

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 <<<http://www.opcw.org>>>.

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 Patulej (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 incapacitating 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 <<<http://www.cbw-events.org.uk/cwc-rep.html>>>. The author can be contacted during the Conference on +31 623 426 072 or <<richard@cbw-events.org.uk>>.

CWC Review Conference Report

The opening day: the Secretary-General and General Debate

The first day of the Third Review Conference for the 1993 Chemical Weapons Convention (CWC) included a visit from the Secretary-General of the United Nations, a day of general debate and a significant decision on participation by non-governmental organizations (NGOs).

Opening activities

The Review Conference was opened on Monday morning by Peter Goosen (South Africa), the Chair of the Conference of the States Parties. The Conference then adopted its officers, confirming Ambassador Krzysztof Patulej (Poland) as Chair for the Review Conference and adopted a number of administrative decisions, including two relating to NGOs, see below.

Speeches were given by OPCW Director-General Ahmet Üzümcü, UN Secretary-General Ban Ki-moon, Foreign Minister of the Netherlands Frans Timmermans, Deputy-Prime Minister and Foreign Minister of Luxembourg Jean Asselborn and Ambassador Bhaswati Mukherjee (India), as chair of the Executive Council.

In a wide-ranging speech, the Director-General noted that as the OPCW winds down its destruction-related activities 'a major theme for the Review Conference will be how best the core objectives of the Convention can continue to be effectively served'. Responding to suggestions that the OPCW needs to maintain its knowledge base and expertise which could be dissipated with post-destruction structural changes he proposed the setting up of a training and research centre at the Secretariat. He also said that the OPCW will pay much greater attention to 'tailor-made approaches' to help individual countries implement their Convention obligations 'as a significant number of States Parties still need to take action'.

The Secretary-General noted that as long as chemical weapons exist, so, too, does the risk of their use 'by accident or design' and that 'there are no right hands for the wrong weapons'. He noted that the investigation of alleged use of chemical weapons in Syria was the first in the 21st century and indicated that the investigation team was ready to deploy, with an advance party based in Cyprus. Noting the specific task of the CWC to eliminate chemical weapons and prevent them from ever re-emerging, he stressed that the regime also has a broad mission 'to prove that the inhumanity of war can give rise to the humanity of solidarity. To show that the lust for military dominance can be tamed by a love of life. And to demonstrate that the depths of despair caused by chemical weapons can be overcome by international cooperation of the highest order'.

General Debate

Speeches were given in the following order: Iran (on behalf of the non-aligned and China); Ireland (on behalf of the European Union) and Sudan (on behalf of the African Group). After lunch, the statements continued with: Saudi Arabia, Argentina, Iraq, Iran (in a national capacity), India, Norway, Singapore, China, Brazil, Qatar, Pakistan, Malaysia, Cuba, United Arab Emirates, Thailand, Chile, Peru and Sweden. The Chair had indicated that more than 50 States Parties had requested a slot to speak so only roughly a third had given their statements by the end of Monday. Where copies of statements have been provided by those who delivered them, the OPCW will place these on its website <<<http://www.opcw.org>>>.

With the General Debate continuing during Tuesday, it is perhaps too early to try to identify some themes as it there may be an element of chance as to whether the States Parties interested in a particular aspect happened to all speak on one particular day or another. Nevertheless, there were some overarching threads getting significant coverage such as universality, the situation in Syria, destruction issues, the transition to the post-destruction era for the OPCW, national implementation issues (including increasing activities by national authorities), dangers of terrorist use of chemical weapons, advances in science and technology and welcoming the work of the Open-Ended Working Group in the run up to the Conference.

Most States Parties mentioned universality, noting five States had joined the Convention since the last Review Conference bringing the total to 188 with eight states remaining outside of the Convention – Angola, the Democratic People’s Republic of Korea, Egypt, Israel, Myanmar, Somalia, South Sudan, and Syria – which were urged to join. Connections were made between the lack of universality and the situation in Syria. Many statements referred to any possible use by chemical weapons by any perpetrator as ‘a reprehensible act’ and there were many expressions of support for the investigation into the allegations of use in the conflict in Syria. No statement suggested the proposed investigation in Syria was not worth carrying out; however, there were some carefully chosen words on the matter. For example, Iran in its national statement supported the investigation ‘based on the Syrian government request’.

There were some notable aspects within certain statements given on Monday. The Iran/non-aligned statement included a proposal for an Action Plan on the full implementation of Article XI with an outline of the plan attached to the statement. China raised the issue of destruction of chemical weapons abandoned by Japan on Chinese territory during the Second World War, noting the destruction deadline set under the Convention had not been met. Malaysia raised the issue of the number of seats for the Asian Group on the Executive Council, calling for a review of the allocation of seats as allowed for under the Convention.

