

CWC Review Conference Report

The Run-up to the Conference: Preparations and expectations

Following months of preparation, the Second five-yearly Review Conference for the 1993 Chemical Weapons Convention (CWC) is being convened 'to undertake reviews of the operation of this Convention. Such reviews shall take into account any relevant scientific and technological developments'. The Review Conference is being held in the eleventh year of the operation of the Convention as the text in the treaty requires it to be held 'not later than one year after the expiry of ... the tenth year after the entry into force of this Convention'. It is expected to be of two weeks duration. The Review Conference is legally a 'special session' of the Conference of the States Parties and it will be preceded by an additional short special session that will be dealing with certain procedural issues.

An Open-Ended Working Group (OEWG), which first met in July 2006 with Ambassador Parker (UK) in the Chair, has taken the place of the traditional 'Preparatory Committee' process that occurs in the equivalent treaties dealing with biological and nuclear issues. The OEWG has held numerous consultations – primarily between states parties, but also receiving input from industry and NGOs – and has prepared draft language that may form the starting point for a final declaration from the Conference, although a significant number of outstanding issues remain. It is widely understood that the Ambassador of the Kingdom of Saudi Arabia will take the Chair for the Review Conference, but this does not seem to have been put down anywhere in writing.

The Director-General of the CWC's implementing body, the OPCW, has published a 108-page background document 'Review of the Operation of the Chemical Weapons Convention since the First Review Conference', (doc. RC-2/S/1, available via <<<http://www.opcw.org>>>) which gives an overview of many aspects of the Convention.

Expectations for the Review Conference

In recent days, various officials have described the expected activities of the Conference using terms such as 'consolidation', 'rebalancing', and 'evolution' rather than describing anything revolutionary, reactionary or dramatic – indicating a widespread view that there are no obvious issues that might derail the proceedings. Nevertheless, controversial issues remain, some of which are discussed below. The controversies often mask the routine, less newsworthy, activities of the CWC, its states parties and its institutions.

Chemical weapons destruction

The states that declared the possession of chemical weapons at the time the CWC entered into force for them are Albania, India, Libya, Russia, the USA and 'another state party', not identified at its request but generally understood to be South Korea. 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. The Convention allows this deadline to be extended by five years, but no further. Many delegations feel that it is premature to come to judgement on whether the possessor states will meet the 2012 deadline. Others believe that unless maximum pressure is placed as soon as possible on the possessor states – particularly the USA and Russia, the two with the largest holdings – there is less chance this deadline will be reached as the required resources will not be allocated otherwise.

While this is the last five-yearly Review Conference before 2012, the OPCW Director-General has indicated it would be possible to hold a special session of the Conference of the States Parties to consider destruction issues closer to the deadline.

Industry verification

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 currently the subject of particular attention. While the number of facilities handling scheduled chemicals is in the hundreds, the number of declared OCPFs is now over 5000 worldwide and it has been suggested that the geographical spread of OCPF inspections needs revision.

Action Plans

Two Action Plans – one on universality and one on national implementation (Article VII) – were instigated by the First Review Conference, although the formal plans were adopted some months later after details had been fleshed out. As the Action Plans were meant to be short-term efforts they are unlikely to be continued in their present form, although what may follow them is unclear.

When the universality action plan was adopted, there were 40 countries identified as not party to the Convention; this is now down to 12, some of which are in the process of ratifying or acceding. As the Review Conference opens, the CWC has 183 states parties. It should be noted that are some territories for which status as a self-determining entity is disputed and these cases are not included in the figures above.

The other action plan has focused attention on national implementation and provided a mechanism for assistance and capacity building in a number of states parties. Numbers of ‘National Authorities’ (the focal point in communication between the state party and the OPCW) have significantly increased and many additional states parties have introduced relevant implementation legislation. Some delegations have indicated that qualitative aspects of implementation should be addressed as well as quantitative.

Riot-control agents and incapacitants

How the Convention relates to riot-control agents and other incapacitating agents, has remained controversial since the negotiations of the CWC. Attempts by Switzerland, amongst others, to raise such subjects during the First Review Conference were effectively blocked by the USA and others. Circumstances this time might be different. In March, Ambassador Javits (USA) told the OPCW Executive Council: ‘any member state may bring its important concerns before the Conference and discuss issues freely, whether a specific agenda item exists or not’.

NGO resources page

A web page containing links to relevant information and materials produced by non-governmental organizations (NGOs) has been created by Daniel Feakes of the Harvard Sussex Programme which can be found at <<<http://cwc2008.org>>>. A further NGO website carrying materials relating to the Review Conference is at <<<http://fas.org/blog/cw/>>>.

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The Opening of the Conference: Procedures and statements

The Second five-yearly Review Conference for the 1993 Chemical Weapons Convention (CWC) formally opened on Monday afternoon, starting with a number of procedural matters and moving on to opening statements. The morning had been taken up with a separate meeting dealing with rules of procedure (see overleaf).

The Conference started by appointing Ambassador Waleed El Khereiiji (Saudi Arabia) as Chair of the Review Conference. Ambassador Benchaâ Dani (Algeria) was appointed Chair of the Committee of the Whole – it is this committee that does a considerable amount of the work in compiling the draft final declaration of the Conference. The Conference then appointed a number of delegates to other official functions to support the proceedings. A number of procedural decisions were taken, including admission to the Conference of non-states parties as observers, as well as representatives of international organizations and non-governmental organizations (NGOs).

The OPCW Director-General, Rogelio Pfirter (Argentina), then gave his opening statement to the Conference. Speaking for over half an hour, he described the OPCW as 'lean, effective and dynamic', citing Results-Based Budgeting and 'statutory personnel policies' as evidence of this. He noted that the OPCW had been in a position to respond to all assistance and protection requests from states parties. On chemical weapons destruction, he repeated his earlier suggestion of a special conference session to discuss this closer to the 2012 deadline and observed that once destruction is complete that this will bring the non-proliferation aspects of the Convention into more focus. He addressed the impact of scientific and technological changes and their impact on the Convention and spoke of the challenges relating to incapacitating agents. He noted that technological advances have brought about new levels of adaptability of 'Other Chemical Production Facilities' (OCPFs) and that the current level of inspection of these does not give sufficient confidence in the regime as well as having an unequal distribution. He remarked on the incorporation of the 'general purpose criterion' into national legislation as particularly important in maintaining the validity of the Convention in relation to new advances. On universality, he noted that there was now a 'small but critical group' of states remaining outside of the CWC some of whom cite regional political issues above a global ban on illegal and immoral issues – a position he disagreed with. He welcomed constructive engagement with NGOs.

