

CWC Review Conference Report

The Final Day (and a half): Closure of the Conference

The Second five-yearly Review Conference for the 1993 Chemical Weapons Convention (CWC) succeeded in adopting a final declaration, although the negotiations went into Saturday morning. A number of concerns were raised about the process to reach this.

The 'other meeting'

The discussions between around 20 states parties to try and hammer out a final document continued from 9am on Friday into the night. This 'other meeting' was convened in one of the side rooms at the World Forum Convention Centre next door to the OPCW building.

Throughout the day, about the only information coming out of this meeting was that progress was being made, but it was not clear at what rate this progress was. This lack of transparency (not even releasing sections of text that had been possibly finished with on the basis that nothing was agreed until everything was agreed) caused significant frustration amongst those delegates not involved in it.

The Committee of the Whole

As with the last few days, deliberations continued in informal consultations in the framework of the Committee of the Whole (CoW) in the Ieper Room of the OPCW building. Again, the preambular paragraphs were examined. Many delegations involved in this meeting were later surprised that the 'other meeting' would be also reviewing the draft preambular paragraphs.

Adoption of the final declaration

At 2am it was announced that the 'other meeting' had produced a text with one outstanding paragraph unresolved. But it took another two hours before a printed version of this text was available to delegates. The paragraph that was the final sticking point was the one that referred to UN Security Council resolution 1540. In the end the text simply referred to 'the resolutions of the United Nations on combating terrorism'.

The CoW re-convened just after 4am in the main auditorium of the Convention Centre. After a short session which focused on some delegates' disquiet on the process through which the draft final declaration was reached, a break was taken for delegates to read the text. Some quick regional group meetings were also held during this break. At 5am, the CoW resumed its examination of the text which was relatively quickly gavelled through and adopted just before 5.30am. An oddity of this phase was that many delegates were unsure about which version of the draft preambular paragraphs were being decided upon.

A plenary session started shortly afterwards. This adopted the report of the CoW at 5.43am. Indonesia raised issues of the procedure, reading a statement that had been sent from the capital. The plenary adopted its final report at 05.52 and closed at 06.05 – bringing a formal end to the Review Conference.

Declaration elements

At the time of writing, no electronic copy of the declaration is available and it is possible that paragraph numbers may change before the final version is published. The declaration was circulated in two parts. The main section starting at paragraph 13 and ending on paragraph

148. The printout of the preambular section that was circulated for adoption illustrated the last edits applied to it (as in word-processing 'track changes'), but which logically, with the insertions made, should have 13 paragraphs, requiring the second section to start on paragraph 14. The declaration follows the structure given in *Report* number 8.

A few short points are worth noting. The term 'non-proliferation' remains in the preamble. Under general obligations, all reference to incapacitants has been removed although the general purpose criterion remains in the form of wording about 'the comprehensive nature of the prohibition' and the application of the Convention to 'any toxic chemical'. In the destruction section, the Conference called for the deadlines to be met. The Executive Council is requested to look at continuing verification of former Chemical Weapons Production Facilities. Under activities not prohibited the question of inspections at Other Chemical Production Facilities (OCPFs) has been devolved to the Director-General to examine the question of 'directing inspections towards facilities of greater relevance' to the CWC and to report to the Executive Council. The report of the Scientific Advisory Board sent to the Review Conference by the Director-General is to be examined 'through a meeting of governmental experts open to all States Parties'.

Reflections

A conscious effort is taken in writing these daily summaries to report the facts and not give opinion. However, there are many times that the question is raised – 'so what do you think about what happened?' The following are some personal reflections that do not necessarily represent anyone's views other than the author's own.

The Review Conference succeeded in reviewing the Convention and concluding a final document, but it did so with a struggle. In the aftermath of the event, it is worth asking how could a Review Conference with so much preparation effort manage to end up in such a situation? Answering this question will be vital to prevent a repeat of what happened this time. Unsurprisingly, in discussions with many delegates and officials, I could find no one who thought that this was a preferable way for a Review Conference to be running. Having said that, it conceivably could have been much worse. It does not bode well, however, for any meeting that might be held on destruction issues closer to 2012.

When mention was made of the difficulties of coming to agreements on elements of text, the name of the delegation that came up more often than any other was that of Iran. However, the activities of this delegation were not the only factors in making this Review Conference the way it was. This Review Conference was far more politicized than earlier meetings which could normally be described as finding pragmatic solutions to real problems. Perhaps this change comes from the realisation that the destruction period is coming to an end and that the OPCW will be inevitably changed because of this.

Finally, a note should be made about NGO engagement with the CWC and the OPCW. The Hague remains less NGO-friendly than Geneva, New York or Vienna. A major part of this derives from less experience engaging with NGO activities. The experience of this Review Conference seems to be that a greater number of delegates appear to recognise that NGOs have a useful role to play in the efforts to reduce the global threat from the hostile uses of poisons.

This is the eleventh and final report from the Second Review Conference for the Chemical Weapons Convention which was held from 7 to 18 April 2008 in The Hague. These reports were designed to help people who are not in The Hague to follow the proceedings and were prepared by Richard Guthrie with financial support from the Ploughshares Fund <<<http://www.ploughshares.org>>>. The author thanks all of those people in The Hague who took their time to discuss with him what was going on and who, by convention, must remain unnamed.

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