



OPCW

Conference of the States Parties

Eighth Session
20 – 24 October 2003

C-8/7
24 October 2003
Original: ENGLISH

**REPORT OF THE EIGHTH SESSION
OF THE CONFERENCE OF THE STATES PARTIES
20 – 24 OCTOBER 2003**

1. AGENDA ITEM ONE – Opening of the session

- 1.1 The Eighth Session of the Conference of the States Parties (hereinafter “the Conference”) was opened at 11:02 on 20 October 2003 by the Chairman of the Seventh Session of the Conference, Ambassador Nouredine Djoudi of Algeria. The Conference received a message from the Secretary-General of the United Nations (C-8/6, dated 20 October 2003).
- 1.2 The following 117 States Parties participated in the Eighth Session of the Conference: Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d’Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Tonga, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, and Zambia.
- 1.3 In accordance with Rule 67 of its Rules of Procedure, the Conference **permitted** the Republic of Burundi to exert its right to vote during this session of the Conference (C-8/DEC.6, dated 23 October 2003).
- 1.4 In accordance with Rule 29 of the Rules of Procedure of the Conference, the following signatory States participated in this session of the Conference as observers: Chad and Israel.



- 1.5 In accordance with Rule 30 of the Rules of Procedure of the Conference, and pursuant to decision C-8/DEC.5, dated 23 October 2003, the following non-signatory States were accorded observer status: Iraq and the Libyan Arab Jamahiriya.
- 1.6 In accordance with Rules 31 and 32, and pursuant to decision C-8/DEC.1, dated 20 October 2003, eight international organisations, specialised agencies, and other international bodies attended this session of the Conference.
- 1.7 The Conference, in decision C-8/DEC.2, dated 20 October 2003, **approved** the participation of nine non-governmental organisations and two chemical industry associations in this session of the Conference.

2. AGENDA ITEM TWO - Election of the Chairman

In accordance with Rules 34 and 35 of its Rules of Procedure, the Conference, by acclamation, **elected** as its Chairperson Ambassador Noor Farida Ariffin of Malaysia, who shall hold office until her successor is elected at the next regular session of the Conference.

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

- 3.1 In accordance with Rules 34 and 35 of its Rules of Procedure of, the Conference **elected** representatives of the following ten States Parties as Vice-Chairmen of the Conference, to hold office until their successors are elected at its next regular session: Bosnia and Herzegovina, Guatemala, India, Japan, Mexico, Nigeria, Poland, South Africa, Switzerland, and United States of America.
- 3.2 Also in accordance with Rules 34 and 35 of the same Rules, the Conference **elected** Ambassador Nouredine Djoudi of Algeria Chairman of the Committee of the Whole, to hold office until a new Chairman is elected at the next regular session of the Conference.

4. AGENDA ITEM FOUR - Adoption of the agenda

The Conference **adopted** the following agenda for its Eighth Session:

AGENDA ITEM ONE – Opening of the Session

AGENDA ITEM TWO – Election of the Chairman

AGENDA ITEM THREE – Election of Vice-Chairmen 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 the implementation of the Convention

AGENDA ITEM TEN – Report of the OPCW for 2002

AGENDA ITEM ELEVEN – Report of the Executive Council on the performance of its activities

AGENDA ITEM TWELVE – Election of members of the Executive Council

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

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

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

AGENDA ITEM SIXTEEN – Agreements on the privileges and immunities of the OPCW

AGENDA ITEM SEVENTEEN – Ensuring the universality of the Convention

AGENDA ITEM EIGHTEEN – Reports of subsidiary bodies:

- (a) The Committee of the Whole
- (b) The General Committee
- (c) The Confidentiality Commission
- (d) The Credentials Committee

AGENDA ITEM NINETEEN – Any other business

AGENDA ITEM TWENTY – Date and duration of the next regular session of the Conference of the States Parties

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

AGENDA ITEM TWENTY-TWO – Closure

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

- 5.1 The Conference **adopted** appropriate recommendations of the General Committee, reported to it in accordance with Rule 43 of the Rules of Procedure of the Conference.
- 5.2 The Conference **adopted** the recommendation of the General Committee to close the Eighth Session of the Conference on 24 October 2003.

6. AGENDA ITEM SIX - Appointment of the Credentials Committee

In accordance with Rule 27 of the Rules of Procedure, the Conference, following the proposal of its Chairperson, **appointed** the following ten members of the Credentials Committee to hold office until new members are appointed at the next regular session of the Conference: Austria, Cameroon, Cuba, Czech Republic, Jordan, Namibia, Pakistan, Portugal, Ukraine, and Uruguay.