The Chairman of the OPCW Executive Council then gave a brief outline of the Council's work in support of the Review Conference, including the establishment of the Open-Ended Working Group. Ambassador Lyn Parker (UK) was then invited to summarize the activities of the Group. He noted that it had held 34 meetings and had held 'extensive' informal consultations and indicated that all key issues that the Review Conference might be expected to address had been discussed. He described the draft text he had prepared as Chairman of the Group as having no formal status but as being there to serve as an 'aid to discussion' in the Review Conference's work to draw up a final declaration.

General debate

The 'general debate' offers the chance for states parties to make open statements. This part of the proceedings was opened with a message from the UN Secretary-General, Ban Ki-moon.

This was followed by statements from Slovenia (on behalf of the EU and associated states), the Netherlands (as host country), Cuba (on behalf of the 'NAM members of the CWC and China'), South Africa (on behalf of the African Group) and Kyrgyzstan (on behalf of the CIS states). As these statements covered a number of themes that will also be raised on Tuesday in the general debate, detailed consideration of them will be held over.

Regional groups

A number of international treaties have their own arrangements for regional groups, through which many of the administrative arrangements of meetings are carried out. For example, in the cases of the 1972 Biological Weapons Convention (BWC) and the 1968 nuclear Non-Proliferation Treaty (NPT) the regional groupings are: Western European and Other States (WEOG); Eastern European States and the Non-Aligned (NAM). The regional groups for the 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT) are: Africa; Eastern Europe; Latin America and the Caribbean; the Middle East and South Asia; South-East Asia, the Pacific and the Far East; and North America and Western Europe.

The CWC has five regional groups comprising Africa; Asia; Eastern Europe; Latin America and the Caribbean (GRULAC); and Western European and Other States. The titles of these groups are given in Article VIII, paragraph 23 in order to ensure 'equitable geographical distribution' for membership of the OPCW Executive Council. These regional groups are then used for similar purposes in other aspects of CWC implementation, although the Convention itself does not define which states fall within which group.

Rules of procedure amendment

As noted in yesterday's report, the Review Conference is legally a 'special session' of the Conference of the States Parties (CSP). In order to ensure fair allocation for officers of sessions of the CSP, these officers – such as Chairman, Vice-Chairmen, etc. – are taken from the groups in strict rotation. CWC Article VIII, paragraph 15 requires 'At the beginning of each regular session, [the CSP] shall elect its Chairman and such other officers as may be required. They shall hold office until a new Chairman and other officers are elected at the next regular session'. Thus, Ambassador Noureddine Djoudi (Algeria), having been appointed Chairman of the Seventh Session of the CSP held at the end of 2002, was Chairman of the 2003 Review Conference.

Once the pattern of annual regular sessions of the CSP was established, rotating CSP chairmanship between five regional groups would have led to successive five-yearly Review Conferences being chaired by members of the same regional group. Therefore, if previous practice had been followed, Chairman of the Twelfth Session of the CSP, Ambassador Abuelgasim Abdelwahid Sheikh Idris (Sudan), would have chaired the Second Review Conference. This would have breached the spirit of 'equitable geographical distribution'. Amending the rules of procedure to make the rotation of appointments of officers of Review Conferences ('Special Review Sessions' in the words of the rules) distinct from rotations for the regular sessions of the CSP resolves this difficulty. This was done in the separate session held on Monday morning.

One of the quirks of the way meetings operate in The Hague is that the morning session – dealing with an issue that was neither likely to be controversial, nor one that would attract adverse comment – was held entirely behind closed doors.

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The Second Day of the Conference: Further general debate

The Second five-yearly Review Conference for the 1993 Chemical Weapons Convention (CWC) continued on Tuesday. The whole day consisted of 'general debate', which offers the chance for states parties to make open statements. Where the delegation provides the OPCW with a written text, a copy is being placed on the website <<<http://www.opcw.org/rc2/>>>. By Tuesday night, four statements had been posted. Individual speeches were described, as they happened, by Daniel Feakes on his blog at <<<http://cwc2008.org>>>.

The morning session started with a statement by the United States, followed by Saudi Arabia, China, Russia, Singapore, Japan, Pakistan, Iran, Serbia, Switzerland, Mexico and Algeria. Just before the lunchtime break, there was a pointed comment from the Conference secretariat that many representatives were taking longer than the agreed time for their statements. After lunch, statements were heard from Canada, New Zealand, South Africa (national statement), Ukraine, Indonesia, Turkey, Bangladesh, Malaysia, Peru, Republic of Korea, Australia, Brazil, Tunisia, Yemen, Norway, Sudan, El Salvador and Mongolia.

Common themes

A number of themes emerged amongst the thirty statements given on Tuesday. This analysis also includes the five statements given on Monday and referred to in yesterday's *Report*. Further statements are expected to be given during Wednesday.

Universality – Seen as important, but few specifics offered on how to encourage 'difficult cases' to join. A few statements made reference to encouraging Israel to join the nuclear Non-Proliferation Treaty (NPT) as a step to encourage regional uptake of the CWC.

Chemical weapons destruction – Many statements expressed the importance of the deadlines. The Cuba/NAM statement suggested this issue should be the 'primary focus' of the Review Conference. A large number congratulated Albania for completing its destruction. The possessor states tried to offer reassurance that all was being done to complete the task as soon as was practical. No statement disagreed with the idea of a special session closer to 2012 to examine destruction deadline issues. The Foreign Minister of the Netherlands, Maxime Verhagen, representing the host country, expressed support for the idea.

Article XI – '[U]ndue restrictions' on the exchange of technology, materials and equipment for peaceful purposes 'are contrary to the letter and spirit' of the CWC, in the words of the Cuba/NAM statement. Similar language was used by a number of other states on this issue.

