



### REPORT OF THE SEVENTY-FIRST SESSION OF THE EXECUTIVE COUNCIL

#### 1. AGENDA ITEM ONE – Opening of the session

The Chairperson of the Executive Council (hereinafter “the Council”), Ambassador Bhaswati Mukherjee of India, opened its Seventy-First Session in The Hague at 12:04 on 19 February 2013.

#### 2. AGENDA ITEM TWO – Adoption of the agenda

2.1 A proposal was made by the Asian Group for the inclusion of an agenda item entitled “Rationality of the Representation of the Regional Groups in the Executive Council.” There was no consensus for the inclusion of this agenda item. Proposals, in accordance with the provisions of the Chemical Weapons Convention (hereinafter “the Convention”), could also be made on this issue in the future.

2.2 The Council **considered** and **adopted** the following agenda:

1. Opening of the session
2. Adoption of the agenda
3. Opening statement by the Director-General
4. Reports by the Vice-Chairpersons on the activities conducted under their respective clusters of issues
5. General debate
6. Status of implementation of the Convention:
  - (a) Reports by the Director-General on destruction-related issues
  - (b) Implementation of the Conference of the States Parties and Executive Council decisions on destruction-related issues
  - (c) Other verification-related issues
  - (d) Destruction-related plans and facility agreements
  - (e) Conversion of former chemical weapons production facilities



- (f) Timely submission of declarations under Article VI of the Convention
  - (g) Implementation by the Technical Secretariat in 2012 of the regime governing the handling of confidential information
7. OPCW Central Analytical Database
  8. Report on the status of implementation of the recommendations of the External Auditor
  9. Administrative and financial matters:
    - (a) Status of implementation of the Verification Information System
    - (b) OPCW income and expenditure for the financial year to 31 December 2012
    - (c) Transfers of funds in 2012
    - (d) Report of the Security Audit and Assessment Team
  10. Report of the Scientific Advisory Board
  11. Report by the Committee on Relations with the Host Country
  12. Agreement on the privileges and immunities of the OPCW
  13. Report of the Open-Ended Working Group for the Preparation of the Third Review Conference<sup>1</sup>
  14. Provisional agenda for the Third Review Conference
  15. Any other business
  16. Adoption of the report
  17. Closure
- 3. AGENDA ITEM THREE – Opening statement by the Director-General**
- The Council **noted** the opening statement by the Director-General (EC-71/DG.15, dated 19 February 2013).
- 4. AGENDA ITEM FOUR – Reports by the Vice-Chairpersons on the activities conducted under their respective clusters of issues**
- 4.1 The Vice-Chairpersons and coordinators for clusters of issues reported to the Council on informal consultations held during the intersessional period: Ambassador Miguel Eduardo Calahorrano Camino of Ecuador on chemical weapons

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<sup>1</sup> The Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention

issues, Ambassador Robert P. Mikulak of the United States of America on chemical-industry and other Article VI issues, Ambassador Sirajuddin Hamid Yousif of the Sudan on administrative and financial issues, and Ambassador Roman Kolodkin of the Russian Federation on legal, organisational, and other issues. The Chairperson also reported on her own activities on behalf of the Council during the intersessional period.

- 4.2 The Chairperson reported on her informal consultations on issues relating to improvement of the methodology of the work of the Council.
- 4.3 The Chairperson concluded that the following recommendations enjoyed a general agreement within the Council and could be implemented on a trial basis:
- (a) As an experiment and without prejudging the right of delegations to focus on individual issues, the General Debate of the May session of the Council, could be based on the theme “Follow-up to the Third Review Conference.”
  - (b) During the General Debate, interventions by the individual delegations would be for five minutes. This rule would naturally not apply for the interventions made by groups of delegations or Regional Groups.
  - (c) For the Committee on Relations with the Host Country, one would look at the parallel process and, if effective, make changes next time with regard to parallel agenda items.
  - (d) The minutes of the Bureau meetings would be circulated to all States Parties to the Convention.
  - (e) The suggestion for a two-year budget could be looked at after 2016 when the period of transition would be over as suggested by the Director-General.
  - (f) The Council **agreed** with the Chairperson's assessment that the process continue through informal consultations.
- 4.4 The Council **expressed appreciation** for the work done by the previous facilitator on implementation of Article VII of the Convention, Mr Rami Adwan of Lebanon, and welcomed the appointment of Mr Muhannad M.A. Almiahi of Iraq as the new facilitator.
- 4.5 The Council **expressed appreciation** for the work done by Ambassador Ruthie Rono of Kenya, who would soon be leaving as the facilitator of the Open-Ended Working Group (OEWG) on Terrorism and has circulated her recommendations on the way forward for the OEWG.

