



OPCW

Conference of the States Parties

Tenth Session
7 – 11 November 2005

C-10/5
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**REPORT OF THE TENTH SESSION
OF THE CONFERENCE OF THE STATES PARTIES
7 – 11 NOVEMBER 2005**

1. AGENDA ITEM ONE – Opening of the Session

- 1.1 The Tenth Session of the Conference of the States Parties (hereinafter “the Conference”) was opened at 10:47 on 7 November 2005 by the Chairman of the Ninth Session, Mr Krzysztof Patujej of Poland.
- 1.2 The following 126 States Parties participated in the Tenth Session: Albania, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d’Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People’s Democratic Republic, Latvia, Lesotho, Libyan Arab Jamahiriya, Lithuania, Luxemburg, Malaysia, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, 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, Swaziland, 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, Venezuela, Viet Nam, Yemen, Zambia, 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: Comoros, Djibouti, and Israel.
- 1.4 In accordance with Rule 30 of the Rules of Procedure of the Conference, and pursuant to a decision of the Conference on the matter (C-10/DEC.1, dated 7 November 2005), the following non-signatory States were accorded observer status: Angola, Iraq, Lebanon, and Syrian Arab Republic.



- 1.5 In accordance with Rules 31 and 32 of those Rules of Procedure, and pursuant to a decision of the Conference on the matter (C-10/DEC.2, dated 7 November 2005), five international organisations, specialised agencies, and other international bodies attended the Tenth Session.
- 1.6 The Conference **approved** the participation of 13 non-governmental organisations and 1 chemical-industry association in its Tenth Session (C-10/DEC.3, dated 7 November 2005).

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 Ambassador José Antonio Arróspide of Peru, 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 Rules 34 and 35 of the Rules of Procedure of the Conference, representatives of the following 10 States Parties were elected as Vice-Chairmen of the Conference, to hold office until their successors are elected at its next regular Session: Algeria, Argentina, Bulgaria, China, Colombia, Iran (Islamic Republic of), Russian Federation, Sudan, Switzerland, and United States of America.
- 3.2 Also in accordance with Rules 34 and 35 of its Rules of Procedure, the Conference **elected** as Chairman of the Committee of the Whole Ambassador Iulian Buga of Romania, who shall hold office until a new Chairman is elected at the next regular Session of the Conference.

4. **AGENDA ITEM FOUR – Adoption of the agenda**

- 4.1 The provisional agenda for the Tenth Session was circulated under cover of C-10/1, dated 2 September 2005.
- 4.2 Following the Twenty-Fifth Meeting of the Executive Council (hereinafter “the Council”), the Chairman of the Council requested the Chairman of the Conference to include on the provisional agenda for the Session two additional agenda items, entitled “Establishment of an OPCW Office in Africa” and “Captive use of Schedule 1 chemicals”. In accordance with the Rule 16 of the Rules of Procedure of the Conference, this matter was referred to the General Committee, which recommended that the Conference place these additional items on its agenda.
- 4.3 The Conference **adopted** the following agenda for its Tenth 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 implementation of the Convention

AGENDA ITEM TEN – Report of the OPCW for 2004

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 – Appointment of the External Auditor

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

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

AGENDA ITEM EIGHTEEN – Ensuring the universality of the Convention

AGENDA ITEM NINETEEN – Reports of subsidiary bodies

AGENDA ITEM TWENTY – Appointment of the Director-General

AGENDA ITEM TWENTY-ONE – Establishment of an OPCW Office in Africa

AGENDA ITEM TWENTY-TWO – Captive use of Schedule 1 chemicals

AGENDA ITEM TWENTY-THREE – Any other business

AGENDA ITEM TWENTY-FOUR – Date and duration of the next regular Session of the Conference of the States Parties

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

AGENDA ITEM TWENTY-SIX – Closure

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

The Conference **considered** and **adopted** the recommendations of the General Committee that were 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 the Rules of Procedure, the Conference, pursuant to the proposal of its Chairman, **appointed** the following 10 members of the Credentials Committee to hold office until new members are appointed at the next regular Session of the Conference: Austria, Bangladesh, Cameroon, Colombia, Czech Republic, Finland, Guatemala, Hungary, Jordan, and Namibia.