Industry verification – While little mention was made of inspections of facilities handling scheduled chemicals, the subject of 'Other Chemical Production Facilities' was raised a number of times. For example, the Slovenia/EU statement said 'the number of OCPF inspections should be increased where necessary' and 'verification resources should be used in accordance with the risk posed to the Convention'. Costs associated with verification were noted by others. Singapore urged the 'standardising' of declaration practices.

Threats from terrorism – Many statements noted the threat posed by terrorist access to toxic materials, although few connected it specifically with the issue of national implementation. However, capacity building through the CWC was seen as valuable.

National implementation – Some states made remarks about the Action Plan. Some made reference to specific measures they had introduced in their own countries. A few states specifically mentioned the benefits of incorporating the ‘General Purpose Criterion’ (GPC) into national implementing legislation. The GPC is the principle within the Convention that all toxic chemicals (and other artifacts associated with hostile uses of chemicals) are prohibited unless they are held for a permitted purpose, and in types and quantities consistent with that purpose.

Incapacitants/riot control agents – The issue was raised in a some statements, most simply noting the prohibition on riot control agents as a method of warfare. Switzerland ‘fears that the uncertainty concerning the status of incapacitating agents risks to undermine the Convention. A debate on this issue in the framework of the OPCW should no longer be postponed’. Referring specifically to riot-control agents, Iran deplored ‘the recent use of such non-lethal weapons as a means of warfare’ without giving details of what it was alleging.

Notable aspects

A few aspects of individual statements are worth noting. China stated that ‘not one piece’ of Japanese abandoned chemical weapons on its territory had been destroyed so far. Japan stated that destruction facilities would start operating in 2010 ‘if all goes smoothly’. The US statement contained a message from Ambassador Don Mahley, who will soon retire from government service having been involved with chemical weapons arms control since the CWC negotiations in the 1980s. The statements by both the United States and Iran were softer than many had expected. While numerous differences remain between the two countries, the language used on this occasion had some of the rougher edges taken off it. When significant disputes have happened at previous meetings related to the CWC – and of those related to the Biological Weapons Convention – the two countries have often been key players on each side of the disagreement.

National Papers

The first four national papers were published on Monday, all of which were from China. Additional papers are understood to have been submitted and are being prepared for publication. All of these are to be placed on the OPCW website <<<http://www.opcw.org>>> in due course. When space permits, a review of national papers will appear in a future *Report*.

NGO display

The Society for Chemical Weapons Victim Support (SCWVS), an Iranian NGO, has a display in the conference centre about the effects of chemical warfare in the 1980s relating to attacks on the Iranian military by Iraqi forces and attacks that took place on civilian areas. During Tuesday lunchtime, the Society guided conference participants around the display and answered questions. The display is a salutary reminder in two regards; firstly that the use of chemical weapons has long-lasting effects, and second that the severity of the consequences of not succeeding in controlling materials and technologies that could be used to make chemical weapons. Some of the SCWVS people who had travelled to The Hague had themselves been casualties of chemical warfare and there is a strong sense they feel there are forgotten victims of the conflicts of the time – for example, that attacks on the civilians of Halabja are remembered, but attacks on the civilians of Sardasht are not.

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The Third Day: General debate and the Open Forum

The Second five-yearly Review Conference for the 1993 Chemical Weapons Convention (CWC) continued on Wednesday. The morning saw the completed the 'general debate', with a number of further states parties making open statements. The afternoon was taken up with the 'Open Forum' – a chance for representatives from NGOs and industry to present their perspectives to delegations.

Closing of the General Debate

A further 15 statements were made in the final session of the general debate. Statements were given by India, Columbia, Nigeria, Albania, Libya, Thailand, Kuwait, United Arab Emirates, Qatar, Zambia, Uganda, Belarus, Morocco, Hong Kong Special Administrative Region and Argentina. India noted that 97 per cent of its chemical weapons stockpile had now been destroyed. Albania thanked those who had assisted it in destroying its entire, albeit small, stockpile. The statement of the Hong Kong SAR described the operation of the CWC within the unique 'one country, two systems' arrangements in China.

A total of fifty plenary statements were given during the general debate, although it should be noted that some states took the floor twice – for example, South Africa spoke on behalf of the African group and later made a national statement. More of the statements have been added to the OPCW website <<<http://www.opcw.org/rc2/>>>.

At the conclusion of the general debate, there seems to be a positive atmosphere in the Review Conference. However, a note of caution has to be raised here. There can be a overly positive sense at this stage of such a meeting. The opening statements tend to raise issues rather than suggest precisely what kind of response should be given to them. Issues normally relate to areas where there are challenges or potential disagreements, and so it can take time for the processes of persuasion and bargaining to reach the consensus needed to respond to them in the final declaration.

Apart from the formal closing session, all of the meetings of Review Conference are now scheduled to be held behind closed doors.

NGO Open Forum

There was no meeting of the Review Conference during the afternoon as the sitting was suspended to allow the Open Forum to take place. The Forum took place in the Ieper Room of the OPCW building which is next door to the World Forum Conference Centre where the Review Conference is being held. The meeting was well attended and the proceedings could also be viewed from the Delegates Lounge via video screens.

OPCW Director-General, Rogelio Pflirter, opened the Forum, with a very brief address. Ambassador Lyn Parker (UK), Chair of the Open-Ended Working Group for the preparation of the Second Review Conference, spoke on the work of the group, comparing it to the preparations for a mountaineering expedition – a successful expedition spends much time in getting ready for the challenges ahead. The working group got to base camp, the Review Conference must now climb the mountain. Amb. Parker seemed confident that the expedition is well prepared.

The activities of the Forum were carried out along three themes. The first was 'Creating a more secure world through the Chemical Weapons Convention' under which presentations were given on: 'Prospects for CWC Universality' by Daniel Feakes (Harvard Sussex Program), 'Chemical Weapons Destruction: Progress and Challenges' by Paul Walker (Global Green USA) 'CWC and industry: 10 Years On and Beyond' by Neil Harvey (International Council of Chemical Associations), 'National Implementation' by Angela Woodward (VERTIC), and 'Assistance and Protection: One of the Main Pillars of the Chemical Weapons Convention' by Jirí Matoušek (Masaryk University & International Network of Engineers and Scientists for Global Responsibility).

The second theme was 'Peaceful chemistry' which included presentations on: 'Outreach and Codes of Conduct' Alastair Hay, (University of Leeds & IUPAC) and 'Economic and Technological Development' by Abdouraman Bary (Burkina Faso).

