



**REPORT OF THE SECOND SESSION
OF THE CONFERENCE OF THE STATES PARTIES**

1. Introduction

- 1.1 The following 82 States Parties, for two of which the Convention entered into force during the Second Session of the Conference, participated in that session: Albania, Algeria, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, Iceland, India, Iran (Islamic Republic of) [from 3 December 1997], Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Latvia, Lesotho, Luxembourg, Malta, Mexico, Monaco, Morocco, Netherlands, New Zealand, Niger, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation [from 5 December 1997], Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, and Zimbabwe.
- 1.2 The Islamic Republic of Iran and the Russian Federation participated in accordance with Rule 29 of the Rules of Procedure of the Conference until the Convention entered into force for them on 3 and 5 December 1997 respectively.
- 1.3 In accordance with Rule 29 of the Rules of Procedure of the Conference, the following 18 States participated in the Conference: Bolivia, Cape Verde, Colombia, Cyprus, Gambia, Guatemala, Haiti, Holy See, Indonesia, Israel, Kazakhstan, Lithuania, Malaysia, Nigeria, Thailand, Ukraine, United Arab Emirates, and Venezuela.
- 1.4 In accordance with Rule 30 of the Rules of Procedure of the Conference, representatives of the following non-signatory States were granted observer status: Botswana, and Libyan Arab Jamahiriya (decision C-II/DEC.1, dated 3 December 1997).

- 1.5 The International Atomic Energy Agency, the International Bureau of the Permanent Court of Arbitration, the International Narcotics Control Board, and the United Nations Development Programme attended the Conference in accordance with decision C-II/DEC.2, dated 1 December 1997.
- 1.6 Eight non-governmental organisations and research institutes attended this session of the Conference in accordance with decision C-II/DEC.2, dated 1 December 1997.

2. AGENDA ITEM ONE - Opening of the session

The Second Session of the Conference was opened on 1 December 1997 by the Chairman of the First Session of the Conference, Mr Pieter Cornelis Feith of the Netherlands.

3. AGENDA ITEM TWO - Election of the Chairman

In accordance with Rule 35 of its Rules of Procedure, the Conference elected by acclamation as its Chairman Ambassador Simbarashe S. Mumbengegwi of Zimbabwe, who shall hold office until his successor is elected at the next regular session of the Conference.

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

- 4.1 In accordance with Rule 34 of the Rules of Procedure of the Conference, Representatives of the following ten States Parties were elected as Vice-Chairmen of the Conference: Algeria, Kenya (Africa), Pakistan, Republic of Korea (Asia), Belarus, Bulgaria (Eastern Europe), Chile, Mexico (Latin America and the Caribbean), France, and the United States of America (WEOG).
- 4.2 Also in accordance with Rule 34 of the Rules of Procedure of the Conference, Ambassador Bjørn Barth of Norway was elected Chairman of the Committee of the Whole until a new Chairman is elected for this body at the next regular session of the Conference.

5. AGENDA ITEM FOUR - Adoption of the agenda

The Conference adopted the following agenda for its Second Session:

1. AGENDA ITEM ONE - Opening of the session
2. AGENDA ITEM TWO - Election of the Chairman
3. AGENDA ITEM THREE - Election of Vice-Chairmen and other officers
4. AGENDA ITEM FOUR - Adoption of the agenda

5. AGENDA ITEM FIVE - Organisation of work and establishment of subsidiary bodies
 6. AGENDA ITEM SIX - Appointment of Credentials Committee
 7. AGENDA ITEM SEVEN - Statement by the Director-General
 8. AGENDA ITEM EIGHT - General debate
 9. AGENDA ITEM NINE - Draft report of the Organisation on the implementation of the Convention (29 April - 28 October 1997)
 10. AGENDA ITEM TEN - Report of the Executive Council on the performance of its activities
 11. AGENDA ITEM ELEVEN - Election of members of the Executive Council
 12. AGENDA ITEM TWELVE - The programme and budget of the Organisation, submitted by the Executive Council for the ensuing financial period, and all items pertaining to this budget
 13. AGENDA ITEM THIRTEEN - The scale of assessments to be paid by States Parties
 14. AGENDA ITEM FOURTEEN - Fostering of international cooperation for peaceful purposes in the field of chemical activities
 15. AGENDA ITEM FIFTEEN - Reports of subsidiary bodies
 - (a) Committee of the Whole
 - (b) General Committee
 - (c) Confidentiality Commission
 - (d) Credentials Committee
 16. AGENDA ITEM SIXTEEN - Terms of reference of the Scientific Advisory Board
 17. AGENDA ITEM SEVENTEEN - Any other business
 18. AGENDA ITEM EIGHTEEN - Date and duration of the next regular session of the Conference
 19. AGENDA ITEM NINETEEN - Adoption of the report of the Conference
 20. AGENDA ITEM TWENTY - Closure
- 6. AGENDA ITEM FIVE - Organisation of work and establishment of subsidiary bodies**