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

The Conference **noted** the opening statement by the Director-General (C-8/DG.7, dated 20 October 2003).

8. AGENDA ITEM EIGHT - General debate

The following delegations made statements during the general debate: Italy (on behalf of the European Union and acceding and associated countries, and of the European Free Trade Association countries Iceland and Norway), the Russian Federation, South Africa, Singapore, Norway, China, the United States of America, Panama, Switzerland, Japan, Korea, the Philippines, Mexico, Malaysia (on behalf of the Non-Aligned Movement and China), India, the Czech Republic, Morocco, Brazil, France, Nigeria, Algeria, Romania, Turkey, Cuba, Ukraine, Bangladesh, Pakistan, the Islamic Republic of Iran, Saudi Arabia, Albania, Slovakia, Qatar, the Sudan, Canada, Mauritius, Viet Nam, Peru, Argentina, and Bosnia and Herzegovina.

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

National implementation measures

- 9.1. The Conference **noted** the information on national implementation measures that the Secretariat had compiled, analysed, and forwarded to the Conference for its consideration at this session (C-8/DG.5, dated 18 September 2003, and Add.1*, dated 23 October 2003).

Implementation of the regime governing the handling of confidential information by the Technical Secretariat in 2002

- 9.2. The Conference **noted** the Note by the Director-General on the implementation of the regime governing the handling of confidential information by the Secretariat in 2002 (EC-32/DG.16 C-8/DG.1, dated 12 March 2003).

A non-exhaustive list of illustrative examples of chemical weapons that meet the definitions contained in subparagraphs 1(b) and 1(c) of Article II of the Chemical Weapons Convention

- 9.3. The Conference **noted** the Note by the Director-General on a non-exhaustive list of illustrative examples of chemical weapons that meet the definitions contained in Article II, subparagraphs 1(b) and 1(c), of the Convention (C-8/DG.2, dated 10 April 2003).

10. AGENDA ITEM TEN - Report of the OPCW for 2002

The Conference **considered** and **approved** the report of the OPCW on the implementation of the Chemical Weapons Convention in 2002 (C-8/5, dated 22 October 2003).

11. AGENDA ITEM ELEVEN - Report of the Executive Council on the performance of its activities

- 11.1 The Conference **noted** the report of the Executive Council (hereinafter “the Council”) on the performance of its activities in the period from 17 July 2002 to 27 June 2003 (EC-34/3 C-8/3, dated 23 September 2003). The report was introduced by the Chairman of the Council, Ambassador Petr Kubernát of the Czech Republic, who also introduced the recommendations of the Council that required the attention of the Conference, including those made after the cut-off date for the above report.

Recommendations of the Council to the Conference

Extension of deadlines for the destruction of Category 1 chemical weapons stockpiles

- 11.2 In accordance with the recommendation of the Council at its Twenty-Third Meeting, the Conference **considered** and **adopted** a decision on a request by the Russian Federation for an extension of the intermediate and final deadlines for the destruction of its Category 1 chemical weapons (C-8/DEC.13, dated 24 October 2003).
- 11.3 In accordance with the recommendation of the Council at its Twenty-Third Meeting, the Conference **considered** and **adopted** a decision on a request by a State Party for an extension of the intermediate deadline for the destruction of its Category 1 chemical weapons stockpiles (C-8/DEC.14, dated 24 October 2003).
- 11.4 In accordance with the recommendation of the Council at its Twenty-Third Meeting, the Conference **considered** and **adopted** a decision on a request by the United States of America for an extension of the intermediate and final deadlines for the destruction of its Category 1 chemical weapons (C-8/DEC.15, dated 24 October 2003).

Procedures for revising the technical specifications for approved equipment

- 11.5 The Council at its Thirty-First Session approved, for provisional application, procedures for revising the technical specifications for approved equipment (EC-31/DEC.8, dated 12 December 2002). In accordance with the recommendation

of the Council, the Conference **approved** these procedures (C-8/DEC.3, dated 22 October 2003).

Understandings regarding declarations under Article VI and Part VII and Part VIII of the Verification Annex to the Convention

- 11.6 In accordance with the recommendation of the Council, the Conference **considered** and **adopted** a decision on understandings regarding declarations under Article VI and Parts VII and VIII of the Verification Annex to the Convention (C-8/DEC.7, dated 23 October 2003).