The final theme was 'The impact of science and technology on the CWC verification regime' which included: 'Toxic Chemicals and Law Enforcement' by Mark Wheelis (Scientists Working Group on Biological and Chemical Weapons, Center for Arms Control and Nonproliferation) and 'Other Chemical Production Facilities Inspections' by Robert Mathews (Faculty of Law, University of Melbourne).

The Forum was chaired by Ralf Trapp and available presentations will be put on the NGO resources website <<<http://cwc2008.org>>> in due course.

NGO lunch

The Director-General hosted a lunch for representatives of NGOs and the chemical industry, preceding the Open Forum. Other senior OPCW officials were also present.

NGO interaction with the Review Conference

There has been much discussion within and between NGOs about what opportunities there are for interaction with delegates and officials during the Review Conference. Comparisons are inevitably drawn with the Biological Weapons Convention (BWC) and its meetings in Geneva. Practice in the BWC context has evolved considerably in recent years and the 2007 meetings included new NGO 'roundtable' innovations. At the BWC meetings, whether the Review Conference or the annual Meetings of Experts/States Parties, there is a chance for NGOs to address the delegates in the same meeting room that the plenary sessions take place in, and this has significance for some NGOs.

The Open Forum was a chance for NGOs to address delegates in the same style as happens at the NGO side events in Geneva. Indeed, the Open Forum had more attendees than is usually possible in the Geneva lunchtime meetings. The Director-General's lunch provided a useful opportunity for interaction of a sort that is available in Geneva through the NGO dinners with the Chairman/President; however, there is always the challenge that this sort of interaction is most productive when there is a relatively small number of participants.

Notwithstanding all of the above, there is still much that could be done to make the CWC/OPCW more 'NGO-friendly'.

Japanese side event

During lunchtime, the Japanese delegation hosted a side event which included a presentation entitled 'Japanese ACW in China - Overview and Recent Progress' by Masanori Nishi, Director-General, Abandoned Chemical Weapons Office, Japanese Cabinet Office.

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The Fourth Day: Committee of the Whole convenes

The Second five-yearly Review Conference for the 1993 Chemical Weapons Convention (CWC) moved into a new phase on Thursday. The Committee of the Whole convened in the morning, with Ambassador Benchaâ Dani (Algeria) in the Chair, with the aim of starting on drafting the text of a final declaration. However, there didn't seem to be a clear agreement on what would be the best procedure to do this. What was agreed was that the final 'informal' text of the Chair of the Open-Ended Working Group preparing of the Review Conference would be the starting point for discussion. A further iteration of the informal text was circulated by Cuba on behalf of 'the NAM CWC States Parties and China' with suggested deletions and insertions of new language.

The committee met formally for only a short while before breaking into 'informal consultations' in a side room – considered a more flexible format than the rigidity of the main conference hall. However, the largest available side room did not have the capacity to contain all the delegates who wished to attend and so the consultations stretched out into the corridor. It was a peculiar sight to see normally peaceful diplomats jostling for position near the doorway.

A decision was taken that the informal text should be examined on a paragraph-by-paragraph basis. As the consultations broke for lunch, after some two hours of discussion, paragraph 1 was not considered to have been fully examined, prompting some in the corridor to make rough calculations of how long the process might take to go through all 142 paragraphs of the draft text!

After lunch the informal consultations resumed, but this time in the Ieper Room in the OPCW Building (where the Open Forum had been held on Wednesday). The Ieper Room is the main meeting room in the building and is used for regular meetings of the Executive Council, amongst other things.

The afternoon consultations went on for nearly four hours. The paragraph-by-paragraph review got to paragraph 4 of the informal text before there was a move to discuss broader issues in the last half hour or so. At the end of the day a new draft of the first four paragraphs was circulated. Each of the new paragraphs contains many examples of bracketed text – a feature missing from the informal text. (A traditional method of international negotiation is to put text for which there is no agreement between square brackets and there can sometimes be multiple versions of texts in brackets. The difficulty can be that, once there is one pair of brackets in a text, they can proliferate quickly).

Ambassador Lyn Parker's analogy with mountaineering given in his comments to the Open Forum (see yesterday's *Report*) provides some yardsticks for progress for the Review Conference. It would seem that there was a little hesitation as to the best route to depart from base camp and, once an initial direction of movement was decided, the terrain was found to be difficult to cross.

Non-Proliferation

A focus of disagreement regarding the informal text is the term 'non-proliferation'. It is a loaded term as it carries overtones that something is spreading from one point to another.

Once chemical weapons destruction is complete there should be nowhere for 'proliferation' to start from. Perhaps it would be more accurate to describe the post-destruction era as needing policies to prevent chemical weapons 'acquisition' rather than 'proliferation'. However, non-acquisition efforts are needed as much now as they will be in the future. The term is also loaded because of echoes of the nuclear Non-Proliferation Treaty (NPT) and its divide between the nuclear 'haves' and 'have-nots'.

Some states parties want to see more emphasis on destruction issues over 'non-proliferation' in the period before destruction is complete. However, the NAM mark-up of the informal text would appear to strike out every reference to 'non-proliferation' – there is a significant difference between de-emphasising the concept and its total deletion from the text.

The first impression gained from this is that countries pushing for removal of this term do not see the CWC as a treaty dealing with 'non-proliferation'. If this were the case, this would be a significant shift in policy. Take the case of Iran, one of the most vocal countries on this issue. Dr Manouchehr Mottaki, Minister for Foreign Affairs of Iran told the Eleventh Session of the Conference of the States Parties on 12 December 2006 that the CWC 'is a truly non-proliferation and disarmament treaty in that it has designed a time-bound destruction program'. This perspective has also applied to other related treaties. The Director General for International Political Affairs of the Iranian Foreign Ministry, Hamid Baeidi Nejad, told the Biological Weapons Convention (BWC) Meeting of Experts on 20 August 2007: 'There is no substitute for the BWC in order to effectively and legitimately deal with disarmament and non-proliferation concerns regarding biological weapons'.