## 5. AGENDA ITEM FIVE – General debate

The following delegations made statements during the general debate: Ireland (on behalf of the European Union and associated countries), Pakistan (on behalf of the Asian Group), the Islamic Republic of Iran (on behalf of the Non-Aligned Movement and China), Sudan (on behalf of the African Group), Malaysia, Norway, India, China,

Brazil, the Russian Federation, Saudi Arabia, the United States of America, Thailand (observer), Nigeria, the Republic of Korea, and Japan.

**6. AGENDA ITEM SIX – Status of implementation of the Convention**

**Subitem 6(a): Reports by the Director-General on destruction-related issues**

- 6.1 Further to a decision by the Conference of the States Parties (hereinafter “the Conference”) at its Sixteenth Session (C-16/DEC.11, dated 1 December 2011), the Council **considered** and **noted** a report by the Director-General on the overall progress of destruction activities by possessor States Parties (EC-71/DG.10, dated 31 January 2013).
- 6.2 Further to a decision by the Council at its Sixty-Seventh Session (EC-67/DEC.6, dated 15 February 2012), the Council **noted** a report by the Director-General on the overall progress of the destruction of abandoned chemical weapons (EC-71/DG.11, dated 4 February 2013).
- 6.3 The Council **considered** and **noted** a Note by the Director-General on the schedule for submission by chemical weapons possessor States of the reports on their destruction activities after the extended deadline of 29 April 2012 (EC-71/DG.5, dated 21 December 2012).

**Subitem 6(b): Implementation of the Conference of the States Parties and Executive Council decisions on destruction-related issues**

- 6.4 The Technical Secretariat (hereinafter “the Secretariat”) briefed the Council on its destruction-related verification activities.
- 6.5 The Russian Federation, the United States of America, Libya, China, and Japan briefed the Council on their destruction-related activities.
- 6.6 The Council **noted** the voluntary presentation by Italy on the destruction of its old chemical weapons pursuant to Council decision EC-67/DEC.8, dated 17 February 2012.
- 6.7 The Council further **noted** the statements and comments made by States Parties on the destruction of the remaining chemical weapons by possessor States, **recalling** the relevant Convention obligations and relevant decisions by the Conference and the Council. The Council **recalled** that the destruction of the remaining chemical weapons by possessor States Parties should continue in accordance with the provisions of the Convention and its Annex on Implementation and Verification and with the application of the measures contained in decision C-16/DEC.11.
- 6.8 Further to the same decision by the Conference at its Sixteenth Session (C-16/DEC.11), a national paper by the United States of America on the progress made on the completion of the destruction of its chemical weapons, including information on measures to accelerate such progress, as well as on appropriate measures in order to meet the planned completion date (EC-71/NAT.2, dated 17 January 2013), was **considered** and **noted** by the Council, along with comments on the issue as mentioned above.

- 6.9 Further to a decision by the Conference at its Sixteenth Session (C-16/DEC.11), a national paper by the Russian Federation on the progress made on the completion of the destruction of its chemical weapons, including information on measures to accelerate such progress, as well as on appropriate measures in order to meet the planned completion date (EC-71/P/NAT.1, dated 22 January 2013), was **considered** and **noted** by the Council, along with comments on the issue as mentioned above.
- 6.10 Further to the same decision by the Conference at its Sixteenth Session (C-16/DEC.11), a national paper by Libya on the progress made on the completion of the destruction of its chemical weapons, including information on measures to accelerate such progress, as well as on appropriate measures in order to meet the planned completion date (EC-71/NAT.1, dated 12 January 2013), was **considered** and **noted** by the Council, along with comments on the issue as mentioned above.
- 6.11 Further to a decision by the Council at its Sixty-Seventh Session (EC-67/DEC.6), a national paper by China (EC-71/NAT.4, dated 21 January 2013) and a national paper by Japan (EC-71/NAT.3/Rev.1, dated 18 January 2013) have been circulated to the members of the Council. While welcoming close cooperation between relevant States Parties, the Council **considered** and **decided** to remain seized of the matter, and **requested** the relevant States Parties to take measures to implement the destruction plan. Both States Parties reaffirmed their commitment to the abovementioned decision.