Decision on NGO participation

As well as the usual decision on participation of NGOs to attend the Conference, there was an additional decision to amend the Rules of Procedure regarding NGO access. Rule 33 now reads ‘Representatives of non-governmental organisations may attend the plenary sessions of the Conference, and participate in the activities of the review conferences, in accordance with such rules or guidelines as the Conference has approved.’ Annexed to this decision is a set of guidelines on NGO attendance which include an opportunity to address a plenary session, greater access to documents, a modified registration process (taking into account whether individual NGOs had been registered before) and the creation of an ‘NGO Coordinator’ from amongst the NGOs as a focal point for communication with the Secretariat.

Side events

One side event was held on Monday, during the lunch break, in the Ieper Room in the OPCW building. This was an opportunity for authors from three NGOs to talk about recent publications. John Hart and Ralf Trapp (Stockholm International Peace Research Institute, <<<http://www.sipri.org>>>) spoke about a new SIPRI Policy Paper ‘The Future of the Chemical Weapons Convention’. Elisande Nexon (Centre d’Etudes de Sécurité Internationale et de Maîtrise des armements, <<<http://www.cesim.fr>>>) spoke about a special issue of the ‘Observatoire de le Non Prolifération’ on the CWC Review Conference. Richard Guthrie (CBW Events) spoke about the ‘Resource Guide for the Third CWC Review Conference’ <<<http://www.cwc2013.info>>> and the daily reports (details below).

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CWC Review Conference Report

The second day: continuation of the General Debate

The second day of the Third Review Conference for the 1993 Chemical Weapons Convention (CWC) saw a continuation of the General Debate for the entire day. Chair of the Conference Ambassador Krzysztof Patulej (Poland) called for presenters to keep their statements to 10 minutes as had been agreed beforehand.

A selection of photographs taken during the Review Conference is available via the OPCW's photostream <<<http://www.flickr.com/photos/opcw/>>>. There is also a Twitter hashtag #cwrc3 relating to the Review Conference.

General Debate

Statements were given in the following order: Yemen, United Kingdom, Mexico, Philippines, Costa Rica, New Zealand, Switzerland, Belarus, Russia, Tunisia, France, Algeria, Hungary, Republic of Korea, Lithuania, Oman, Belgium, Fiji, Turkey and Ukraine. After lunch, the statements continued with: United States, Canada, Germany, Romania, Panama, Indonesia, Ecuador, Croatia, Slovakia, Laos, Guatemala, Kenya, Zambia, Bolivia, Ireland (national capacity), Australia, Zimbabwe, Uruguay and Japan. Where copies of statements have been provided by those who delivered them, the OPCW will place these on its website at <<<http://www.opcw.org>>>. By Tuesday night, many had already been uploaded.

The level of representation was high with a significant number of the statements being made at ministerial or other senior political level. Examples included the UK, Turkey, the USA, Canada and Germany.

Common themes

A number of themes emerged amongst the thirty statements given on Tuesday. This analysis also includes points in statements given on Monday unless referred to in yesterday's daily report. Further statements are expected to be given during Wednesday. Other General Debate themes, for example, the post-destruction era and national implementation will be examined in a forthcoming daily report.

Universality – Many statements called for universal membership of the CWC.

Syria investigation – A number of statements urged the Conference to reach a significant or serious response to the situation in Syria; terms such as 'grave concern' were aired. Some statements expressed support for a prompt investigation into all of the allegations that had been the subject of investigation requests. Others were more specific; Russia, for example, indicated that the investigation requested by the government of Syria should be carried out as soon as possible, echoing the call by Iran on Monday. Calls were made for Syria to join the CWC and destroy any stockpiles under international verification. References were made to the government of Syria being bound by the 1925 Geneva Protocol which prohibits the use of poison gas in war. The USA suggested that the 'situation in Syria constitutes a serious threat to peace and security'. Canada noted it had offered a contribution of \$2 million to the OPCW to support provision of assistance to the UN Secretary-General's investigation activities.

Article XI – Some states promoting Article XI issues expressed the view that the article should not simply be seen as a safeguard to ensure that measures to restrict potential

hostile uses of relevant materials do not impinge upon peaceful activities but should be seen as a positive effort to promote peaceful cooperation. A number of states saw the decision by the Conference on the States Parties on 'Components of an Agreed Framework for the Full Implementation of Article XI' as a solid foundation. Several statements supported the Article XI action plan proposal.