Russian side event

During the first part of the lunchtime break, the Russian delegation held a short ceremony to officially launch an exhibition of photographs along one of the corridors of the conference centre. The photo exhibition, entitled 'The Safe Destruction of the Chemical Weapons in the Russian Federation', had been put together by the Russian Federal Agency for Industry (ROSPROM) in association with ITAR-TASS. The OPCW Director-General opened the ceremony saying the photographs 'illustrate the concrete steps taken that show commitments and objectives of the Convention are being implemented'. Mr Victor Kholstov, Deputy Head of ROSPROM, then described engineering and technical challenges that face the destruction programme and assured the assembled audience that progress was being made in bringing new facilities into operation. Photographs from the exhibition are to be placed on the <<<http://www.chemicaldisarmament.ru>>> website in due course.

OPCW side event

A presentation on electronic submission of declarations to the OPCW's Verification Information System was given in the Ieper Room during the second half of the lunchtime break by Per Runn and colleagues from the Organization. The new arrangements are scheduled to become operational for submission of Other Chemical Production Facilities and of Aggregate National Data in the fourth quarter of 2008 with those for scheduled chemicals in the first half of 2009. The electronic submission system would be reliant on states parties sending their declaration information to the OPCW on CD-ROM in a specific file format.

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First week completed: Sufficient rate of progress?

The Second five-yearly Review Conference for the 1993 Chemical Weapons Convention (CWC) reached its halfway point on Friday. Informal consultations continued in the framework of the Committee of the Whole, with Ambassador Benchaâ Dani (Algeria) in the Chair. The Ieper Room in the OPCW building remained the location for this activity, leaving the much larger World Forum Convention Centre – the building next door booked at a substantial cost for the Review Conference – empty.

The ‘informal text’ produced by the Chair of the preparatory Open-Ended Working Group remained the focal point for discussion and the process of examining this text paragraph-by-paragraph continued. Compared with the four paragraphs examined on Thursday, 30-odd were examined on Friday – improved progress, to be sure, but not fast enough to ensure that all 142 paragraphs of the current draft could be examined under the current procedure before the end of the Review Conference. Moreover, the quantity of text in brackets being inserted into the draft final declaration is increasing considerably. The experiences of past international negotiations show that reaching agreement in order to remove bracketed text can take considerable time.

Having painted this slightly negative picture, it is worth noting there are a number of positive aspects. The first is that no unexpected contentious issues have emerged – the issues that have been the subject of disagreement have been those expected beforehand. Unexpected issues are often the most time consuming; they are also often the ones that require delegations to consult more with their capitals. The second is that the mood of the consultations is still collegial, with most people expecting that a consensus text will be achieved in time to be adopted as a final declaration on Friday 17th.

The history of Review Conferences is that they rarely go to plan. Often one process is followed and is then found to be taking too much time. However, after a day or two, a process can have gathered sufficient momentum that it is hard to change course, even though some people express their discomfort that there won’t be time to complete the process. As the coming week progresses, the discomfort level will rise. This may simply accelerate the current process or it might lead to a new process being adopted. A straw poll of delegates indicates that Tuesday night is currently seen by many as the crucial milestone – if the paragraph-by-paragraph read through is not completed by this time, then conclusion of the final text might be difficult. Even then, late-night consultations look likely to be needed on Thursday. At current rates of progress, *all*-night consultations would be needed. There is nothing like the prospect of a night without sleep – especially one just before being taking a long flight home – to focus minds on reaching consensus.

National Papers

A total of twelve national papers submitted to the Review Conference have so far been published and circulated within the Review Conference in hard copy. Additional papers are understood to have been submitted and are being prepared for publication. All will be placed

on the OPCW website <<<http://www.opcw.org>>> in due course, although none were available electronically on Friday. Countries tend to circulate their papers to other states parties before the official typeset version is released; nevertheless, the late production of papers means that they have a reduced chance of being considered carefully while the Conference is in session.

In comparison, 29 national papers were submitted to the First Review Conference in 2003. The 12 papers available at the end of the first week are:

- RC-2/NAT.1 – China, ‘Report on the Implementation of the Chemical Weapons Convention in China’
- RC-2/NAT.2 – China, ‘Position Paper: Challenge Inspection’
- RC-2/NAT.3 – China, ‘Position Paper: Verification Issues’
- RC-2/NAT.4 – China, ‘Position Paper: Chemical Weapons Abandoned by Japan in China’
- RC-2/NAT.5 – Reprint of the Cuba/NAM general debate statement
- RC-2/NAT.6 – Australia, ‘Sequential Inspections’
- RC-2/NAT.7 – Republic of Korea, ‘Proposal for Enhancing the Efficiency and Cost-effectiveness of Other Chemical Production Facilities Inspections’
- RC-2/NAT.8 – Reprint of the Dutch Foreign Minister’s general debate statement
- RC-2/NAT.9 – Switzerland, ‘Inclusion of Data on Non-Scheduled Chemicals in the OPCW Central Analytical Database to Facilitate Comprehensive Chemical Weapons Analysis’
- RC-2/NAT.10 – Switzerland, ‘Article X: Assistance and Cooperation against Chemical Weapons’
- RC-2/NAT.11 – Switzerland, ‘The Assessment of the Different Types of Plant Sites/Facilities Under Article VI of the Chemical Weapons Convention (CWC)’
- RC-2/NAT.12 – Switzerland, ‘Riot Control and Incapacitating Agents under the Chemical Weapons Convention’

OPCW side event

Immediately after the Friday morning session of informal consultations finished, a meeting to discuss the work of the Scientific Advisory Board (SAB) was held in the Ieper Room. Philip Coleman (South Africa), who chairs the Board, gave an introduction to the work of the SAB, including its mandate from the Convention and its reporting to the OPCW Director-General. A particular focus was the latest report from the SAB which has been posted on the OPCW’s Review Conference website <<<http://www.opcw.org/rc2/>>> with the document number RC-2/DG.1.

French side event

The delegation of France convened a meeting of Francophone countries during Friday lunchtime in order to give those who have French as their mother tongue a chance to discuss the informal text in that language – the informal consultations having been carried out almost entirely in English. Copies of the informal text translated into French were provided. It seems that the meeting suffered from the shortened lunch break because of the overrun of the informal consultations in the morning and the call to start the afternoon session promptly.

