



**OPCW**

**Conference of the States Parties**

Ninth Session  
29 November – 2 December 2004

C-9/6  
2 December 2004  
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**REPORT OF THE NINTH SESSION  
OF THE CONFERENCE OF THE STATES PARTIES**

**1. AGENDA ITEM ONE – Opening of the Session**

- 1.1 The Ninth Session of the Conference of the States Parties (hereinafter “the Conference”) was opened at 10:50 on 29 November 2004 in The Hague by the Chairperson of the Eighth Session, Ambassador Noor Farida Ariffin of Malaysia. The Conference received a message from the Secretary-General of the United Nations, delivered by his special representative, Mr Sergei Ordzhonikidze.
- 1.2 The following 120 States Parties participated in the Ninth Session of the Conference: Albania, Algeria, Andorra, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, 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, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lesotho, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, 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, Rwanda, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Viet Nam, Yemen, and Zimbabwe.
- 1.3 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: Congo, Democratic Republic of the Congo, Honduras, and Israel.



- 1.4 In accordance with Rule 30 of the Rules of Procedure of the Conference, and pursuant to decision C-9/DEC.1, dated 29 November 2004, the following non-signatory State was accorded observer status: Iraq.
- 1.5 In accordance with Rules 31 and 32 of the Rules of Procedure of the Conference, and pursuant to decision C-9/DEC.2, dated 29 November 2004, five international organisations, specialised agencies, and other international bodies attended this session of the Conference.
- 1.6 The Conference, in decision C-9/DEC.3, dated 29 November 2004, **approved** the participation of thirteen non-governmental organisations and 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 Chairman Mr Krzysztof Patulej of Poland, who shall hold office until his 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 Rule 34 of its Rules of Procedure 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: Algeria, Iran (Islamic Republic of), Kenya, Nicaragua, Pakistan, Paraguay, Russian Federation, Slovakia, Switzerland, and United States of America.
- 3.2 Also in accordance with Rules 34 and 35 of its Rules, the Conference **elected** as Chair of the Committee of the Whole Ambassador Noor Farida Ariffin of Malaysia, who shall hold office until a new Chair 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 Ninth 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 2003

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 – Administrative and financial matters

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

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

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**

The Conference **considered** and **adopted** appropriate recommendations of the General Committee, reported to it in accordance with Rule 43 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 proposal of its Chairman, **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, Brazil, Cameroon, Czech Republic, Guatemala, Hungary, Kuwait, Namibia, New Zealand, and Saudi Arabia.

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

The Conference **noted** the opening statement by the Director-General (C-9/DG.8, dated 29 November 2004, and Corr.1, dated 29 November 2004).

**8. AGENDA ITEM EIGHT – General debate**

The following delegations made statements during the general debate: the Netherlands (on behalf of the European Union and associated partners), China, the United States of America, Colombia, the Philippines, Norway, Switzerland, Romania, Japan, South Africa, Malaysia (on behalf of the Non-Aligned Movement and China), New Zealand, the Sudan (on behalf of the African Group), the Republic of Korea, Saudi Arabia, Pakistan, Canada, Nigeria, Mexico, Singapore, Ukraine, Kenya, Madagascar, Australia, the Russian Federation, Turkey, Morocco, the Czech Republic, India, Cuba, the Islamic Republic of Iran, Austria, Portugal, Slovakia, Bosnia and Herzegovina, Thailand, the Libyan Arab Jamahiriya, the Sudan, Nepal, Brazil, Algeria, Croatia, Jamaica, Serbia and Montenegro, and Qatar.

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

**Progress report on the implementation of the plan of action regarding the implementation of Article VII obligations**

- 9.1. The Conference at its Eighth Session approved a plan of action regarding the implementation of Article VII of the Convention (C-8/DEC.16, dated 24 October 2003). It also requested the Secretariat, *inter alia*, to report to it at its Ninth Session on the progress made in implementing the plan of action (C-9/DG.7, dated 23 November 2004). The Conference at its Eighth Session also undertook to review at its Ninth the progress made in implementing this plan of action (paragraph 19 of C-8/DEC.16). The Conference **considered** the Secretariat's report, and on the basis of a recommendation of the Executive Council (hereinafter "the Council") at its Twenty-Fourth Meeting **adopted** a decision on further related action needed (C-9/DEC.4, dated 30 November 2004).