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

The Conference **noted** the opening statement by the Director-General (C-10/DG.11, dated 7 November 2005).

8. AGENDA ITEM EIGHT – General debate

After the intervention by the Chairman of the Conference, speaking in his capacity as Permanent Representative of Peru, the following delegations made statements during the general debate: Canada, the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union and associated partners), Colombia, the Russian Federation, Malaysia (on behalf of the Non-Aligned Movement and China), the United States of America, the Sudan (on behalf of the African Group and, separately, in its national capacity), Singapore, Norway, Ecuador, South Africa, China, Japan, Switzerland, Azerbaijan, Australia, Philippines, New Zealand, the Republic of Korea, Serbia and Montenegro, the Czech Republic, Cuba, Morocco, Sri Lanka, Finland, Mexico, Indonesia, Turkey, Romania, the Libyan Arab Jamahiriya, France, Tunisia, Portugal, the Islamic Republic of Iran, Ghana, El Salvador, Jamaica, Saudi Arabia, Bosnia and Herzegovina, Nigeria, Thailand, Nepal, Ukraine, Bangladesh, Viet Nam, Senegal, Argentina, Algeria, India, Uganda, Venezuela, Gabon, Guatemala, and Rwanda.

9. AGENDA ITEM NINE – Status of 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 Chemical Weapons Convention (hereinafter “the Convention”) (C-8/DEC.16, dated 24 October 2003). At its Ninth Session the Conference approved a decision on further action under that plan (C-9/DEC.4, dated 30 November 2004). It also undertook to review at its Tenth Session the status of

implementation of Article VII, and requested the Technical Secretariat (hereinafter “the Secretariat”), *inter alia*, to report to it at that same Session on progress made in implementing the plan of action. The Conference **considered** the Secretariat’s report on this issue (C-10/DG.4/Rev.1 EC-M-25/DG.1, dated 2 November 2005; C-10/DG.4/Rev.1/Corr.1 EC-M-25/DG.1/Corr.1, dated 10 November 2005; and C-10/DG.4/Rev.1/Add.1 EC-M-25/DG.1/Add.1, dated 8 November 2005) and, in accordance with a recommendation of the Council at its Twenty-Fifth Meeting (EC-M-25/DEC.7, dated 11 November 2005), **adopted** a decision on follow-up to the plan of action regarding the implementation of Article VII obligations (C-10/DEC.16, dated 11 November 2005).

Full implementation of Article X

- 9.2 In accordance with a recommendation of the Council at its Twenty-Fifth Meeting (EC-M-25/DEC.1, dated 9 November 2005), the Conference **considered** and **adopted** a decision on a format for the formulation, specification, or renewal of offers of assistance under subparagraph 7(c) of Article X (C-10/DEC.8, dated 10 November 2005).

Implementation of the regime governing the handling of confidential information by the Technical Secretariat in 2004

- 9.3 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 2004 (EC-40/DG.5* C-10/DG.1, dated 31 January 2005, and EC-40/DG.5/Corr.1 C-10/DG.1/Corr.1, dated 12 April 2005).

Amendments to the OPCW policy on confidentiality

- 9.4 In accordance with a recommendation of the Council at its Twenty-Fifth Meeting (EC-M-25/DEC.3, dated 9 November 2005), the Conference **considered** and **adopted** amendments to the OPCW policy on confidentiality (C-10/DEC.9, dated 10 November 2005).