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CWC Review Conference Report

Start of the second week: Picking up the pace

The Second five-yearly Review Conference for the 1993 Chemical Weapons Convention (CWC) started its second week on Monday with a concerted effort to complete the paragraph-by-paragraph read through of the 'informal text' by the end of the night. Activities were much the same as the previous Friday – informal consultations in the framework of the Committee of the Whole, with Ambassador Benchaâ Dani (Algeria) in the Chair, and held behind closed doors in the Ieper Room in the OPCW building. The consultations stretched into the evening, finally finishing at 8.40pm. The overnight version of the informal text now contains 40 pages of draft declaration compared with 29 in the version just prior to the Conference. The issues raised are hard to summarize as they covered most aspects of implementation of the Convention, although there were few surprises on the positions taken by individual states.

Despite the time taken, there was a strong feeling, especially amongst NAM group states that this paragraph-by-paragraph 'first reading' was valuable. This seems to reflect a perception that the text that was presented at the start of the Review Conference emerged from a process in which they did not have full participation. Delegates from Western states seem to hold the opposite perspective, believing that NAM views expressed in the preparatory process were fairly reflected in the informal text. This disparity in perception is a key contributor to the divide between the two sides.

Even with brackets inserted into individual paragraphs, there are still some sensitivities regarding the emphasis on different issues within the overall text. Some states are concerned that the text is unbalanced in its coverage – noting, for example, that destruction issues are dealt with in two pages of text, whereas industry verification issues warrant five pages. A counter-argument is that quality of text, not quantity, is a better measure of the importance of an issue. In the case of industry verification, this is a major part of the activities of the OPCW and therefore there is a need for thorough examination of the issues involved; whereas destruction is the responsibility of particular states parties who would probably be under more pressure from one consensus paragraph of strong language pressing them to keep to the deadlines than from many pages of soft language. Regardless of how it is measured, the question of the balance within the draft is the subject of strongly held views.

Occasional small huddles of delegates looking at particular issues have been emerging to try to bring together ideas for consensus text as the next stage will be to go through the text again to find solutions that will enable the removal of brackets that now exist in most of the paragraphs. It is not clear what process will be selected to do this – a decision likely to be taken at the Review Conference's general committee on Tuesday morning.

Importing of text from other documents

In cases where there are difficulties in making progress on text in relevant areas in this Conference, there may be suitable text that could be adapted from the consensus final declaration of the Biological Weapons Convention (BWC) Sixth Review Conference at the end of 2006. There are some common issues between the two Conventions, such as universality, the need for national implementation and perceptions of threat.

There is, however, a fundamental difference between final declarations in the two Conventions which must be taken into account. In the BWC, any calls for action are implemented by states parties (apart from the activities of the three-person Implementation Support Unit) and so the states themselves individually decide what resources to allocate to the tasks. For the CWC, much of the activity to implement the final declaration will be by the OPCW and so this has budgetary implications for the Organization. Moreover, the OPCW Technical Secretariat has to ensure that any proposed implementation activities are capable of being implemented in an effective manner as part of a balanced programme of work.

Rising role of the NAM in the CWC

As noted in *Report no 2*, much of the work of Review Conferences is done through regional groups. The CWC has five such groups for which the titles are given within the Convention: Africa; Asia; Eastern Europe; Latin America and the Caribbean (GRULAC); and Western European and Other States (WEOG), although the Convention itself does not define which states fall within which group. The CWC was concluded in the immediate post-Cold War era when there was a general perception that the eastern bloc, western bloc and non-aligned groupings traditionally used in arms control agreements were a thing of the past. In both the First and the Second Review Conference the only regional group to have made a collective statement was the African group.

It is clear that a number of states find it more productive to carry out policy coordination through NAM arrangements rather than through the regional structures of the CWC. For some it may simply be that they find it easier to use arrangements familiar to them from other similar contexts, such as the BWC. In addition, the two most recent NAM coordinators – Cuba and Malaysia – have been particularly active in these areas. For CWC purposes, the NAM grouping includes China. Some of the inputs into the Review Conference have been submitted in the name of the NAM, but it is not clear at this stage as to how much policy is uniform across the group. For example, while there is undoubtedly a clear set of core values that have been common themes for a number of years – particularly with regard to issues such as ensuring the CWC does not hinder economic development or the role of the Convention and the OPCW in international co-operation and assistance – there is also undoubtedly a number of different approaches taken by members of the group to these values.

EU side event

During Monday lunchtime, the European Union held a side event entitled 'EU Action in Support of OPCW Activities 2005-2008: Effective Multilateralism in Practice' which focused on recent activities under relevant EU Joint Actions. In a packed programme, the event heard from Ambassador Tea Petrin (Slovenia [EU Presidency]), OPCW Director-General Rogelio Pflirter and the EU High Representative's Personal Representative on non-proliferation Annalisa Giannella who each gave overviews on EU activities. Presentations were then given on workshops in Rome and Algiers and on the OPCW Industry & Protection Forum – all of which were EU funded. The last section of the event looked at specific EU projects in Uganda, Bangladesh, Burkina Faso, Sri Lanka and north Africa and on the laboratory assistance programme run by VERIFIN (Finnish Institute for the Verification of the CWC).

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CWC Review Conference Report

The Seventh Day: Stumbling forward

After the concerted effort to complete the first read-through of the text of the draft declaration on Monday, the Second five-yearly Review Conference for the 1993 Chemical Weapons Convention (CWC) stumbled forward into Tuesday with no new process elaborated as to how the overnight compilation could be transformed into a clean final text.

Deliberations continued through the day in informal consultations in the framework of the Committee of the Whole, with Ambassador Benchaâ Dani (Algeria) in the Chair, and held behind closed doors in the OPCW building.

By the end of the day's activities, the universality section was almost bracket free, while the sections on general obligations and destruction remained heavily bracketed. Only the first few paragraphs of the verification section had been considered again, and these also remained heavily bracketed. At this point, many delegations were acutely aware of the time pressures now involved and new options using facilitators to speed progress were proposed.

Tuesday morning

The morning started in the Ieper Room with a decision to break the subject matter down into the sections of the text that might be more easily manageable. The aim was to try to clean up the text in five sections: universality, general obligations, destruction, verification and activities not prohibited. While this was similar to the procedure for the 'first reading' on Thursday, Friday and Monday, the purpose this time was specifically to aim for consensus text rather than raise issues.