The Conference referred the following items from its agenda to the Committee of the Whole, to consider and report back: the programme and budget of the Organisation, submitted by the Executive Council for the ensuing financial period, and all items pertaining to this budget; the scale of assessments to be paid by States Parties; terms of reference of the Scientific Advisory Board; and, from any other business, unresolved issues from the First Session of the Conference of the States Parties. The Conference adopted the recommendation of the General Committee to close the Second Session of the Conference on 5 December 1997.

7. AGENDA ITEM SIX - Appointment of 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: Cameroon, Ecuador, Ghana, Hungary, New Zealand, Oman, Peru, Republic of Korea, Slovakia, and Sweden.

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

The Conference noted the statement by the Director-General (C-II/DG.10*, dated 1 December 1997).

9. AGENDA ITEM EIGHT - General debate

The following delegations made statements during the general debate: China, Japan, Luxembourg (on behalf of the European Union), South Africa, Norway, Russian Federation, United States of America, Czech Republic, Chile, Switzerland, Australia, Bulgaria, Republic of Korea, Cuba, Hungary, Saudi Arabia, Poland, Pakistan, Canada, Slovenia, India, Malta, Croatia, Ukraine, Italy, Sri Lanka, Mexico, Zimbabwe, Algeria, Brazil, Kenya (on behalf of the African Group), Romania, Bangladesh, Iran (Islamic Republic of), International Narcotics Control Board, and Belarus.

10. AGENDA ITEM NINE - Draft report of the Organisation on the implementation of the Convention (29 April - 28 October 1997)

10.1 The Conference considered and approved the "Report of the Organisation on the Implementation of the Convention (29 April - 28 October 1997)" (C-II/2/Rev.2, dated 5 December 1997).

10.2 In this regard the Conference noted the legal opinion on the inviolability of papers and correspondence, including records, samples and approved equipment of the inspection team under the Convention (C-II/TS.3, dated 4 December 1997), as well as the non-paper distributed by the delegation of Japan, and requested the Executive Council to further consider this issue at its next session.

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

11.1 The Conference noted the "Report of the Executive Council on the Performance of its Activities (13 May - 31 October 1997)" (C-II/3 / EC-VI/4, dated 7 November 1997). The report was introduced by the Chairman of the Executive Council, Ambassador Prabhakar Menon of India.

11.2 The Conference took the following action on the basis of recommendations and decisions of the Executive Council:

(a) Appointment of External Auditor

the Conference noted that, in accordance with the decision of the Conference at its First Session to delegate to the Executive Council the authority to appoint and decide the term of appointment of the first External Auditor of the OPCW (C-I/DEC.73, dated 23 May 1997), the Council had appointed the Auditor-General of India, Mr V.K. Shunglu, as the first External Auditor of the OPCW for a single period of three years (EC-II/DEC.2, dated 30 June 1997);

(b) External Auditor's reports on the financial statements and the Provident Fund of the Preparatory Commission

the Conference noted the reports of the External Auditor for the Preparatory Commission, Mr Manzur Hussein, Auditor General of Pakistan, on the financial statements and the Provident Fund of the Preparatory Commission (EC-VI/DG.1 and EC-VI/DG.2, both dated 16 October 1997), which had been referred to the Conference by the Executive Council at its Sixth Session;

(c) Proposed mechanism for updating the OPCW Central Analytical Database

in accordance with the recommendation of the Executive Council at its Fourth Session, the Conference adopted the decision on the "Proposed Mechanism for Updating the OPCW Central Analytical Database" (EC-IV/DEC.2, dated 5 September 1997). To allow Member States an opportunity to review spectra proposed for inclusion in the OPCW Central Analytical Database, the Conference decided to extend for sixty days the period for comment. The Conference was informed by the Secretariat that it had received an objection to the inclusion of certain spectra into the OPCW Central Analytical Database (infrared spectra 2-1-92 and 2-1-94, as well as mass spectra 5-2-107, 5-2-108, 5-2-109, 5-2-111, 5-2-117, 5-2-118, and 5-2-119). Provided that no objections from Member States received by the Secretariat are outstanding by 2 February 1998, the Conference decided to adopt the spectra referred to in paragraph 4 of this decision and to approve their incorporation into the OPCW Central Analytical Database with effect from that date. However, if there are outstanding objections to any particular spectra on the date, these spectra will not be included in the OPCW Central Analytical Database and the Director-General may undertake to provide further information to the Executive Council addressing the concerns expressed. The Conference also

approved the consultative mechanism for updating the OPCW Central Analytical Database as outlined in paragraphs 1 to 3 of the decision;