**Implementation of the regime governing the handling of confidential information by the Technical Secretariat in 2003**

- 9.2. The Conference **took note** of the report by the Director-General on the implementation of the regime governing the handling of confidential information by the Secretariat in 2003 (EC-36/DG.9 C-9/DG.2, dated 11 February 2004).

**10. AGENDA ITEM TEN – Report of the OPCW for 2003**

The Conference **adopted** the report of the OPCW on the implementation of the Convention in 2003, which was referred to it by the Council at its Thirty-Seventh Session (C-9/5, dated 30 November 2004).

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

- 11.1 The Conference **took note** of the report of the Council on the performance of its activities in the period from 28 June 2003 to 2 July 2004 (EC-38/3 C-9/3, dated 12 October 2004). The report was introduced by the Chairman of the Council, Ambassador José Antonio Arróspide of Peru, who also elaborated on 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**

(a) Inclusion of an additional item on the list of approved equipment

In accordance with a recommendation by the Council at its Thirty-Sixth Session (EC-36/DEC.1, dated 23 March 2004), the Conference **considered** and **adopted** a decision on the inclusion of an additional item on the list of approved equipment (C-9/DEC.5, dated 30 November 2004).

(b) Understanding of the concept of “captive use” in connection with declarations of production and consumption under Parts VII and VIII of the Verification Annex to the Chemical Weapons Convention

In accordance with a recommendation by the Council at its Thirty-Sixth Session (EC-36/DEC.12, dated 26 March 2004), the Conference **considered** and **adopted** a decision on the understanding of the concept of “captive use” in connection with declarations of production and/or consumption under Parts VII and VIII of the Verification Annex to the Convention (hereinafter “the Verification Annex”) (C-9/DEC.6, dated 30 November 2004).

(c) Extension of deadlines for the destruction of Category 1 chemical weapons stockpiles

(i) In accordance with a recommendation of the Council at its Thirty-Seventh Session (EC-37/DEC.8, dated 1 July 2004), the Conference **considered** and **adopted** a decision approving a request by the Libyan Arab Jamahiriya for extensions of the intermediate deadlines for the destruction of its Category 1 chemical weapons stockpiles (C-9/DEC.7, dated 30 November 2004).

(ii) In accordance with a recommendation of the Council at its Thirty-Seventh Session (EC-37/DEC.9, dated 1 July 2004), the Conference **considered** and **adopted** a decision approving a request by Albania for extensions of the intermediate deadlines for the destruction

of its Category 1 chemical weapons stockpiles (C-9/DEC.8, dated 30 November 2004).

(d) Request for conversion of chemical weapons production facilities for purposes not prohibited under the Convention

Following a request by the Libyan Arab Jamahiriya to use the chemical weapons production facilities (CWPFs) Rabta Pharmaceutical Factories 1 and 2, Rabta, the Libyan Arab Jamahiriya, for purposes not prohibited under the Convention, the Director-General submitted a report to the Council on the request (EC-38/DG.10, dated 10 September 2004; Corr.1, dated 8 October 2004; Corr.2, dated 12 October 2004; and Corr.3, dated 23 November 2004). In accordance with paragraph 75 of Part V of the Verification Annex, as soon as possible after receiving the report of the Director-General, the Conference, upon the recommendation of the Council, shall decide, taking into account the report and any views expressed by States Parties, whether to approve the request, and shall establish the conditions upon which approval is contingent. The Council considered this request at its Twenty-Fourth Meeting, and recommended that the Conference approve this request and establish a deadline for the completion of this conversion. The Conference **considered** the request, and **adopted** a decision approving it and establishing the deadline for the completion of the conversion (C-9/DEC.9, dated 30 November 2004).

(e) Submission of information regarding national programmes related to protective purposes, pursuant to Article X, paragraph 4 of the Convention

The First Review Conference had requested the Council to expeditiously develop and submit for adoption the procedures called for by the Convention regarding the annual submission by each State Party of information on its national programme related to protective purposes (paragraph 7.94 of RC-1/5). The Council at its Twenty-Fourth Meeting considered and adopted a recommendation to the Conference at its Ninth Session on submission of information regarding national programmes related to protective purposes pursuant to Article X, paragraph 4 of the Convention (EC-M-24/DEC.6, dated 24 November 2004). The Conference **considered** and **adopted** a decision on this issue (C-9/DEC.10, dated 30 November 2004).

