



REPORT OF THE SEVENTIETH 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 Seventieth Session in The Hague at 10:29 on 25 September 2012.

2. AGENDA ITEM TWO – Adoption of the agenda

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) Supplement to the 2011 Verification Implementation Report
 - (e) Status of implementation of Article VII
 - (f) Status of implementation of Article XI
 - (g) Progress made in the implementation of the action plan for the universality of the Convention



- (h) Report by the Director-General on the readiness of the Technical Secretariat to conduct a challenge inspection and an investigation of alleged use
7. Administrative and financial matters:
 - (a) Report of the Advisory Body on Administrative and Financial Matters
 - (b) Draft Programme and Budget of the OPCW for 2013, and all items pertaining to this Budget
 - (c) Financial Statements of the OPCW and the External Auditor's report for the year ending 31 December 2011
 - (d) OPCW income and expenditure for the financial year to 30 June 2012; the cash situation and the use of the Working Capital Fund for the financial year to 31 August 2012
 - (e) Status of implementation by States Parties of agreed multi-year payment plans to regularise the payment of their outstanding annual contributions
 - (f) Amendments to the Financial Regulations and Rules of the OPCW
 - (g) Amendment to the OPCW Staff Regulations
 8. The OPCW Programme for Africa
 9. Draft report of the Executive Council on the performance of its activities
 10. Report by the Committee on Relations with the Host Country
 11. Briefing by the Chairperson of the Open-Ended Working Group for the Preparation of the Third Review Conference¹
 12. Dates for regular sessions of the Executive Council in 2013
 13. Any other business
 14. Adoption of the report
 15. Closure
- 3. AGENDA ITEM THREE – Opening statement by the Director-General**
- 3.1 The Council **noted** the opening statement by the Director-General (EC-70/DG.18, dated 25 September 2012).
 - 3.2 The Director-General informed the Council about the “Supplementary Arrangement Concerning the Implementation of Article II(2)(c) of the Relationship Agreement between the United Nations and the Organisation for the Prohibition of Chemical Weapons” that he concluded with the Secretary-General of the United Nations.

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

3.3 The Council **requested** that, in case the provisions of paragraph 27 of Part XI of the Verification Annex to the Chemical Weapons Convention (hereinafter “the Verification Annex”) or any other document related thereto and concluded between the OPCW and the United Nations are invoked, the Director-General will promptly inform the Council and all States Parties of the request and of the actions that the Technical Secretariat (hereinafter “the Secretariat”) is undertaking to respond to the request.

4. AGENDA ITEM FOUR – Reports by the Vice-Chairpersons on the activities 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 issues, Ambassador Robert P. Mikulak of the United States of America on chemical-industry and other Article VI issues, Ambassador Sirajuddin Hamid Yousif of 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 Council **concurred** with the recommendation of the coordinator for chemical-industry and other Article VI issues, Ambassador Robert P. Mikulak, that the issue of “Understanding on access to records during Schedule 2, Schedule 3, and DOC/PSF plant-site inspections (item II.3 of EC-70/INF.1, dated 30 July 2012) be considered closed and requiring no further action. The Council **forwarded** this recommendation to the Conference of the States Parties (hereinafter “the Conference”) for consideration at its Seventeenth Session.

4.3 The Council **welcomed** the appointment of Mrs Sarah Broughton of the United Kingdom of Great Britain and Northern Ireland as the facilitator for the issue of assistance and protection against chemical weapons.

5. AGENDA ITEM FIVE – General debate

The following delegations made statements during the general debate: the Islamic Republic of Iran (on behalf of the Non-Aligned Movement and China), Cyprus (on behalf of the European Union and associated countries), Sudan (on behalf of the African Group), India, China, Brazil, the Republic of Korea, Ireland, the United States of America, Norway, Canada, the Russian Federation, Malaysia, Sudan (in its national capacity), Chile, Japan, and Pakistan.

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 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-70/DG.15, dated 18 September 2012).

- 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 with Respect to the Destruction of the Chemical Weapons Abandoned by Japan in the People’s Republic of China” (EC-70/DG.17, dated 21 September 2012 and Corr.1, dated 27 September 2012).

