



THE SECRETARY-GENERAL

ODA/Chemical weapons

17 January 2008

Dear Mr. Pfirter,

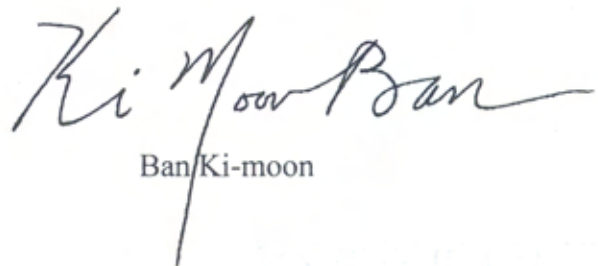
I wish to thank you for your letter of 13 December 2007. Since I came into office, I have underlined the importance of the Chemical Weapons Convention and the Organisation for the Prohibition of Chemical Weapons (OPCW) on several occasions, including the high-level meeting to commemorate the 10th anniversary of the Chemical Weapons Convention.

As you know, the group of experts to which you refer decided to confine its input to the updating of the Appendices because it recognized that a broad review process of the body of the report itself would necessarily entail the direct involvement of Member States.

Under these circumstances, I would like to extend my sincere gratitude to the OPCW for its contribution to updating the technical guidelines and procedures to investigate alleged use of chemical, biological and toxin weapons.

I look forward to our continued close cooperation and take this opportunity to reiterate my strong commitment to promote the full implementation of the Convention, and to help free the world from chemical weapons. The United Nations will work together with the OPCW, Member States, and civil society to achieve these noble objectives.

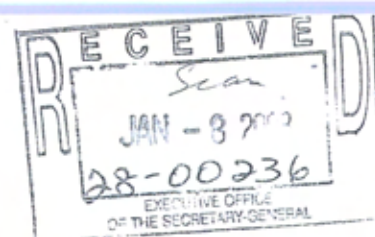
Yours sincerely,


Ban Ki-moon

Mr. Rogelio Pfirter
Director-General
Organisation for the Prohibition
of Chemical Weapons
The Hague



28-00235/27-15244



Note to the Secretary-General

**UPDATING TECHNICAL GUIDELINES AND PROCEDURES
FOR INVESTIGATING ALLEGED USE OF
CHEMICAL, BIOLOGICAL AND TOXIN WEAPONS**

1. Following your approval of 11 July 2007 and in pursuance of General Assembly resolution 60/288 of 8 September 2006, the Office for Disarmament Affairs (ODA), with the assistance of a consultant, Prof. Ake Sellstrom (Sweden), organized and convened two meetings of specialized experts to update the 1989 technical guidelines and procedures for the timely and efficient investigation of reports of the possible use of chemical, biological and toxin weapons. The first meeting was held in New York from 6 to 10 August, and the second meeting from 26 to 30 November 2007. The meetings were attended by experts from 10 Member States, representatives of five International Organizations and one expert from civil society's research community who also brought in funding from the Carnegie Corporation for an in-depth technical meeting in Sweden, which was held during the period between the two sessions.
2. The two ODA organized meetings together with a resource document from the meeting in Sweden resulted in the recommendation to update the appendices of the technical guidelines and procedures in order to bring them in line with the requirements of the 21st century. There was no consensus among the experts to review and update the document of 1989 in its entirety.
3. The attached submission reflects the unanimous view of the experts and also takes into account the substantial developments in the biological weapons area since the development of the technical guidelines and procedures in 1989. In their review and update, the experts also noted the entry into force of the Chemical Weapons Convention, the establishment of the Organisation for the Prohibition of Chemical Weapons in 1997 and the UN-OPCW relationship agreement of 2001.
4. The letter of transmittal and the report by the experts are attached for your information.

A handwritten signature in black ink, appearing to read "Sergio Duarte".

Sergio Duarte
8 January 2008

United Nations



Nations Unies

Executive Office of the Secretary-General
Cabinet du Secrétaire général

To: Mr. Nambiar,

Please find attached, for your approval and SG's signature a reply letter addressed to Mr. Pfirter, Director-General OPCW.

Also attached is a copy of a note from Mr. Duarte dated 8 January, on the work of the group of experts, which is the subject of the letter.

A handwritten signature in blue ink, appearing to read 'Nicholas Haysom'.