An hour was allocated for the task of cleaning up the section on universality. The hour was up before agreement could be reached on the first paragraph of the section. Roughly three hours later, the universality section had been read through a second time. It was clear at an early stage that this rate of progress would mean that the work on Tuesday would be at least as long as that of Monday.

Tuesday afternoon and evening

The afternoon session was moved to the Ooms Room – a much smaller meeting room in the OPCW building. A limit was put on the number of delegates who could attend – 2 per state party – however, some of the delegations were a little elastic with this rule. The hope seemed to be that narrowing the range of participants would focus discussion. Some countries found this frustrating as many people who had flown in from capitals could not be included in the room and were left waiting with little to do in the delegates lounge. In addition, the ventilation system in the Ooms Room was having difficulty coping with the number of people sitting inside. The rate of progress was not significantly different from that in the larger room, and so the evening consultations were moved back to the Ieper Room around 7pm. The consultations then stretched into the late evening, finally finishing at roughly 9.30pm.

Facilitators appointed

At the end of the Tuesday evening consultations a decision to have two 'facilitators' on specific sections was taken. The suggested procedure seems to be that the facilitators on the

assigned topics will discuss the issues they have been allocated with delegations that feel strongly on the relevant subject matter. Ambassador Maarten Lak (Netherlands) will focus on general obligations and Ambassador Jorge Lomónaco Tonda (Mexico) on destruction. The facilitated consultations on general obligations are scheduled to run in parallel with the main informal consultations during Wednesday morning, with a similar procedure following for destruction in the afternoon.

As the second readings of other sections are completed, further facilitators for subject areas may be appointed.

The structure of the draft declaration text

The text of the draft declaration follows the structure of 'Agenda Item Nine' in the draft agenda that was circulated as document RC-2/1 before the Review Conference and which is available on the OPCW website. There are a number of renditions of this text, confusingly all of them carry the document number RC-2/CRP.1 – a document that exists as a conference room paper only. The paragraph numbers have remained the same as agreed or suggested edits to this text have been made.

The structure of agenda item nine and the paragraph numbers associated with each section in the draft final declaration are as follows:

Review of the operation of the Chemical Weapons Convention as provided for in paragraph 22 of Article VIII, taking into account any relevant scientific and technological developments:

- (a) the role of the Chemical Weapons Convention in enhancing international peace and security and in achieving the objectives as set forth in the preamble of the Convention; [paras 1-12]
- (b) ensuring the universality of the Chemical Weapons Convention; [paras 13-17]
- (c) implementation of the provisions of the Chemical Weapons Convention relating to:
 - (i) general obligations and declarations related thereto; [paras 18-24]
 - (ii) destruction of chemical weapons and destruction or conversion of chemical weapons production facilities; [paras 25-37]
 - (iii) verification activities of the OPCW; [paras 38-47]
 - (iv) activities not prohibited under the Chemical Weapons Convention; [paras 48-70]
 - (v) national implementation measures; [paras 71-80]
 - (vi) consultations, cooperation, and fact-finding; [paras 81-90]
 - (vii) assistance and protection against chemical weapons; [paras 91-106]
 - (viii) economic and technological development; [paras 107-14]
 - (ix) Articles XII to XV and final clauses; [para 115] and
 - (x) the protection of confidential information; [paras 116-23]
- (d) the general functioning of the Organisation for the Prohibition of Chemical Weapons. [paras 124-42]

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CWC Review Conference Report

The Eighth Day: Working against the clock

Although each day sees some steps towards a text for the final declaration for the Second five-yearly Review Conference for the 1993 Chemical Weapons Convention (CWC), the slow rate of progress makes it an increasingly open question as to whether the Conference will be able to finalize a declaration by the end of Friday. Nevertheless, there remains a general enthusiasm to try to complete the work on the declaration within the available time, despite the long working days this entails.

As negotiations continue, there is increasing importing of text from the First Review Conference final declaration from 2003 as a means of gaining consensus. In cases of certain issues, the draft declaration is getting weaker in its operative paragraphs and this has raised concerns within some delegations. For example, the references to the 'general purpose criterion' – the principle within the Convention that all toxic chemicals are prohibited unless they are held for a permitted purpose, and in types and quantities consistent with that purpose – using the concept of the comprehensive nature of the prohibitions on chemical weapons, were steadily reduced.

Some delegations continue to have strongly held views on some subjects. Firm lines have been held by some delegations, notably the positions of Iran and India on issues such as the role of the Scientific Advisory Board. For example, both wish to see experts appointed by governments to review the reporting by experts appointed by the Director-General.

Once again, all of the day's activities (apart from some group meetings first thing in the morning) took place in the OPCW Building, leaving the World Forum Convention Centre – the building next door that is the formal venue for the Review Conference – practically empty.

The morning session

Deliberations started in informal consultations in the framework of the Committee of the Whole, with Ambassador Benchaâ Dani (Algeria) in the Chair in the Ieper Room of the OPCW building. In parallel to this, Ambassador Maarten Lak (Netherlands) was facilitating a discussion on general obligations in the Ooms Room. Progress was made in both venues, but in line with recent experience, this progress was limited and although some text was cleaned up, many remaining paragraphs contained a number of instances of bracketed text.

The afternoon and evening sessions

The afternoon session had been intended to follow the pattern of the morning with the Ooms Room discussion being informal consultations on destruction facilitated by Ambassador Jorge Lomónaco Tonda (Mexico). Instead, a decision was taken to create additional facilitated groups. The additional subject groups and the facilitators were:

- Articles X and XI – Ambassador Luiz Filipe de Macedo Soares (Brazil)
- Article VI – Ambassador Abu Algasim Idris (Sudan)

- Functioning of the organisation – Mr Martin Strub (Switzerland)
- National implementation – Ambassador Werner Burkart (Germany)

An additional room, the snappily titled ‘Room 0.27’, was brought into use and for most of the afternoon facilitated consultations were taking place in the Ooms Room and Room 0.27 while the Committee of the Whole met in the Ieper Room continuing the paragraph-by-paragraph second reading. The constant movement of people walking back and forth between the Ieper Room and the other rooms threatened to wear holes in the carpet.

Each of the facilitated groups produced a revised text by the end of the day, although there was no time to produce a consolidated draft bringing them all together before the consultations finished just before 9pm. Considerable numbers of brackets remain in each of these revised texts.