**Subitem 6(c): Other verification-related issues**

- 6.12 The Secretariat briefed the Council on its other verification-related activities.
- 6.13 The Council **noted** the Note by the Secretariat on the “Written Report Regarding a Previously Undeclared Schedule 1 Other Facility for Research, Medical, or Pharmaceutical Purposes” (EC-71/S/5/Rev.2, dated 21 February 2013).
- 6.14 The Council **noted** a national paper presented by Germany on “Information Regarding the Late Declaration of an ‘Other Facility for Research, Medical or Pharmaceutical Purposes’ under Part VI of the Verification Annex of the Convention” (EC-71/NAT.5, dated 19 February 2013). The Council, **noting** the importance of this issue, **welcomed** the transparency and openness with which Germany had brought this issue to the attention of the Council.
- 6.15 The Council was informed that the Schedule 1 facility was removed from the list of active Schedule 1 facilities.
- 6.16 The Council **stressed** that previously undeclared Schedule 1 facilities and activities should be handled in a transparent, prompt, and consistent manner in accordance with the object and purpose of the Convention. The Director-General is invited to present in writing to the Members of the Council, at its Seventy-Second Session, the Secretariat’s procedures for handling such cases in the future in order to solicit their comments and to adjust the procedures if necessary. The Director-General should promptly inform the Chairperson of the Council and subsequently the Members of the Council of the situation being dealt with and the steps being undertaken in this regard. The Council **stressed** the need for all States Parties to ensure that their national

implementation measures are adequate and to keep these under review so as to ensure that the Convention is fully implemented.

- 6.17 Iraq briefed the Council on its progress made in the Al-Muthanna Bunkers Decommissioning Project.

**Subitem 6(d): Destruction-related plans and facility agreements**

- 6.18 The Council **considered** and **approved** amendments to the agreed detailed plan for verification of the destruction of the Category 1 chemical weapons at the Leonidovka chemical weapons destruction facility (CWDF), Penzenskaya Oblast, the Russian Federation (EC-71/DEC.2, dated 20 February 2013).
- 6.19 The Secretariat submitted to the Council a Note on modifications to the facility agreement with the Russian Federation regarding on-site inspections at the CWDF, located at Leonidovka, Penzenskaya Oblast, the Russian Federation (EC-71/S/2\*, dated 21 January 2013).
- 6.20 A proposed amendment to the aforementioned facility agreement was submitted separately to the Council (EC-71/DEC.3, dated 20 February 2013), which **considered** and **approved** it. Related amendments to the agreed detailed plan for verification of the destruction of Category 1 chemical weapons at the CWDF located at Leonidovka, Penzenskaya Oblast, the Russian Federation, are treated in paragraph 6.18 above.
- 6.21 The Council **considered** and **approved** amendments to the agreed detailed plan for verification of the destruction of Category 1 chemical weapons at the CWDF located at Pochev, Bryanskaya Oblast, the Russian Federation (EC-71/DEC.4, dated 20 February 2013).
- 6.22 The Secretariat submitted to the Council a Note on modifications to the facility agreement with the Russian Federation regarding on-site inspections at the CWDF located at Pochev, Bryanskaya Oblast, the Russian Federation (EC-71/S/4, dated 24 January 2013).
- 6.23 A proposed amendment to the aforementioned facility agreement was submitted separately to the Council (EC-71/DEC.5, dated 20 February 2013), which **considered** and **approved** it. Related amendments to the agreed detailed plan for verification of the destruction of Category 1 chemical weapons at the CWDF located at Pochev, Bryanskaya Oblast, the Russian Federation, are treated in paragraph 6.21 above.

**Subitem 6(e): Conversion of former chemical weapons production facilities**

- 6.24 The Council **noted** a report by the Director-General concerning a recommendation on a request by Iraq for approval to use a chemical weapons production facility (CWPF), Al-Rashad Site, for purposes not prohibited under the Convention (EC-71/DG.4, dated 21 December 2012) and **adopted** a decision on the request (EC-71/DEC.1, dated 19 February 2013).
- 6.25 The Council **noted** a Note by the Secretariat on the update on progress in converting a former CWPF for purposes not prohibited under the Convention (EC-71/R/S/1, dated 17 January 2013).

**Subitem 6(f): Timely submission of declarations under Article VI of the Convention**

- 6.26 Further to a decision by the Council at its Fifty-First Session (EC-51/DEC.1, dated 27 November 2007) and in accordance with the recommendation of the Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (paragraph 9.60 of RC-2/4, dated 18 April 2008), the Council **noted** a status report by the Director-General on the timely submission by States Parties of declarations under Article VI of the Convention for the period from 1 January to 31 December 2012 (EC-71/DG.7, dated 23 January 2013).

**Subitem 6(g): Implementation by the Technical Secretariat in 2012 of the regime governing the handling of confidential information**

- 6.27 The Council **considered** and **noted** a report by the Director-General on the implementation of the regime governing the handling of confidential information by the Secretariat in 2012 (EC-71/DG.8 C-18/DG.1, dated 29 January 2013).

**7. AGENDA ITEM SEVEN – OPCW Central Analytical Database**

- 7.1 The Council **considered** a Note by the Director-General on the lists of new validated data for approval by the Council for inclusion in the OPCW Central Analytical Database (OCAD) (EC-71/DG.3, dated 17 December 2012) and **adopted** a decision on the inclusion (EC-71/DEC.6, dated 20 February 2013).