Request by the Libyan Arab Jamahiriya for revised deadlines for the destruction of its Category 1 chemical weapons

- 9.5 In the light of a request by the Libyan Arab Jamahiriya (EC-M-25/NAT.1, dated 13 October 2005), and pursuant to a recommendation by the Council at its Twenty-Fifth Meeting on that request (EC-M-25/DEC.2, dated 9 November 2005), the Conference **granted**, in principle, further extensions of the intermediate phase 1, 2, and 3 deadlines for the destruction by the Libyan Arab Jamahiriya of 1%, 20%, and 45%, respectively, of its Category 1 chemical weapons stockpiles (C-10/DEC.10, dated 10 November 2005). The Conference also **noted** that, should the Libyan Arab Jamahiriya not be able to meet its obligation to destroy all of its Category 1 chemical weapons not later than 10 years after the entry into force of the Convention (29 April 2007), its request for an extension of the final deadline for the destruction of its Category 1 chemical weapons shall be submitted to the Council, in accordance with paragraph 24 of Part IV(A) of the Verification Annex to the Convention, not later than 29 April 2006.

10. AGENDA ITEM TEN – Report of the OPCW for 2004

10.1 The Conference **considered** and **approved** the report of the OPCW on the implementation of the Convention in 2004 (C-10/4, dated 8 November 2005).

10.2 Upon the Council's recommendation, the Conference **requested** the Secretariat to post the draft of this report on the OPCW Web site in subsequent years, once the Council has forwarded it to the Conference, with an indication that this draft report will need to be considered and approved by the Conference.

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

The Conference **noted** the report of the Council on the performance of its activities in the period from 3 July 2004 to 1 July 2005 (EC-42/4 C-10/2, dated 30 September 2005). The report was introduced by the Chairman of the Council, Ambassador Alfonso Dastis of Spain, who also introduced the recommendations that the Council made after the cut-off date for the report and that required the attention of the Conference.

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 for the following elective places on the Council to serve a term of 2 years, commencing on 12 May 2006:

| | |
|------------------------------------|---|
| Africa: | Algeria, Kenya, Morocco, and South Africa |
| Asia: | Iran (Islamic Republic of), Pakistan, Philippines, and Thailand |
| Eastern Europe: | Belarus, Bosnia and Herzegovina, and Russian Federation |
| Latin America and the Caribbean: | Chile, Cuba, Guatemala, and Peru |
| Western European and Other States: | Australia, Belgium, Finland, Ireland, and Switzerland |

13. AGENDA ITEM THIRTEEN – Administrative and financial matters

Report of the Office of Internal Oversight for 2004

13.1 In accordance with Regulation 12.5 of the OPCW Financial Regulations, the Council at its Forty-First 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 2004, and the accompanying Note by the Director-General (EC-41/DG.3, dated 27 April 2005, and Corr.1, dated 9 May 2005). The Conference **noted** this report, as well as the comments on it in the report of the Forty-First Session of the Council (EC-41/5, dated 1 July 2005).

Amendments to the OPCW Staff Regulations

- 13.2 Following consideration by the Council, at its Forty-First and Forty-Second Sessions, of the amendments submitted by the Director-General to the OPCW Staff Regulations (EC-41/DG.11, dated 9 June 2005), and pursuant to Regulation 16.1 of those Regulations, the Conference **considered** and **adopted** the amendments in question (C-10/DEC.4, dated 8 November 2005).

Transfers of funds between programmes in 2004

- 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-10/DG.5, dated 19 October 2005).

Reports of the External Auditor on the audited financial statements of the OPCW for 2004

- 13.4 In accordance with Regulation 13.10 of the OPCW Financial Regulations, the Council at its Forty-Second Session forwarded to the Conference the report of the External Auditor on the audit of the OPCW's accounts and of its Provident Fund for the period ended 31 December 2004 (EC-42/DG.4 C-10/DG.2, dated 31 May 2005). The Conference **considered** and **noted** this report, as well as the Council's comments on it, which appear in paragraphs 14.2 to 14.4 of the report of its Forty-Second Session (EC-42/5, dated 30 September 2005).

- 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 for 2006

- 14.1 In accordance with Article VIII, subparagraph 21(a), of the Convention, and pursuant to Financial Regulation 3.6(a), the Conference **considered** and **adopted** the OPCW Programme and Budget for 2006, which the Council had submitted to it (C-10/DEC.5, dated 8 November 2005).

