



OPCW

Conference of the States Parties

Ninth Session
29 November – 2 December 2004

C-II/DEC.10/Rev.1
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DECISION

SCIENTIFIC ADVISORY BOARD

The Conference

Referring to Article VIII, paragraphs 21(h) and 45 of the Convention concerning the establishment of a Scientific Advisory Board composed of independent experts appointed in accordance with terms of reference adopted by the Conference,

Recalling that the terms of reference of the Scientific Advisory Board were listed in the Final Report of the Preparatory Commission for the OPCW to the First Session of the Conference as an unresolved issue (paragraph 81 of PC-XVI/37),

Considering the results of the informal consultations undertaken by the facilitator during the first intersessional period in accordance with the procedure for addressing unresolved issues adopted by the Conference (C-I/DEC.70, dated 22 May 1997),

Hereby:

1. **Directs** the Director-General to establish a Scientific Advisory Board to enable him, in the performance of his functions, to render specialised advice in areas of science and technology relevant to the Convention, to the Conference, the Executive Council or States Parties;
2. **Adopts** the Terms of Reference of the Scientific Advisory Board annexed hereto^{*}; and
3. **Decides** that the budget of the OPCW, starting from 1998, shall contain resources adequate for travel and per diem costs associated with the annual meeting of the Scientific Advisory Board, and that any other meetings of the Scientific Advisory Board shall be held at no cost to the OPCW.

Annex

^{*} The Terms of Reference of the Scientific Advisory Board were amended by the Conference of the States Parties at its Ninth Session (C-9/DEC.13, dated 2 December 2004). These amendments have been incorporated into the text of the Terms of Reference of the Scientific Advisory Board annexed to this revised decision, which consequently supersedes all previous versions.



Annex

TERMS OF REFERENCE OF THE SCIENTIFIC ADVISORY BOARD

Introduction

1. As directed by the Conference of the States Parties, and in accordance with Article VIII, paragraphs 21(h) and 45 of the Convention, the Director-General shall establish the Scientific Advisory Board (hereinafter referred to as “the Board”) pursuant to these Terms of Reference of the Scientific Advisory Board.

Role and functions

2. The role of the Board shall be to enable the Director-General, in the performance of his functions, to render specialised advice to the Conference, Executive Council or States Parties in areas of science and technology relevant to the Convention. Consistent with the provisions of the Convention, the functions of the Board include the following:
 - (a) assess and report to the Director-General developments in scientific and technological fields relevant to the Convention;
 - (b) as necessary, provide advice on proposed changes to the Annex on Chemicals originated by States Parties in accordance with Article XV of the Convention;
 - (c) co-ordinate the efforts of the working groups temporarily established in accordance with paragraph 9 below;
 - (d) as necessary, provide scientific and technological advice relevant to the Convention, including advice on technical matters related to co-operation and assistance, to the Technical Secretariat upon request;
 - (e) upon the request of the Director-General, assess the scientific and technological merit of a present, or proposed, methodology for use by the Technical Secretariat in verification under the Convention;
 - (f) when directed by the Conference acting in accordance with paragraph 22 of Article VIII, provide advice and make recommendations taking into account any relevant scientific and technological developments for the purpose of assisting the Conference in its review of the operation of the Convention;
 - (g) assess and report on emerging technologies and new equipment which could be used on verification activities.

Composition

3. The Board shall consist of 25 members appointed by the Director-General in consultation with States Parties from a list of nominees put forward by the States Parties. The members of the Board shall serve in their individual capacity as independent experts.
4. The members of the Board shall be appointed from eminent persons active at such institutions as research institutions, universities, chemical industry companies, defence and military organisations, on the basis of their expertise in the particular scientific fields relevant to the implementation of the Convention. The members of the Board shall be selected based on their qualifications and experience, taking into account their publications, scientific, academic or professional activities, distinctions and international experience with due regard to the area of speciality. Preference shall be given to persons who are knowledgeable about the relevant scientific and technological developments, and who are familiar with the implementation of the Convention. Efforts shall be made to maintain a balance between the areas of research, development and applications.
5. Each State Party may present to the Director-General one or more experts available and qualified to serve on the Board. The 25 members shall be appointed by the Director-General through a process of consultations with States Parties. These consultations shall take into account the need for a comprehensive spread of relevant fields of scientific and technological expertise, and result in a fair distribution of appointments from the regions. Only citizens of States Parties are eligible to serve as members of the board.
6. The term of office of members of the Board shall be three years. A Board member may serve for two consecutive terms.
7. The Director-General, in consultation with States Parties, shall appoint persons to replace members who are for any reason prevented from taking part in the work of the Board for the remainder of their term in office. The Director-General shall report the replacement and the reason thereof in his annual report to the Conference.

Rules of procedure

8. The Director-General shall provide Rules of Procedure, after notification of the Executive Council, for the organisation and functioning of the Board, which shall include the following:
 - (a) rules for the convening and conduct of meetings, consistent with paragraphs 13 and 14 below, and for the adoption of its reports, assessments or recommendations;
 - (b) rules for the election of the Chair by the Board by annual election from amongst its members ;

- (c) rules regarding the protection of confidential information;
- (d) rules to ensure that a Board member shall disclose to the Director-General any activity which may affect the individual's impartiality or appearance of impartiality;
- (e) rules regarding communication, through the Technical Secretariat, with States Parties;
- (f) procedure for the dismissal of any member of the Board for just cause and for reporting such dismissal to the Conference, as appropriate.

Working groups

9. In consultation with members of the Board, the Director-General may establish temporary working groups of scientific experts to provide recommendations within a specific time-frame on specific issues, in accordance with Article VIII, paragraph 45 of the Convention.
10. Each working group shall be chaired by a member of the Board appointed for that purpose by the Chair with the approval of the Director-General. The Director-General may appoint to the working group such experts from the lists provided by States Parties or as suggested by the Board or its members. Only citizens of States Parties are eligible to serve as members of a working group.
11. In consultation with the Chair and after notification of the Executive Council, the Director-General shall provide Rules of Procedure for the organisation and functioning of the working groups, which shall include the following:
 - (a) rules for the convening and conduct of meetings;
 - (b) rules regarding the protection of confidential information;
 - (c) rules to ensure that a working group member shall disclose to the Director-General any activity which may affect the individual's impartiality or appearance of impartiality;
 - (d) rules to ensure that all communication, information-sharing and co-operation with States Parties, other relevant international agencies and the scientific community shall be with the approval of the Director-General.

Relationship with the Technical Secretariat

12. The Director-General shall provide through the Technical Secretariat appropriate support for the preparation, organisation and implementation of the Board's activities and that of the temporary working groups referred to in paragraph 9.

Meetings

13. The Board shall meet annually prior to or in conjunction with the session of the Executive Council which immediately precedes the annual session of the Conference, at a time and place in The Hague to be designated by the Director General, in order to provide a report of its activities, including an account of its contributions during the previous year, to the Director-General.
14. On the Director-General's own behalf or at the request of the Executive Council or of the Conference, the Director-General may, in consultation with the Chair of the Board, convene ad hoc meetings of the Board in The Hague.

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