## 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** the following 21 members to serve on the Council for a term of 2 years, commencing on 12 May 2005:

Africa:	Gabon, Ghana, Lesotho, Sudan, Tunisia
Asia:	China, India, Japan, Republic of Korea, Saudi Arabia

Eastern Europe:	Poland, Romania
Latin America and the Caribbean:	Argentina, Brazil, Colombia, Mexico
Western Europe and other States:	France, Germany, Italy, United Kingdom of Great Britain and Northern Ireland, United States of America

### **13. AGENDA ITEM THIRTEEN – Administrative and financial matters**

#### **Report of the Office of Internal Oversight for 2003**

- 13.1 In accordance with Regulation 12.5 of the OPCW Financial Regulations, the Council at its Thirty-Seventh 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 2003, and the accompanying Note by the Director-General (EC-37/DG.5, dated 7 May 2004; Corr.1, dated 17 May 2004; and Corr.2, dated 9 June 2004). The Conference **noted** this report, as well as the comments on it in the report of the Thirty-Seventh Session of the Council (EC-37/4, dated 2 July 2004).

#### **Amendments to the OPCW Financial Regulations**

- 13.2 In accordance with a recommendation of the Council at its Thirty-Seventh Session regarding amendments to the OPCW Financial Regulations (EC-37/DEC.12, dated 2 July 2004), and pursuant to Regulation 16.1 of those Regulations, the Conference **considered** and **adopted** the amendments in question (C-9/DEC.11, dated 2 December 2004).

#### **Transfers of funds between programmes in 2003**

- 13.3 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 (C-9/DG.5, dated 1 November 2004).

#### **The Working Capital Fund and the late receipt of Article IV and V income**

- 13.4 In accordance with a recommendation of the Council at its Thirty-Seventh Session concerning the Working Capital Fund and the late receipt of Article IV and V income (EC-37/DEC.11, dated 1 July 2004), the Conference **considered** and **adopted** a decision on this issue (C-9/DEC.12, dated 2 December 2004).
- 13.5 The Conference at its Eighth Session requested the Director-General to report to its Ninth, through the Council, on details of transfers from and replenishments to the Working Capital Fund (C-8/DEC.17, dated 24 October 2003). The Council had forwarded a Note by the Director-General (EC-38/DG.20, dated 21 September 2004) to the Conference, which **noted** it.

### **Report on the use of the Special Account for the 2001 Cash Surplus**

- 13.6 The Conference at its Eighth Session approved the establishment of a special account in accordance with Financial Regulation 6.9, and requested the Director-General to report to its Ninth Session on the operation of the special account and to make recommendations for a decision by the Conference on the future application of the balance (C-8/DEC.19, dated 24 October 2003). The Conference **considered** and **noted** this report (C-9/DG.6, dated 18 November 2004).

### **Amendments to the terms of reference of the Scientific Advisory Board**

- 13.7 In the light of the proposal submitted by the Director-General to the Council at its Thirty-Eighth Session to increase the number of seats on the Scientific Advisory Board from 20 to 25 (EC-38/DG.18, dated 16 September 2004), and of the Council's recommendation that the Conference amend the terms of reference of the Scientific Advisory Board (EC-38/DEC.11, dated 14 October 2004), the Conference **considered** and **approved** these amendments (C-9/DEC.13, dated 2 December 2004).

### **Reports of the External Auditor on the audited financial statements of the OPCW for 2003**

- 13.8 In accordance with Regulation 13.10 of the OPCW Financial Regulations, the Council at its Thirty-Eighth Session forwarded to the Conference the report of the External Auditor on the audit of the OPCW's accounts and those of its Provident Fund for the period ended 31 December 2003 (EC-38/DG.3 C-9/DG.3, dated 22 July 2004). This report was introduced by the External Auditor, Mr Muhammad Yunis Khan of Pakistan. The Conference **considered** and **noted** this report, as well as the Council's comments on it, which appear in the report of its Thirty-Eighth Session (EC-38/2, dated 15 October 2004).

14. **AGENDA ITEM FOURTEEN – 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**

- 14.1 The Conference, pursuant to Financial Regulation 3.6(a), **considered** and **adopted** a decision on the OPCW Programme and Budget for 2005 (C-9/DEC.14, dated 2 December 2004) based on a recommendation of the Council at its Twenty-Fourth Meeting.
- 14.2 The delegation of Nicaragua made a statement on behalf of delegations from Latin America and the Caribbean (C-9/NAT.3, dated 2 December 2004).
- 14.3 The Conference **noted** the Medium-Term Plan for 2005 to 2007 (C-9/S/1, dated 2 December 2004).