Medium-Term Plan for 2006 to 2008

- 14.2 The Conference **noted** the medium-term plan for 2006 to 2008 (C-10/S/1/Rev.1, dated 1 November 2005), which the Council had forwarded to it.

- 15. AGENDA ITEM FIFTEEN – Appointment of the External Auditor**

The Conference **noted** the Note by the Director-General containing the summary of nominations for External Auditor of the OPCW (C-10/DG.8, dated 25 October 2005), the Note by the Director-General containing further information on those nominations (C-10/DG.9, dated 25 October 2005), and the Note by the Director-General on the withdrawal of nominations for External Auditor of the OPCW (C-10/DG.10, dated 2 November 2005). The Conference **appointed** Mr Muhammad Yunis Khan,

Auditor-General of Pakistan, for a subsequent term to audit the OPCW's financial and administrative operations for the financial years 2006 to 2008, and Mr Norbert Hauser, Vice-President of the German Supreme Audit Institution, to audit the OPCW's financial and administrative operations for an initial term of three years, from 2009 to 2011 (C-10/DEC.6, dated 10 November 2005).

16. AGENDA ITEM SIXTEEN – Scale of assessments to be paid by States Parties

- 16.1 In accordance with Article VIII, subparagraph 21(b), of the Convention, the Conference **adopted** the scale of assessments for 2006 (C-10/DEC.15, dated 11 November 2005).
- 16.2 The Conference **took note with satisfaction** of the request by Armenia regarding the rescheduling of its arrears, and **expressed its appreciation** for, and **welcomed**, every effort by this Member State to fulfil its financial obligations to the OPCW.
- 16.3 Similarly, the Conference **expressed its sympathy** for a request by Rwanda on the matter of its arrears, and **encouraged** Member States that are in a position to do so, to provide assistance to Rwanda with a view to enabling it to clear its debts.
- 16.4 In this respect, bearing in mind Article VIII, paragraph 8, of the Convention, and the need to encourage States Parties, in particular those that are in arrears, to pay their financial contributions promptly and in full, the Conference requested the Council to study, as soon as possible, a mechanism that would offer States Parties the flexibility to regularise the payment of their dues to the OPCW, and to make a recommendation on this matter to the Conference at its Eleventh Session.

17. AGENDA ITEM SEVENTEEN – Fostering of international cooperation for peaceful purposes in the field of chemical activities

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, dated 24 October 2003). 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. The Conference at its Ninth Session referred the matter back to the Council for its further consideration, with a view to the Council's forwarding a proposal to the Conference at its Tenth Session for its consideration. Having considered a recommendation by the Council on the matter (EC-M-25/DEC.8, dated 11 November 2005), the Conference **adopted** a decision on the full implementation of Article XI of the Convention (C-10/DEC.14, dated 11 November 2005).

18. AGENDA ITEM EIGHTEEN – Ensuring the universality of the Convention

The Conference **noted** the report by the Director-General on the further implementation of the action plan for the universality of the Convention (C-10/DG.3 EC-42/DG.7, dated 2 September 2005, and Corr.1, dated 9 September 2005) and, in accordance with the recommendation of the Council at its Twenty-Fifth Meeting (EC-M-25/DEC.5, dated 9 November 2005), **adopted** a decision concerning the implementation of the plan of action for the universality of the Convention (C-10/DEC.11, dated 10 November 2005).

19. AGENDA ITEM NINETEEN – Reports of subsidiary bodies

General Committee

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

Confidentiality Commission

- 19.2 The Conference **noted** the report of the Seventh Meeting of the Commission for the Settlement of Disputes Related to Confidentiality (hereinafter “the Confidentiality Commission”) (CC-7/1, dated 14 May 2005).
- 19.3 The Chairman of the Conference noted that Mrs Nélide Contreras de Ecker had resigned from the Confidentiality Commission. The Chairman also informed the Conference that, following consultations with the Latin American and Caribbean Group pursuant to Rule 4 of the Operating Procedures of the Confidentiality Commission, he had appointed Dr Ana María Cerini to replace Mrs Contreras de Ecker for the remainder of the latter’s term of office.