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

- 6.3 The Secretariat briefed the Council on its destruction-related verification activities.
- 6.4 The United States of America, the Russian Federation, Libya, Japan, and China briefed the Council on their destruction-related activities.
- 6.5 The Council **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.
- 6.6 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-70/P/NAT.1, dated 7 September 2012), was **considered** and **noted** by the Council, along with comments on the issue as mentioned above.
- 6.7 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-70/NAT.1, dated 27 August 2012), was **considered** and **noted** by the Council, along with comments on the issue as mentioned above.
- 6.8 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-70/NAT.2, dated 3 September 2012), was **considered** and **noted** by the Council, along with comments on the issue as mentioned above.
- 6.9 Further to a decision by the Council at its Sixty-Seventh Session (EC-67/DEC.6), the Council conducted substantive review on the implementation of the decision, including the progress made for the destruction of ACWs referred to in operative paragraph 8, which is reflected in the Report of the Executive Council on the Performance of its Activities in the Period from 16 July 2011 to 13 July 2012 (EC-70/4 C-17/2, dated 28 September 2012), to which a Note by the Secretariat is

attached. Further to the same decision, a national paper by China (EC-70/NAT.3, dated 14 September 2012) and a national paper by Japan (EC-70/NAT.4, dated 14 September 2012) have been circulated to the members of the Council. While welcoming the progress of the destruction and 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 above-mentioned decision.

Subitem 6(c): Other verification-related issues

- 6.10 The Secretariat briefed the Council on its other verification-related activities.
- 6.11 Iraq briefed the Council on its progress made in the Al-Muthanna Bunkers Decommissioning Project.
- 6.12 The Council **adopted** a decision on guidelines for the number, intensity, duration, timing, and mode of inspections at Schedule 1 single small-scale facilities and at other Schedule 1 facilities (EC-70/DEC.4, dated 28 September 2012).

Subitem 6(d): Supplement to the 2011 Verification Implementation Report

- 6.13 The Council **considered** and **noted** the supplement to the 2011 Verification Implementation Report (VIR) (EC-70/HP/DG.2, dated 29 August 2012).
- 6.14 The Council **noted** the comments and views received on the 2011 VIR (EC-70/P/DG.1, dated 1 August 2012).

Subitem 6(e): Status of implementation of Article VII

- 6.15 Further to a decision by the Conference at its Fourteenth Session regarding the implementation of Article VII obligations (C-14/DEC.12, dated 4 December 2009), the Council **noted** the report by the Director-General on the “Status of Implementation of Article VII of the Chemical Weapons Convention as at 27 July 2012: Article VII(1)(a) to (c) and Other Obligations” (EC-70/DG.3 C-17/DG.6, dated 28 August 2012); the report by the Director-General on the “Status of Implementation of Article VII of the Chemical Weapons Convention as at 27 July 2012: Further Obligations Pursuant to Article VII” (EC-70/DG.4 C-17/DG.7, dated 28 August 2012); and the Note by the Director-General on the “Overview of the Status of Implementation of Article VII of the Chemical Weapons Convention as at 27 July 2012” (EC-70/DG.5 C-17/DG.8, dated 28 August 2012). The Council **forwarded** the documents to the Conference for consideration at its Seventeenth Session.
- 6.16 The facilitator for this issue, Mr Rami Adwan of Lebanon, reported on the consultations carried out during the intersessional period.
- 6.17 The Council **urged** all the States Parties which have not yet completed implementation of their Article VII national measures to do so. The Council **encouraged** the Secretariat and all the States Parties to provide assistance and

technical support to those States Parties to adopt the necessary measures. The Council **suggested** that proposals should be explored, based on tailor-made, results-based measures, through continuation of consultations by the Facilitator.

Subitem 6(f): Status of implementation of Article XI

- 6.18 The Council **considered** and **noted** a report by the Director-General entitled “Progress Report on and the Status of Implementation of Article XI of the Chemical Weapons Convention for the Period 1 January to 15 August 2012” (EC-70/DG.10/Rev.1 C-17/DG.11/Rev.1, dated 26 September 2012).
- 6.19 The facilitator for this issue, Mr Aamir Shouket of Pakistan, reported on the consultations carried out during the intersessional period.