The Review Conference and the CWC

One factor underlying some of the variation of perspectives appears to be differing views of what might be expected to be the outcome of a Review Conference. In general terms, five-yearly Review Conferences of the major arms control treaties are key political decision-making bodies as the other meetings do not have powers to take substantive decisions. The situation is different with the CWC.

For the CWC, most of its key decisions, such as the budget, are taken at the regular annual session of the Conference of the States Parties (CSP). The Review Conference, while technically a special session of the CSP, takes no budgetary decisions, although a decision in the final document could have budgetary influence. There have been moments where issues raised might be better handled by a regular CSP, or even by the Executive Council, leaving the Review Conference to focus on strategic issues that might affect the future of the regime to control chemical weapons.

In addition, the history of Review Conferences in a variety of fields is that the output from each is relatively modest but, on an longer-term timescale, the cumulative effect of these modest individual advances (and occasional setbacks) is to consolidate regimes.

Measuring ‘success’ or ‘failure’

Before the Sixth Review Conference of the Biological Weapons Convention (BWC) held at the end of 2006 there were a number of academic/NGO articles written about what would constitute a ‘success’ or a ‘failure’ of that Review Conference. This was prompted in part by the perceived failure of the BWC Review Conference in 2001. Very little, however, was written about what might constitute success or failure for the CWC equivalent.

Perhaps it was a reflection of an expectation that the 2008 CWC Review Conference would be an uncontroversial success that led to little being written about how this could be measured.

Please note: there will be an additional CWC Review Conference Report covering the final day of the Conference. This will be published early next week and will be posted on the web at the locations given in the text below.

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CWC Review Conference Report

The Penultimate Day: Running close to the wire

The completion of a final declaration from the Second five-yearly Review Conference for the 1993 Chemical Weapons Convention (CWC) will be a challenge to say the least. The obstacles between the situation as it stood on Thursday night and completion of a text were considerable – not only entrenched positions, but also a draft full of brackets and alternative text in such quantity that in normal circumstance would not be expected to be removable in under 24 hours. In addition, the general enthusiasm that had existed as recently as Wednesday within many delegations to try to complete the work had faded markedly.

However, deliberations that continued into the night made substantial progress.

The ‘other meeting’

A selection of states parties were invited to meet separately from the general consultations to try to reach agreement on some of the areas that remain in contention. The known ‘invitees’ were: Brazil, Canada, China, Cuba, Czech Republic, France, Germany, India, Iran, Japan, Mexico, Netherlands, Pakistan, Russia, Slovenia (EU Presidency), South Africa, Sudan, United Kingdom, and United States. The meeting was chaired by Saudi Arabia as it holds the chair of the Review Conference. Algeria, as it holds the chair of the Committee of the Whole, also participated, as did the OPCW Director-General.

This grouping initially met in the OPCW building during the morning but later moved to one of the side rooms at the World Forum Convention Centre next door. This rapidly became known within the OPCW building as the ‘other meeting’ although some called it the ‘expanded general committee’.

During the afternoon the sense from the meeting was that some progress had been achieved, but not enough to make anyone who was willing to comment confident that consensus could be reached in time to agree a final declaration, although all emphasised the importance of trying to reach this goal. Taken together with the frustrations in the Committee of the Whole (see below), this news led many delegates back in the OPCW building to question whether a detailed consensus declaration was possible.

However, the ‘other meeting’ moved up a gear in the evening. After a short break just before 8pm, the meeting met in continuous session until rising at 4.10am to resume at 9am. While there was undoubtedly significant progress in the last hours of these deliberations, time will tell whether the decision to take a break while the momentum was in the right direction was a wise one. Having said this, many of the delegates looked tired but positive as the meeting adjourned.

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, with Ambassador Benchaâ Dani (Algeria) in the Chair in the Ieper Room of the OPCW building. The focus in the room was the preambular paragraphs which had not yet been examined fully. Many delegations involved in this meeting felt that discussion was going around in circles and that they were merely marking time until it was clear what the outcome of the ‘other meeting’ would be.

Just before lunchtime, Ambassador Dani announced that he had offered his resignation to the general committee (the administrative arrangements committee that meets each day) in the morning but that this had not been accepted. He made these remarks following an intervention by the Iranian representative that was described by a number of other delegates as particularly troublesome. Not long before this, Iran had prompted comments from other NAM group members for proposing the insertion of brackets into language brought forward by the NAM group itself.

The text remaining when this meeting rose at 6.45pm contained many brackets.

Issues around the possible lack of a final declaration

If the Review Conference could not agree a final document, what would the consequences be? The OPCW would still exist and its activities would continue. What would be missing would be the longer term review of issues, especially those related to scientific and technological development. If, however, the only document that might be achievable was one that was much weaker than that coming out of the First CWC Review Conference, would this be better or worse than having no document at all?

On the other hand, it could be argued that in the past year the CWC and the various contexts it operates within have been thoroughly examined. Events such as the OPCW Academic Forum and the Industry & Protection Forum allowed for the frank exchange of views about how the Convention interacts with the real world. The Open-Ended Working Group that did the preparatory work for the Review Conference included discussions on all of the key areas of the Convention's work. The lack of a final declaration would not, therefore, mean lack of review.

The lack of a final declaration would, nonetheless, be seen as a political failure. It would be taken as a sign of lack of political commitment at a time when more progress around the world is both desired and needed on subjects such as universality and national implementation.

Some individual countries would be particularly affected by the lack of a final declaration. When people write about Review Conferences after the event, it is always the Chair or President of the Conference that is mentioned – therefore, the Saudis have a vested interest in trying to ensure the Conference ends on a positive note. Iranian delegates have spoken in a variety of settings about the need to lose their reputation for being awkward in multilateral forums, claiming this reputation is unfair – if there is no declaration, many people will associate this with the activities of the Iranian delegation.

More significantly, the lack might be felt by those who wanted to push destruction issues to the top of the agenda. Not only would there be no text that might put pressure on the key possessor states to maximise their efforts at destruction, there will be some hesitancy in a number of states about whether the costs of convening a further special session of the Conference of the States Parties before the 2012 deadlines would be worth it if this special session – the Review Conference – could not reach agreement.

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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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