Incapacitants – There were a number of calls that the Review Conference should examine issues relating to the use of toxic chemicals for law enforcement and in particular the issue of incapacitants. References were made to the 'general purpose criterion', the principle embodied 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. Switzerland, which has proposed text for possible inclusion in the final document suggested 'the risks of inaction are far greater than the benefits of keeping the current uncertainty'. The UK stated 'unequivocally' that it neither holds, nor is developing, any incapacitating chemical agents for law enforcement purposes and urged other countries to state their positions. The USA raised the issue of incapacitants from another angle, noting that concerns had been raised that a programme for such agents for use in law enforcement could be used to conceal a programme to acquire these for other purposes and stated that the general purpose criterion [without naming it] would still apply. There was no mention in the US statement as to whether that country possessed incapacitants for law enforcement purposes. Germany stated it only holds chemicals for law enforcement purposes that fall within the definition of riot-control agents [i.e., no incapacitants].

Other specific points from statements

Russia called for remaining reservations to the 1925 Geneva Protocol to be withdrawn. France called for more work of the OPCW to be carried out in French. Lithuania raised the issue of sea-dumped chemical munitions and proposed that the OPCW be used as a forum for voluntary discussions and cooperation on the issue. Japan noted it had submitted a national paper giving details of destruction of chemical weapons abandoned on the territory of China.

Side events

Four side events were held on Tuesday, the first, before the start of formal proceedings, was held in the Ooms Room in the OPCW building was the launch of a report by the EU Institute for Security Studies <<<http://www.iss.europa.eu>>> entitled 'The future of the CWC in the post-destruction phase' with presentations by chapter authors Jean Pascal Zanders, Ralf Trapp, Richard Guthrie and Scott Spence (in lieu of Yasemin Balci) and by Ambassador Jacek Bylica, Principal Advisor and Special Envoy for Non-Proliferation and Disarmament, European External Action Service.

Three events were held at lunchtime, all in the OPCW Building. One, convened by the International Committee of the Red Cross <<<http://www.icrc.org>>>, was on 'Assistance and protection against chemical weapons: ICRC's humanitarian perspective' with presentations by Neil Davison and Gregor Malich and chaired by Kathleen Lawand, all of the ICRC. Two were convened by the delegation of Germany. The first was the opening of an exhibition on 'Destruction of Old Chemical Weapons in Germany' which was addressed by Ambassador Eberhard Schauze (Germany). The second was a meeting on 'Twenty years of German-Russian cooperation in the destruction of chemical weapons' which was addressed by Rolf W Nickel, Commissioner for Disarmament (Germany).

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CWC Review Conference Report

Completion of the General Debate and the start of the thematic review

The third day of the Third Review Conference for the 1993 Chemical Weapons Convention (CWC) saw completion of the General Debate in the morning, with an additional session in which non-governmental organizations (NGOs) addressed the plenary meeting. The afternoon saw the first part of the themed review of the Convention.

General Debate

Statements from States Parties were given in the following order: Sri Lanka, Paraguay, Senegal, Nigeria, Kazakhstan, Morocco, Afghanistan, Cameroon and Mongolia. Two were given by international organizations: the International Committee of the Red Cross and the African Union. In total, 69 statements had been given during 670 minutes of General Debate, a significant increase on the 50 statements in the previous Conference in 2008. [*Erratum*: report no 3 suggested there were thirty statements on Tuesday, but listed thirty-nine delegations. The list was correct, the error was entirely the author's in the editing process.]

This the second part of the thematic analysis of the General Debate. The themes of universality, Syria, Article XI and incapacitants were outlined in the previous daily report.

Chemical weapons destruction – A number of statements noted the importance of destruction deadlines and expressed regret that they had not been met, with some expressing recognition of the efforts taken in destruction so far. The Iran/NAM statement suggested 'the issue of destruction should be the primary focus of the Third Review Conference'.

The post-destruction era – The resultant institutional restructuring was widely recognised as a significant challenge. This will have many consequences for resource allocation, for staffing, for training and the maintenance of skills including institutional memory. Many references were made to the work of the Advisory Panel on future priorities that reported in 2011.

Industry verification – There were calls for efficiencies in inspection activities. The Republic of Korea noted that only 52 States Parties allow sequential inspections for Other Chemical Production Facilities (OCPFs) and that this practice reduces the number of inspector days needed.

Threats from terrorism – A number of statements noted the threat posed by terrorist or criminal groups using toxic chemicals for hostile purposes, and some connected it specifically with the issue of effective national implementation.