- 7.2 The Council also **considered** a Note by the Director-General on the lists of approved data recommended for removal from the OCAD (EC-71/DG.2, dated 17 December 2012) and **adopted** a decision on the removal (EC-71/DEC.7 dated 20 February 2013).

**8. AGENDA ITEM EIGHT – Report on the status of implementation of the recommendations of the External Auditor**

- 8.1 The Council **considered** a Note by the Secretariat on the status of implementation of the recommendations of the External Auditor (EC-71/S/3, dated 29 January 2013) and **decided** to consider the matter further at its Seventy-Third Session.

- 8.2 The facilitator for this issue, Ms Sakiko Hayakawa of Japan, reported to the Council on consultations held during the intersessional period.

**9. AGENDA ITEM NINE – Administrative and financial matters**

**Subitem 9(a): Status of implementation of the Verification Information System**

- 9.1 The Council **noted** a status report on the Verification Information System (EC-71/S/1, dated 16 January 2013).

**Subitem 9(b): OPCW income and expenditure for the financial year to 31 December 2012**

- 9.2 The Council **considered** a report by the Director-General on OPCW income and expenditure for the financial year to 31 December 2012 (EC-71/DG.13, dated 5 February 2013) and **decided** to consider the matter further at its Seventy-Third Session.

**Subitem 9(c): Transfers of funds in 2012**

- 9.3 The Council **considered** a Note by the Director-General on transfers of funds during 2012 (EC-71/DG.14 C-18/DG.2, dated 5 February 2013) and **decided** to consider the matter further at its Seventy-Third Session.

**Subitem 9(d): Report of the Security Audit and Assessment Team**

- 9.4 The Council **noted** a Note by the Director-General on the report of the Security Audit and Assessment Team (EC-71/DG.6, dated 7 January 2013).

**10. AGENDA ITEM TEN – Report of the Scientific Advisory Board**

- 10.1 The report of the Nineteenth Session of the Scientific Advisory Board (SAB) (SAB-19/1, dated 12 September 2012) was circulated to the members of the Council.
- 10.2 A Note by the Director-General in response to the report of the Nineteenth Session of the SAB (EC-71/DG.1, dated 5 November 2012) was also circulated to the members of the Council.

**11. AGENDA ITEM ELEVEN – Report by the Committee on Relations with the Host Country**

- 11.1 The Council **noted** the report by the Committee on Relations with the Host Country on the performance of its activities from September 2012 to January 2013 (EC-71/HCC/1 C-18/HCC/1, dated 13 February 2013), as well as the assessment by the Council Chairperson that it was a productive meeting with much progress on outstanding issues. The Council **noted** the goodwill on the part of the Host Country to continue bilateral consultations to make progress on outstanding issues.
- 11.2 With reference to paragraph 28 of the above-mentioned report, the delegation of the Russian Federation reserved its position on paragraphs 20 to 27 of said report.
- 11.3 The Council **decided** to remain seized of the matter.

**12. AGENDA ITEM TWELVE – Agreement on the privileges and immunities of the OPCW**

The Council **considered** and **concluded** an agreement between the OPCW and the Republic of the Gambia on the privileges and immunities of the OPCW (EC-71/DEC.8, dated 20 February 2013).

**13. AGENDA ITEM THIRTEEN – Report of the Open-Ended Working Group for the Preparation of the Third Review Conference**

The Chairperson of the Open-Ended Working Group for the Preparation of the Third Review Conference, Ambassador Nassima Baghli of Algeria, briefed the Council on the preparatory work that had been carried out by the working group. The Council **expressed appreciation** for the progress achieved in the OEWG.

**14. AGENDA ITEM FOURTEEN – Provisional agenda for the Third Review Conference**

According to Rule 17 of the Rules of Procedure of the Conference, the Council **drew up** the provisional agenda for the Third Review Conference (EC-71/DG.12/Rev.1, dated 21 February 2013).

**15. AGENDA ITEM FIFTEEN – Any other business**

15.1 At the request of the delegation of the Russian Federation, the Legal Adviser provided clarification on the meaning of the word “notes” as it appears in paragraph 9 of document EC-71/DG.1, that it should be understood as explained in paragraph 10 of document EC-59/S/2, dated 29 January 2010.

15.2 The Council **drew** lots for the seating plans for the Third Review Conference.

**16. AGENDA ITEM SIXTEEN – Adoption of the report**

The Council **adopted** the report of its Seventy-First Session.

**17. AGENDA ITEM SEVENTEEN – Closure**

The Chairperson closed the session at 20:08 on 21 February 2013.

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