Tenure policy of the OPCW – withholding of the distribution of cash surplus

- 11.7 In accordance with the recommendation of the Council at its Twenty-Third Meeting, the Conference **considered** and **adopted** a decision concerning the withholding of the distribution of cash surplus (C-8/DEC.19, dated 24 October 2003).

Reports of the External Auditor and the audited financial statements of the OPCW for 2002

- 11.8 The Conference **noted** the audited financial statements of the OPCW for 2002, including the response of the Director-General to the External Auditor's report (EC-33/DG.5 C-8/DG.3, dated 10 June 2003). In accordance with Financial Regulation 13.10, these audited financial statements and the External Auditor's report and opinion thereon had been forwarded by the Council with its comments to the Conference (subparagraph 17.2 of EC-34/5, dated 26 September 2003).

Report of the Office of Internal Oversight for 2002

- 11.9 The Conference **noted** the report of the Office of Internal Oversight (OIO) for the period from 1 January to 31 December 2002, and the accompanying Note by the Director-General (EC-34/DG.4, dated 17 June 2003; Corr.1, dated 18 August 2003; and Corr.2, dated 19 September 2003), which had been transmitted to it through the Council at its Thirty-Fourth Session. The Conference also **noted** the comments of the Council at its Thirty-Fourth Session on the work carried out by the OIO (paragraph 16 of EC-34/5).

Amendments to the OPCW Financial Regulations

- 11.10 The Conference **approved** the amendments to the Financial Regulations that the Director-General had submitted to it through the Council (C-8/DEC.4, dated 22 October 2003).

The use of the Working Capital Fund

- 11.11 The Conference **noted** the Note by the Director-General on the use of the Working Capital Fund, which the Council had forwarded to it (EC-34/DG.12, dated 12 September 2003).

Plan of action regarding the implementation of Article VII obligations

- 11.12 Based on the recommendation of the Council at its Twenty-Third Meeting, and following a request by the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention, the Conference **approved** a plan of action regarding the implementation of Article VII obligations, with the objective of fostering the full and effective implementation of the Convention by all States Parties (C-8/DEC.16, dated 24 October 2003).

12. AGENDA ITEM TWELVE - Election of members of the Executive Council

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** 20 members to elective places on the Council, to serve a term of two years, commencing on 12 May 2004:

Africa:	Algeria, Kenya, Morocco, South Africa
Asia:	Iran (Islamic Republic of), Malaysia, Pakistan, Sri Lanka
Eastern Europe:	Russian Federation, Serbia and Montenegro, Ukraine
Latin America and the Caribbean:	Cuba, Panama, Peru, Uruguay
Western Europe and Other States:	Greece, Netherlands, New Zealand, Norway, Spain

13. AGENDA ITEM THIRTEEN - Programme and budget of the OPCW, submitted by the Executive Council for the ensuing financial period, and all items pertaining to this budget

Programme and budget of the OPCW for 2004

- 13.1 In accordance with Article VIII, paragraph 21(a), of the Convention, and with Financial Regulation 3.6(a), the Conference **considered** and **adopted** the OPCW programme and budget for 2004, which the Council had submitted to it (C-8/DEC.17, dated 24 October 2003).
- 13.2 The Conference **noted** the medium-term plan for 2005 to 2007 (C-8/S/1, dated 24 October 2003).

Articles IV and V income

- 13.3 The Conference **considered** and **adopted** a decision on the late receipt of Articles IV and V income (C-8/DEC.18, dated 24 October 2003).

Planned increase in the Article VI inspection programme for 2003

- 13.4 The Council at its Thirty-Fourth Session had noted the Note by the Director-General concerning a planned increase in the number of Article VI inspections to be conducted in 2003 enabled by savings identified by the Director-General (EC-34/DG.11, dated 4 September 2003) and had forwarded it to the Conference for consideration. The Conference did not reach an agreement on this issue.

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

In accordance with Article VIII, paragraph 21(b), of the Convention, the Conference **adopted** the scale of assessments for 2004 as contained in C-8/DEC.20, dated 24 October 2003.

15. AGENDA ITEM FIFTEEN - Fostering of international cooperation for peaceful purposes in the field of chemical activities

- 15.1 The Conference **noted** statements by the following delegations in relation to this agenda item: the Islamic Republic of Iran, India, and Pakistan.

