# **CWC Review Conference Report**

# The Third CWC Review Conference: setting the scene

The Third Review Conference for the 1993 Chemical Weapons Convention (CWC) provides the opportunity, in the words of the Convention itself: 'to undertake reviews of the operation of this Convention. Such reviews shall take into account any relevant scientific and technological developments'. The Conference is being held at the World Forum Convention Centre which is situated next door to the building of the CWC's implementing body, the Organization for the Prohibition of Chemical Weapons (OPCW). Official documents are available from the OPCW website <<a href="http://www.opcw.org">http://www.opcw.org</a>>.

As with earlier CWC Review Conferences, an Open-Ended Working Group (OEWG), with Ambassador Nassima Baghli (Algeria) in the Chair, has taken the place of the 'Preparatory Committee' process that occurs in the equivalent treaties dealing with biological and nuclear issues. The OEWG has consulted widely and prepared a consensus paper that provides a starting point for the Conference. Ambassador Krzysztof Paturej (Poland) is nominee to be the Chair for the Review Conference itself.

OPCW Director-General Ahmet Üzümcü has published a background document reviewing the operation of the CWC since the last Review Conference (RC-3/S/1 [+ Corr.1]).

#### Global context

There are a number of external issues which may impinge upon the proceedings of the Conference. One of these is the conflict in Syria, a country which is not a CWC State Party, where there have been allegations of use of chemical weapons. On 21 March, the UN Secretary-General (who will be in The Hague for the opening of the Review Conference and will give a press conference) accepted a request from the government of Syria to carry out an investigation into alleged use. The published letter containing this request contained fewer details than equivalent letters making similar requests in earlier conflicts elsewhere and it is not clear whether further details were made available for potential investigators. As of the weekend before the Review Conference, no investigators had deployed to Syria.

There are also broader issues relating to proposals for a Middle East zone free of weapons of mass destruction. There had been plans for a meeting on such a zone during 2012 which did not take place. It is not clear how such a zone, if established, would interact with existing measures with overlapping mandates, such as the CWC.

## Chemical weapons destruction and the post-destruction roles of the OPCW

Seven states declared the possession of chemical weapons at the time the CWC entered into force for them of which three have completed destruction activities. Under the terms of the Convention, all chemical weapons should be destroyed within ten years after its entry into force, i.e., by 29 April 2007, with a possible five year extension but no further. With destruction activities continuing beyond the 2012 deadline the issue is likely to be raised, although most governments consider the overruns to be owing to technical and economic reasons rather than any political unwillingness to move to a chemical-weapon-free world.

Once destruction of the declared stockpiles is complete, a significant proportion of activities by the OPCW Technical Secretariat will cease as such destruction was carried out under OPCW oversight. While direct costs of monitoring destruction were met by the

possessor states, the overall additional size of the OPCW allowed for efficiencies in areas such as training and maintaining a broad set of available skills in the inspectorate. An 'advisory panel', chaired by Rolf Ekéus (Sweden), considered the future priorities for the OPCW and its conclusions were published in 2011 as OPCW document S/951/2011.

### **Industry verification**

A major activity of the OPCW is verification relating to industrial activities in order to inhibit diversion of materials from peaceful production to hostile purposes. Article VI of the Convention deals with inspections of industrial facilities – for both those producing chemicals listed on the Convention's schedules and those producing non-scheduled chemicals. The latter of these, known as 'Other Chemical Production Facilities' (OCPFs), are the subject of political attention. When the CWC was negotiated, the greatest risk was seen as coming from the chemicals that could be misused to the deadliest effect, so the chemicals in Schedule 1 were seen as more dangerous than those in Schedule 2 or 3. OCPFs are facilities capable of producing toxic materials that could be misused; furthermore many OCPFs are capable of producing scheduled chemicals with little or no adaptation. There is a tension here between the 'hierarchy of risk' of the chemicals in the schedules versus geographic distribution of OCPF inspection. While the number of facilities handling scheduled chemicals is in the hundreds, the number of declared OCPFs is in the thousands. Two relevant reports have been published recently: one on experiences of a revised interim OCPF selection methodology (S/1070/2013); and one on refinements in the conduct of inspections (S/1066/2013).

### **Incapacitants and riot-control agents**

How the Convention relates to incapaciating agents and riot-control agents has remained controversial since the negotiations of the CWC. While the issues of incapacitants and riot-control agents have some overlap, there are distinct differences between them, although both impinge upon ambiguities that were knowingly accepted in the CWC text. In short, riot-control agents are essentially irritants that provoke a desire of those affected to remove themselves from the exposure while incapacitants impact upon consciousness or decision-making abilities and therefore those affected can easily end up exposed to quantities of agent that can have fatal effects. To summarise a very long and complex history, there were differences between some delegations on these issues and the only way forward was to insert language that could be subject to more than one interpretation, allowing the relevant delegations to report back that their policy objectives were reflected in the text. A key ambiguity is centred on what the term 'law enforcement' can cover. As the incapacitants issues, in particular, have no outcomes that would gain instant consensus support there has been hesitation by some delegations at past Review Conferences to tackle the subject area. Others have indicated a desire to discuss these issues at this Review Conference.

#### Non-governmental participation

The number of registrations to this Review Conference by non-governmental organizations (NGOs) is at a record level. A wide range of interests are reflected in the registrations, such as research groups, industry associations and victim/survivor support groups. More side events have been scheduled for this Review Conference than for any of its predecessors and non-governmental presence and presentations are starting to approach the levels seen in the meetings associated with the Biological Weapons Convention in Geneva.

This is the first report from the Third Review Conference of the Chemical Weapons Convention which is being held from 8 to 19 April 2013 in The Hague. They are prepared by Richard Guthrie of CBW Events for the CWC Coalition, a global network of non-governmental groups with an interest in the Convention. The reports are available at <<a href="http://www.cbw-events.org.uk/cwc-rep.html">http://www.cbw-events.org.uk/cwc-rep.html</a>>. The author can be contacted during the Conference on +31 623 426 072 or <<a href="mailto:richard@cbw-events.org.uk">richard@cbw-events.org.uk</a>>.