(d) OPCW logo

in accordance with the recommendation of the Executive Council at its Fourth Session, and on the basis of the revised design contained in the annex to EC-IV/DG.7/Add.2, dated 3 September 1997, the Conference considered and adopted this revised design for the OPCW logo for use by the OPCW;

(e) Requests for conversion of chemical weapons production facilities for purposes not prohibited under the Convention

- (i) in accordance with the recommendation of the Executive Council at its Fifth Session (EC-V/DEC.1, dated 1 October 1997), the Conference, as a matter of priority, considered and approved the use of the chemical weapons production facility, owned by the Marquardt Company, Van Nuys, California, United States of America, for purposes not prohibited under the Convention (C-II/DEC.15, dated 5 December 1997); and
- (ii) in accordance with the recommendation of the Executive Council at its Seventh Session (EC-VII/DEC.1, dated 18 November 1997), the Conference, as a matter of priority, considered and approved a request from the United Kingdom of Great Britain and Northern Ireland to use a chemical weapons production facility for purposes not prohibited under the Convention (C-II/DEC.16, dated 5 December 1997); and
- (iii) the Conference stressed that the Technical Secretariat shall carry out verification of all converted facilities in stringent accordance with paragraph 15, Article V and paragraph 85 of Part V of the Verification Annex.

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

On 5 December 1997, in accordance with Article VIII, paragraphs 23 and 24 of the Convention and with Rule 83 of the Rules of Procedure of the Conference, as well as with due regard to the established numerical proportions as described in Article VIII, paragraph 23 of the Convention, the following 20 States Parties were elected members of the Executive Council, for two-year terms of office commencing on 12 May 1998:

Africa: Algeria, Kenya, Morocco, South Africa

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

Eastern Europe: Czech Republic, Russian Federation, Slovakia

Latin America
and the Caribbean: Cuba, Ecuador, Peru, Venezuela

WEOG: Australia, Belgium, Finland, Spain, Switzerland

13. AGENDA ITEM TWELVE - The programme and budget of the Organisation, submitted by the Executive Council for the ensuing financial period, and all items pertaining to this budget

In accordance with the recommendation of the Executive Council at its Seventh Session, the Conference adopted the decision on the Programme and Budget for 1998 and the Working Capital Fund as adjusted at this session of the Conference (C-II/DEC.17, dated 5 December 1997).

14. AGENDA ITEM THIRTEEN - The scale of assessments to be paid by States Parties

The Conference adopted the decisions on the scales of assessments to be paid by States Parties for the financial years 1997 and 1998 (C-II/DEC.12 and C-II/DEC.13, both dated 5 December 1997).

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

The following delegations made statements in relation to this agenda item: Cuba, Mexico, India, Canada, and New Zealand.

16. AGENDA ITEM FIFTEEN - Reports of subsidiary bodies

(a) Committee of the Whole

16.1 The Conference received the reports of the Committee of the Whole (C-II/5 and C-II/7, both dated 5 December 1997), and took appropriate action as required.

(b) General Committee

16.2 The Conference received the report of the General Committee, and took appropriate action as required.

(c) Confidentiality Commission

16.3 The Conference noted the report of the Confidentiality Commission (C-II/CC.1, dated 20 November 1997, and Corr.1, dated 24 November 1997). The Conference considered and approved the recommendations contained in subparagraphs 6.2(a), 6.2(b), 6.2(c), 6.2(d), 6.2(e) of the report of the Confidentiality Commission. In relation to subparagraph 6.2(f) of the report of the Confidentiality Commission, the Conference referred the issue of the costs of proceedings to the Executive Council for decision at its next regular session.

16.4 The Conference provisionally approved the decision on the operating procedures of the Confidentiality Commission (C-II/DEC.14, dated 5 December 1997), subject to no objection being made by any Member States before 15 January 1998.