Subitem 6(g): Progress made in the implementation of the action plan for the universality of the Convention

- 6.20 The Council at its Twenty-Third Meeting adopted an action plan for the universality of the Convention (EC-M-23/DEC.3, dated 24 October 2003). The plan requested the Director-General, inter alia, to submit to the Conference at its regular sessions an annual report on the implementation of the action plan, and to keep the Council regularly informed, so that the Conference and the Council may review progress and monitor its implementation effectively.
- 6.21 The facilitator for this issue, Mr Gary Applegarth of the United States of America, reported to the Council on activities conducted during the intersessional period.
- 6.22 The Council **considered** and **noted** the annual report on the implementation of the action plan for the universality of the Convention during the period from 16 September 2011 to 15 August 2012, submitted to both the Council and the Conference (EC-70/DG.14 C-17/DG.13, dated 18 September 2012).

Subitem 6(h): Report by the Director-General on the readiness of the Technical Secretariat to conduct a challenge inspection and an investigation of alleged use

- 6.23 The Council **considered** and **noted** a Note by the Director-General reporting on the readiness of the Secretariat to conduct a challenge inspection or an investigation of alleged use (EC-70/DG.12, dated 12 September 2012).

7. AGENDA ITEM SEVEN – Administrative and financial matters

Subitem 7(a): Report of the Advisory Body on Administrative and Financial Matters

- 7.1 The Council **considered** and **noted** the report of the Thirty-Third Session of the Advisory Body on Administrative and Financial Matters (ABAF), which took place from 27 to 30 August 2012 (ABAF-33/1, dated 30 August 2012), and a Note by the Director-General containing comments on the report of the ABAF at that session (EC-70/DG.16, dated 20 September 2012).

Subitem 7(b): Draft Programme and Budget of the OPCW for 2013, and all items pertaining to this Budget

- 7.2 The Council **considered** the Draft Programme and Budget for 2013, which the Director-General had submitted to the Council in accordance with Financial Regulation 3.4, and **forwarded** it to the Conference at its Seventeenth Session, together with its comments and recommendations (EC-70/DEC.3, dated 28 September 2012).
- 7.3 The Medium-Term Plan for the period from 2013 to 2015 (EC-70/S/1 C-17/S/1, dated 28 June 2012 and Corr.1, dated 19 July 2012) was circulated to the members of the Council, along with the Draft Programme and Budget for 2013.
- 7.4 The Note by the Secretariat on the programme performance for the year 2011 (S/1018/2012, dated 23 May 2012) was circulated to the members of the Council.

Subitem 7(c) Financial Statements of the OPCW and the External Auditor's report for the year ending 31 December 2011

- 7.5 The Council **noted** the Financial Statements of the OPCW and the report of the External Auditor for the year ending 31 December 2011 (EC-70/DG.1 C-17/DG.4, dated 10 July 2012 and Corr.1, dated 28 September 2012) and **forwarded** them to the Conference for consideration at its Seventeenth Session. The Council **received** a presentation by the External Auditor, Mr Norbert Hauser (EC-70/2, dated 26 September 2012).
- 7.6 The facilitator for this issue, Ms Sakiko Hayakawa of Japan, reported to the Council on consultations held during the intersessional period.

Subitem 7(d): OPCW income and expenditure for the financial year to 30 June 2012; the cash situation and the use of the Working Capital Fund for the financial year to 31 August 2012

- 7.7 The Council **considered** and **forwarded** to the Conference at its Seventeenth Session a report by the Director-General on OPCW income and expenditure for the financial year to 30 June 2012 (EC-70/DG.2 C-17/DG.5, dated 19 July 2012 and Corr.1, dated 7 September 2012).
- 7.8 The Council **considered** and **forwarded** to the Conference at its Seventeenth Session a Note by the Director-General on the cash situation and the use of the Working Capital Fund for the financial year to 31 August 2012 (EC-70/DG.11 C-17/DG.12, dated 12 September 2012).
- 7.9 The Council **noted** the Note by the Director-General on the transfer of funds during 2012 and **concurred** on the proposal contained therein (EC-70/DG.13, dated 18 September 2012).

Subitem 7(e): Status of implementation by States Parties of agreed multi-year payment plans to regularise the payment of their outstanding annual contributions

- 7.10 Further to a decision of the Conference at its Eleventh Session (C-11/DEC.5, dated 7 December 2006), the Council **considered** and **forwarded** to the Conference at its Seventeenth Session a Note by the Director-General on the status of implementation by States Parties of agreed multi-year payment plans (EC-70/DG.6 C-17/DG.9, dated 4 September 2012).

Subitem 7(f): Amendments to the Financial Regulations and Rules of the OPCW

- 7.11 The Council **considered** a Note by the Director-General on proposed amendments to the Financial Regulations and Rules of the OPCW (EC-70/DG.8, dated 12 September 2012) and **adopted** a decision on this matter (EC-70/DEC.1, dated 26 September 2012).

