katarao (Japan) Dr A.R. Sihag (India)
Eastern Europe	Mr Jan Chára (Czech Republic) Mr Victor Golovkin (Russian Federation) Mr Feliks Kovalskyi (Ukraine) Mr Valentin Tzanev Dontchev (Bulgaria)
Latin America and the Caribbean	Mr Luis Enrique Chávez Basagoitia (Peru) Mr Jesús M. Cuevillas (Cuba) Ms Fanny de Lourdes Puma (Ecuador) Mrs Silvia Raiola (Argentina)

Western European and Other
States

Mr Christian Arentz (Norway)
Mr Anthony Aust (United Kingdom of Great
Britain and Northern Ireland)
Ms Susan Richey (United States of America)
Prof. Christoph Vedder (Germany)

Credentials Committee

- 20.5 The report of the Credentials Committee (C-13/3, dated 4 December 2008) was presented by its Chairperson, Ambassador Mikko Jokela of Finland. The Chairperson reported orally that, following the close of the Credentials Committee meeting, original credentials were received for the representatives of Bangladesh, Colombia, Gabon, Nigeria, and Uzbekistan, and an official communication was received regarding the representation of Burundi, Chile, and Uganda. Formal credentials will be submitted for the latter in due course. The Conference **noted** this additional information and **approved** the report.

Committee on Relations with the Host Country

- 20.6 The Conference **considered** and **noted** a report by the Committee on Relations with the Host Country on the performance of its activities in 2008 (C-13/HCC/1, dated 10 November 2008).

21. AGENDA ITEM TWENTY-ONE – Any other business

No matters were considered under this item.

22. AGENDA ITEM TWENTY-TWO – Adoption of the report of the Conference of the States Parties

The Conference **considered** the report of its Thirteenth Session. There was no consensus on the adoption of the report due to the circumstances described in paragraph 9.7.

23. AGENDA ITEM TWENTY-THREE – Closure

The Chairperson closed the Thirteenth Session of the Conference on 5 December 2008.