**15. AGENDA ITEM FIFTEEN – Scale of assessments to be paid by States Parties**

- 15.1 The Conference **adopted** a decision on the scale of assessments to be paid by States Parties for the financial year 2005 (C-9/DEC.15, dated 2 December 2004).
- 15.2 The delegation of Nicaragua made a statement on behalf of delegations from Latin America and the Caribbean (C-9/NAT.4, dated 2 December 2004).

**16. AGENDA ITEM SIXTEEN – Fostering of international cooperation for peaceful purposes in the field of chemical activities**

- 16.1 At its Eighth Session the Conference referred the matter of the fostering of international cooperation for peaceful purposes in the field of chemical activities to the Council for its further consideration and so that the Council could submit a proposal to the Conference at its Ninth Session for consideration and approval (paragraph 15.2 of C-8/7). The Council at its Thirty-Eighth Session considered the matter and in view of its status decided to consider it further at a future session.
- 16.2 The Conference **underlined** that economic and technological development, through international cooperation in the field of chemical activities for purposes not prohibited under the Convention in accordance with the provisions of Article XI, is a core objective of the Organisation.
- 16.3 The Conference **recalled** the importance of fostering international cooperation and assistance activities and **encouraged** the Council to expedite consultations on Article XI and to include in its consideration concrete proposals.
- 16.4 The Conference **referred** the matter of the full implementation of Article XI to the Council for its consideration, with a view to the Council's forwarding a proposal to the Conference at its Tenth Session for its consideration.

**17. AGENDA ITEM SEVENTEEN – Ensuring the universality of the Convention**

- 17.1 The Conference **considered** and **noted** the report by the Director-General on the implementation of the action plan for the universality of the Convention (C-9/DG.4 EC-38/DG.21, dated 4 October 2004).
- 17.2 The Conference **underlined** the importance of continuing efforts by the States Parties and the Secretariat to further promote the universality of the Convention.

**18. AGENDA ITEM EIGHTEEN – Reports of subsidiary bodies**

**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.

**General Committee**

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

### **Confidentiality Commission**

- 18.3 The Conference **noted** the report of the Sixth Meeting of the Confidentiality Commission (CC-6/2, dated 2 November 2004). The Conference requested the Secretariat to take necessary measures for a dispute-settlement workshop to be held during the Seventh Session of the Confidentiality Commission in 2005.
- 18.4 The Conference **considered and approved** the amendments to the Operating Procedures of the Confidentiality Commission (C-9/DEC.16, dated 2 December 2004).
- 18.5 The Conference **appointed** the following 20 members of the Confidentiality Commission for a term of 2 years starting from 1 January 2005:

Africa:	Mr Abderrahim Chakour of Morocco, Dr Samuel Edokobi Ofodile of Nigeria, Prof. Omar Dahab of Sudan, Prof. Victor Mtetwa of Swaziland,
Asia:	Mr Tatsuya Abe of Japan, Mr Golamhossein Dehghani of the Islamic Republic of Iran, Mr Chen Kai of China, Mr Krishnamurthy Sekhar of India
Eastern Europe:	Dr Kvetoslava Pamánková of the Czech Republic, Mr Victor Golovkin of the Russian Federation, Mr Feliks Kovalskyi of Ukraine, Mr Rastislav Majorsky of Slovakia
Latin America and the Caribbean:	Mr Luis Enrique Chavez of Peru, Mr Gonzalo Casas Leguizamón of Uruguay, Ms Nélica Contreras de Ecker of Argentina, Mr Bennsy Cruz Sánchez of Cuba
Western European and other States:	Mr Christian Arentz of Norway, Prof. Ioannis Seimenis of Greece, Dr Gianfranco Tracci of Italy, and Prof. Christoph Vedder of Germany.

### **Credentials Committee**

- 18.6 The report of the Credentials Committee (C-9/4/Rev.1., dated 2 December 2004) was presented by Mrs Letta Hangala on behalf of its Chairman, Ambassador Peter Khatjavivi of Namibia.

### **19. AGENDA ITEM NINETEEN – Any other business**

No issues were raised under this agenda item.

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

The Conference **decided** that its next regular Session will take place from 7 to 11 November 2005.

**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 Ninth Session.

**22. AGENDA ITEM TWENTY-TWO – Closure**

The Chairman closed the Ninth Session of the Conference at 17:24 hours on 2 December 2004.

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