Subitem 7(g): Amendment to the OPCW Staff Regulations

- 7.12 The Council **considered** a Note by the Director-General on the proposed amendment to the Staff Regulations of the OPCW (EC-70/DG.7, dated 12 September 2012) and **adopted** a decision on this matter (EC-70/DEC.2, dated 28 September 2012) and **forwarded** it to the Conference for consideration at its Seventeenth Session. The Council **emphasised** that downward classification of posts will be undertaken without adverse effect on the programme delivery of the operational Divisions (Verification, Inspectorate, and International Cooperation and Assistance) of the Secretariat. The Council **encouraged** the Director-General to submit proposals for all upward classifications simultaneously with release of the Draft Programme and Budget.

8. AGENDA ITEM EIGHT – The OPCW Programme for Africa

The Council **considered** and **noted** a Note on the Programme to Strengthen Cooperation with Africa on the Chemical Weapons Convention (EC-70/DG.9 C-17/DG.10, dated 12 September 2012).

9. AGENDA ITEM NINE – Draft report of the Executive Council on the performance of its activities

- 9.1 The Council **considered** and **approved** the report on the performance of its activities in the period from 16 July 2011 to 13 July 2012 (EC-70/4 C-17/2) and **submitted** it to the Conference for consideration at its Seventeenth Session.
- 9.2 A Note by the Secretariat entitled “the Destruction of Chemical Weapons Abandoned by Japan in the People’s Republic of China” was attached to the above-mentioned report.

10. AGENDA ITEM TEN – Report by the Committee on Relations with the Host Country

10.1 At its Eleventh Session, the Conference adopted a decision establishing a Committee on Relations with the Host Country (hereinafter “the Host Country Committee”) (C-11/DEC.9, dated 7 December 2006). The Council **considered** and **noted** a report by the Host Country Committee on the performance of its activities from February to August 2012, and **submitted** it to the Conference for consideration at its Seventeenth Session (EC-70/HCC/1/Rev.1 C-17/HCC/2/Rev.1, dated 27 September 2012).

10.2 Pursuant to the concerns expressed at previous Sessions related to the issues under consideration by the Host Country Committee, the Council **received** the report of the Committee on progress made in this regard, and **decided** to remain seized of the matter and, while encouraging the Host Country and concerned delegations to continue their close consultations with a view to finalising a solution, **called upon** the Host Country Committee to report back to the Council at its next regular Session.

11. AGENDA ITEM ELEVEN – Briefing by the Chairperson of the Open-Ended Working Group for the Preparation of the Third Review Conference

The Chairperson of the Open-Ended Working Group (OEWG) for the Preparation of the Third Review Conference, Ambassador Nassima Baghli of Algeria, **briefed** the Council on the activities of the OEWG.

12. AGENDA ITEM TWELVE – Dates for regular sessions of the Executive Council in 2013

12.1 The Council **decided** that the Seventy-First Session of the Council shall be held from 19 to 22 February 2013, that the Seventy-Second Session of the Council shall be held from 6 to 8 May 2013, that the Seventy-Third Session of the Council shall be held from 16 to 19 July 2013, and that the Seventy-Fourth Session of the Council shall be held from 8 to 11 October 2013. The Council **decided** to make an effort to reduce the number of days from four to three, to the extent possible.

12.2 The Council **decided** that, as from 12 May 2013, the Council shall meet for three regular sessions during its annual cycles.

13. AGENDA ITEM THIRTEEN – Any other business

Issues relating to improvement of the methodology of the work of the Council

The Council **considered** the recommendations contained in the Chairperson’s summary of issues raised in the informal consultations held on 29 August 2012 related to the improvement of the methodology of the work of the Council (EC-70/3*, dated 25 September 2012). The Council expressed appreciation for the progress achieved on this matter and the general desire to move forward on some recommendations. The Council **also noted** that other recommendations would require further discussion by the Council, as appropriate. The Council **requested** the Chairperson to continue consultations intersessionally on issues relating to improvement of the methodology of the work of the Council.

14. AGENDA ITEM FOURTEEN – Adoption of the report

The Council **adopted** the report of its Seventieth Session.

15. AGENDA ITEM FIFTEEN – Closure

The Chairperson closed the session at 20:40 on 28 September 2012.

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