- 15.2 The Conference **referred** this matter to the Council for its further consideration, with a view to the Council forwarding a proposal to the Conference at its Ninth Session for its consideration and approval.

16. AGENDA ITEM SIXTEEN – Agreements on the privileges and immunities of the OPCW

- 16.1 The Conference **adopted** a decision on the draft agreement between Bosnia and Herzegovina and the OPCW on the privileges and immunities of the OPCW (C-8/DEC.8, dated 23 October 2003).

- 16.2 The Conference **adopted** a decision on the draft agreement between the Republic of Burundi and the OPCW on the privileges and immunities of the OPCW (C-8/DEC.9, dated 23 October 2003).

- 16.3 The Conference **adopted** a decision on the draft agreement between the Republic of Cyprus and the OPCW on the privileges and immunities of the OPCW (C-8/DEC.10, dated 23 October 2003).

- 16.4 The Conference **adopted** a decision on the draft agreement between the Slovak Republic and the OPCW on the privileges and immunities of the OPCW (C-8/DEC.11, dated 23 October 2003).

- 16.5 The Conference **considered** and **adopted** a decision on privileges and immunities agreements between the OPCW and States Parties (C-8/DEC.12, dated 23 October 2003).

17. AGENDA ITEM SEVENTEEN - Ensuring the universality of the Convention

- 17.1 The Conference **noted** the report by the Director-General on the implementation of the recommendation of the Conference at its Seventh Session on ensuring the universality of the Convention (C-8/DG.4, dated 1 August 2003).
- 17.2 The Conference **noted** the action plan for the universality of the Chemical Weapons Convention, which had been brought to its attention by the Council (EC-M-23/DEC.3, dated 24 October 2003).

18. AGENDA ITEM EIGHTEEN - Reports of subsidiary bodies

The Committee of the Whole

- 18.1 The Conference **noted** that during this session of the Conference no items had been allocated to the Committee of the Whole.

The General Committee

- 18.2 The Conference **noted** the reports of the General Committee, and took appropriate action.

The Confidentiality Commission

- 18.3 The Conference **noted** the report of the Fifth Meeting of the Commission on the Settlement of Disputes Relating to Confidentiality (CC-V/2, dated 7 October 2003). The report was introduced by the Commission Chairman, Professor Dieter Umbach of Germany.

The Credentials Committee

- 18.4 The report of the Credentials Committee was presented by its Chairperson, Mrs Rita Guerra Bingre do Amaral of Portugal. The Conference **approved** the report, together with the supplementary information provided by the Chairperson (C-8/4/Rev.1, dated 14 November 2003)

19. AGENDA ITEM NINETEEN – Any other business

Complaint before the International Labour Organisation Administrative Tribunal

- 19.1 With reference to this matter, the International Labour Organisation Administrative Tribunal (ILOAT) handed down its judgment no. 2232 on 16 July 2003 (see the Note by the Chairman of the Conference of the States Parties, C-8/1, dated 24 July 2003) in the case brought before it by the former Director-General of the OPCW, Mr José Mauricio Bustani. The Conference **noted** this judgment.

- 19.2 The Conference **instructed** the OPCW's lawyers to approach Mr Bustani's lawyers to arrange a settlement. If agreed, this would constitute a full and final settlement of the case.
- 19.3 In the event that the negotiations with Mr Bustani prove unsuccessful, the OPCW reserves for itself the right to request the ILOAT to review its judgment no. 2232 with respect to the damages awarded.
- 19.4 The Conference **requested** the Chairperson of the Conference and the Director-General to keep the Council and the Conference informed of developments.
- 19.5 The delegations of Brazil, Canada, and the United States of America made statements under this agenda item (C-8/NAT.4, C-8/NAT.5 and C-8/NAT.6 respectively, all dated 24 October 2003).

20. AGENDA ITEM TWENTY – Date and duration of the next regular session of the Conference of the States Parties

The Conference **decided** to hold its Ninth Session from 29 November to 3 December 2004, with the proviso that, should the conference facilities not be available during that week, the Ninth Session shall be held from 6 to 10 December 2004.

21. AGENDA ITEM TWENTY-ONE – Adoption of the report of the Conference of the States Parties

The Conference **considered** and **adopted** the report of its Eighth Session.

22. AGENDA ITEM TWENTY-TWO - Closure

The Chairperson of the Conference **closed** its Eighth Session at 22:15 on 24 October 2003.