Nicholas Haysom
17 January 2008

Cc: KWS

28-00235

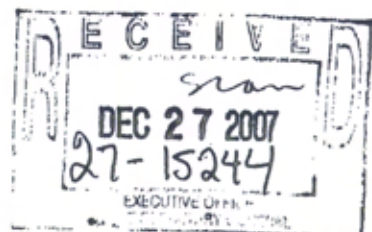
ACTION Mr. Duarte
COPY NH



ORGANISATION FOR THE PROHIBITION OF CHEMICAL WEAPONS

Director-General

The Hague, 13 December 2007
L/ODG/131879/07



OPCW

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Dear Secretary General,

I have the honour to refer to meetings of the group of experts convened by you pursuant to General Assembly resolution 60/288 of 8 September 2006.

The purpose of these meetings was to update the UN investigation mechanism and its technical guidelines and procedures, which are annexed to the Report of the Secretary-General on Chemical and Biological Weapons (UN document A/44/561, 4 October 1989, the "Report"). The report was issued in 1989, before the conclusion and entry into force of the Chemical Weapons Convention. As the Convention has now been in force for the last 10 years, we all agree that the main body of the Report, in addition to the Appendices, now needs to be updated to reflect this fundamental development and its significance for investigations of alleged use of chemical weapons.

At its last meeting, the group of experts agreed to confine their update of the technical guidelines and procedures to the Appendices of the Report, and decided to leave the main body of the document from 1989 unaltered. The document has therefore not been updated to reflect the entry into force of the Convention. Nevertheless, the letter through which the body of experts transmitted its report to you notes the conclusion and entry into force of the Convention. The group "noted the potential role of the OPCW in the investigation of alleged use of chemical weapons with respect to investigations initiated by the Secretary-General".

H.E. Mr Ban Ki-moon
Secretary General
United Nations
New York

ODA
Weapons of Mass
Destruction Branch

DEC 21 2007

Log No. 34-12

ODA
OFFICE OF THE
HIGH REPRESENTATIVE
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DEC 31 2007

LOG NO. 58/12

I am rather concerned at the reference to the "potential" role of the OPCW. The importance of the Chemical Weapons Convention and the OPCW established thereunder cannot be overstated in this regard. The centrality of the global role of the Convention and the OPCW has indeed been recognised in the Relationship Agreement between the United Nations and the OPCW (adopted by the General Assembly in Resolution A/RES/55/283, on 7 September 2001). That Agreement provides that "the United Nations recognises the OPCW as the organisation, in relationship to the United Nations as specified in this agreement, responsible for activities to achieve the comprehensive prohibition of chemical weapons in accordance with the Convention".

Given the harmony between the aims of both Organisations in this respect, it is beyond doubt that the interests of international peace and security under the Charter of the United Nations would be best served by respecting the rights and obligations of States Parties under the Convention in accordance with international law.

It is my profound hope and expectation that the update of the main body of the Report will reflect the pivotal role of the Convention and the OPCW for its States Parties, as this is the assured way of guaranteeing the full effectiveness of investigations of alleged use of chemical weapons. (2)

I would like to take this opportunity to reaffirm the commitment and readiness of the OPCW, to cooperate with the United Nations in accordance with the provisions of their respective constituent instruments.

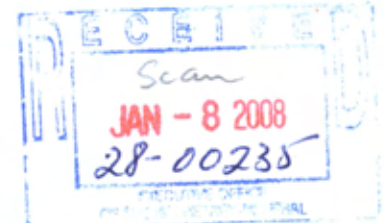
With kind regards,



Rogelio Pfirter

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Note to Mr. Vijay Nambiar

**LETTER FROM THE DIRECTOR-GENERAL OF THE ORGANISATION FOR
THE PROHIBITION OF CHEMICAL WEAPONS**

I wish to refer to the letter from the Director-General of the Organisation for the Prohibition of Chemical Weapons (OPCW) of 13 December 2007 addressed to the Secretary-General (please see attached letter). 27-15240

In the letter, the Director-General expressed his concerns that the report prepared by the experts on the update of the 1989 technical guidelines and procedures to investigate alleged use of chemical and biological weapons did not adequately reflect the "pivotal role of the Chemical Weapons Convention and that of the OPCW". The report was unanimously adopted by a group of governmental technical experts on 30 November 2007, taking into account the substantial changes in the security environment and reflecting the modern standards and scientific developments in the relevant disciplines. The experts from the OPCW were present at the meeting as observers and contributed to the update with reference to investigation of alleged use of chemical weapons.

Considering the importance of continued close cooperation with the OPCW, it is recommended that the Secretary-General send a reply to the Director-General underlining the importance of the Chemical Weapons Convention and the OPCW. A draft letter is attached for your approval.

A handwritten signature in dark ink, appearing to be 'Sergio Duarte'.

Sergio Duarte
8 January 2008