- 16.5 In the light of the Note by the Director-General on the resignation of a member of the Confidentiality Commission (C-II/DG.9, dated 28 November 1997), the Conference elected Mrs Ana Maria Cerini of Argentina to replace the member who had resigned.

(d) Credentials Committee

- 16.6 The Chairman of the Credentials Committee, H.E. Mr Vicente Azula De La Guerra of Peru, presented its report (C-II/4, dated 4 December 1997). The Chairman orally reported that, following the close of the Credentials Committee meeting, the following Member States had submitted credentials for their representatives: Bangladesh, Chile, Ireland, Peru, Poland, Spain, and Tunisia. The Conference noted this additional information and approved the report.
- 16.7 The Conference took cognisance of the Note by the Director-General entitled "Accreditation of Permanent Representatives, Representatives to the Conference of the States Parties, Representatives to the Executive Council and Related Matters" (C-II/DG.1/Rev.1, dated 24 November 1997). The Conference drew the attention of Member States to Rule 26 of the Rules of Procedure of the Conference, whereby credentials shall be presented for each session of the Conference - a procedure which differs from that previously followed under the Rules of the Preparatory Commission, in accordance with which credentials for representatives to sessions of the Preparatory Commission had continuing validity.

17. AGENDA ITEM SIXTEEN - Terms of reference of the Scientific Advisory Board

The Conference adopted the decision on the terms of reference of the Scientific Advisory Board (C-II/DEC.10, dated 5 December 1997).

18. AGENDA ITEM SEVENTEEN - Any other business

Universality of the Convention

- 18.1 The Conference adopted the recommendation on ensuring the universality of the Convention (C-II/DEC.11, dated 5 December 1997).

Reporting of aggregate national data for Schedule 2 and 3 chemicals

- 18.2 The Conference adopted the decision on the reporting of national aggregate data for Schedule 2 and 3 chemicals (C-II/DEC.8, dated 5 December 1997).

Reporting of ricin production

- 18.3 The Conference adopted the decision on the reporting of ricin production (C-II/DEC.5, dated 5 December 1997).

Low concentrations in relation to plant site declarations

- 18.4 The Conference adopted the decision on low concentrations in relation to plant site declarations (C-II/DEC.7, dated 5 December 1997).

Meaning of “production” as defined in Article II, subparagraph 12(a)

- 18.5 The Conference adopted the decision on the meaning of “production” as defined in Article II, subparagraph 12(a) (C-II/DEC.6, dated 5 December 1997).

Procedure for addressing unresolved issues during the second intersessional period

- 18.6 The Conference adopted the decision on the procedure for addressing unresolved issues during the second intersessional period (C-II/DEC.3, dated 5 December 1997).

Paragraph 26 of Part II of the Verification Annex of the Convention

- 18.7 The Conference adopted the decision on paragraph 26 of Part II of the Verification Annex of the Convention (C-II/DEC.9, dated 5 December 1997).

Terms of appointment of the Director-General

- 18.8 The Conference adopted the decision on the terms of appointment of the Director-General (C-II/DEC.4, dated 5 December 1997).

Appointment of the liquidator of the Preparatory Commission for the OPCW

- 18.9 The Conference noted the report of the Director-General on the appointment of Mr Andreas Th. A. Koet of the Netherlands as the liquidator of the Preparatory Commission for the OPCW (C-II/DG.12, dated 4 December 1997).

Errors in the text of the Convention

- 18.10 The Conference took cognisance of the Note by the Director-General entitled “Errors in the Text of the Convention” (C-II/DG.8, dated 11 November 1997, and Add.1, dated 28 November 1997).

19. AGENDA ITEM EIGHTEEN - Date and duration of the next regular session of the Conference

In accordance with the recommendations of the Executive Council at its Third and Fourth Sessions, the Conference considered and approved the following sets of dates for the regular sessions of the Conference in the period 1998 to 2005 (inclusive):
16 - 20 November 1998; 28 June - 2 July 1999; 15 - 19 May 2000; 14 - 18 May 2001;
13 - 17 May 2002; 12 - 16 May 2003 (with the possibility of one extra week from 5 - 9 May); 10 - 14 May 2004; and 23 - 27 May 2005.

20. AGENDA ITEM NINETEEN - Adoption of the report of the Conference

The Conference adopted the report of its Second Session.

21. AGENDA ITEM TWENTY - Closure

The Chairman closed the Second Session on 5 December 1997.

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