Credentials Committee

- 19.4 The report of the Credentials Committee (C-10/3, dated 9 November 2005) was presented by its Chairman, Ambassador Ahmad Al-Hassan of Jordan, who also reported orally to the Conference that, subsequent to the close of the Committee’s meeting, formal credentials were received from Belgium, Chile, and Iceland, and that copies of credentials, in the form required by Rule 26 of the Rules of Procedure of the Conference, were received from Costa Rica, Kenya, Togo, Yemen, and Zambia.

20. AGENDA ITEM TWENTY – Appointment of the Director-General

- 20.1 In accordance with a recommendation of the Council at its Forty-Second Session (EC-42/DEC.2, dated 29 September 2005), the Conference **considered** and **adopted** a decision renewing the appointment of Mr Rogelio Pflirter as Director-General of the Secretariat (C-10/DEC.7, dated 10 November 2005).

- 20.2 The Chairman and the coordinators of all Regional Groups warmly welcomed Mr Pfirter's reappointment, and wished him every success during the period of his second mandate.

21. AGENDA ITEM TWENTY-ONE – Establishment of an OPCW Office in Africa

In accordance with a recommendation of the Council at its Twenty-Fifth Meeting (EC-M-25/DEC.6, dated 9 November 2005), the Conference **considered** and **adopted** a decision on the establishment of an OPCW Office in Africa (C-10/DEC.13, dated 9 November 2005).

22. AGENDA ITEM TWENTY-TWO – Captive use of Schedule 1 chemicals

In accordance with a recommendation of the Council at its Twenty-Fifth Meeting (EC-M-25/DEC.4, dated 9 November 2005), the Conference **considered** and **adopted** a decision on the captive use of Schedule 1 chemicals (C-10/DEC.12, dated 10 November 2005).

23. AGENDA ITEM TWENTY-THREE – Any other business

- 23.1 The Conference **recommended** that the Council at one of its sessions establish an open-ended working group to begin, in cooperation with the Secretariat, preparations for the Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention, which is to be convened in accordance with Article VIII, paragraph 22, of the Convention.

Implementation of the Headquarters Agreement

- 23.2 The Conference **welcomed** the establishment of the OPCW Contact Group on the Implementation of the Headquarters Agreement to find mutually satisfactory solutions to outstanding issues with the Host Country. Furthermore, the Conference **acknowledged** the positive attitude on this matter demonstrated by the Netherlands, and **requested** that the Council submit to the Conference at its Eleventh Session a recommendation to establish a Host Country Committee.

Memorial and Day of Remembrance for all victims of chemical warfare

- 23.3 The Conference **endorsed** a proposal, to which the Director-General had referred in his opening statement (C-10/DG.11), for the establishment of a Day of Remembrance for all victims of chemical warfare, and for the dedication in The Hague of a permanent memorial to them. The Conference **decided** that the Day of Remembrance would be observed on 29 April each year—the date in 1997 on which the Convention entered into force. The Conference also **requested** the Director-General to coordinate the planning required, and to keep the Council duly informed of progress in this regard.

24. AGENDA ITEM TWENTY-FOUR – Date and duration of the next regular Session of the Conference of the States Parties

The Conference **decided** to hold its Eleventh Session from 5 to 8 December 2006.

25. AGENDA ITEM TWENTY-FIVE – Adoption of the report of the Conference of the States Parties

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

26. AGENDA ITEM TWENTY-SIX – Closure

26.1 Before closing the Tenth Session, the Chairman, speaking on behalf of the Conference, **conveyed** deepest sympathies to the delegation of the Hashemite Kingdom of Jordan and to its Government and people, following the terrorist attacks in that country, and **expressed** the utmost revulsion at these and all acts of terrorism.

26.2 The Chairman of the Conference closed its Tenth Session at 17:17 on 11 November 2005.

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