National implementation – A number of States Parties indicated improvements they had made in national implementation, from new laws to new enforcement activities and to additional activities of national authorities. There was widespread recognition that more needed to be done overall on national implementation. Positive lessons were being learned on assisting implementation efforts through activities such as regional workshops, regional centres and other means of capacity building.

S&T advances – there was recognition of a need that the Convention should keep pace with scientific and technological developments. The work of the Scientific Advisory Board was highlighted. Issues such as the challenges posed by the convergence between chemistry and biology and the importance of education and outreach were raised.

NGO session

For the first time at a CWC Review Conference, NGOs were given the opportunity to address a plenary session. The session was opened by the Chair of the Conference, Ambassador Krzysztof Paturej (Poland), who described the decision for greater NGO participation as a 'landmark'. OPCW Director-General Ahmet Üzümcü welcomed the 'pioneer effort' as a step forward in NGO engagement and said he looked forward to 'valuable and constructive inputs'. Paul Walker (Green Cross International), as co-ordinator of the CWC Coalition, provided some introductory remarks for the session. Statements were given in the following order: Citizens' Advisory Commission (USA); Society for Chemical Weapons Victims Support (Iran); Institute for Security Studies (South Africa); Okan University (Turkey); Centre for Non-Proliferation and Export Control Issues (Kyrgyzstan); International Campaign to Abolish Nuclear Weapons; Verification Research, Training and Information Centre (UK); International Center for Chemical Safety and Security (Poland); Green Cross Russia; Bradford Non-Lethal Weapons Project & Omega Research Foundation (UK); Research Programme on CBW, PUC Institute of International Relations (Brazil); Global Green USA; and NPS Global Foundation (Argentina). At the end of the session, the Chair was presented with a gavel by Ryszard Scigala, President of ICCSS and Mayor of Tarnow, Poland.

Review of the operation of the Convention

The review started with a presentation of the work of the Open Ended Working Group (OEWG) by its Chair, Ambassador Nassima Baghli (Algeria). She noted that the group had held 33 meetings since being established in May 2012 and that consultations had been held with industry stakeholders and with civil society. She reflected that the group had found that there were more convergences than divergences in the run up to the Review Conference and had been able to adopt a paper by consensus.

The rest of the afternoon was devoted to the review of the first two points under agenda item 9: '(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' and '(b) ensuring the universality of the Chemical Weapons Convention'.

Particular issues raised included how the situation in Syria should be reflected in the final report of the Conference – owing to the acknowledged chemical weapons capability and the allegations of use, the situation raised grave concerns for many delegations. Russia argued that as a non State Party, Syria should not be judged by the same criteria as States Parties. Others emphasised a view that the overarching purpose of Convention was the elimination of all chemical weapons and that Syria needs to be mentioned as anything else would undermine the credibility of the Convention. Questions were raised about whether all eight non States Parties should be treated the same in the final report or whether there were distinctions between them that would warrant different treatment. Regrets were expressed that the meeting on a Middle East WMD-free zone had not been held as scheduled.

Side events

Four lunchtime side events were held on Wednesday. Two were held in the OPCW Building with Green Cross International and the CWC Coalition convening a meeting on 'Achieving CWC universality: the future' and the International Dialogue on Underwater Munitions, together with Lithuania and Poland, convening one on 'Sea-dumped chemical weapons'. The other two were held in side rooms of the Convention Centre, with Japan convening a meeting on 'Japan's ACW destruction project in China' and Switzerland convening one entitled 'Swiss proposal in incapacitating chemical weapons for the Third Review Conference'.

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CWC Review Conference Report

Further thematic review and a classified session

The formal proceedings of the fourth day of the Third Review Conference for the 1993 Chemical Weapons Convention (CWC) started with a session in ‘classified mode’ – the first time this meeting format has been used at a CWC Review Conference. However, some areas that could have been discussed in open session were dealt with in the classified one. The latter part of the morning session and the afternoon session saw further discussion on the themes identified in the agenda for the review of the operation of the Convention. At the end of the day’s proceedings, the Chair of the Conference, Ambassador Krzysztof Paturski (Poland), announced that the Committee of the Whole, chaired by Ambassador Sa’ad Al Ali (Iraq), would start its work from Monday morning in the Ieper Room at the OPCW Building.

The programme of work for the day

The programme of work for Thursday was for the first six sections of paragraph (c) of agenda item 9 which reads: ‘(c) implementation of the provisions of the Chemical Weapons Convention relating to: (i) general obligations and declarations related thereto; (ii) reports by the Director-General on destruction-related issues; (iii) destruction of chemical weapons, including implementation of the Conference of the States Parties and Executive Council decisions on destruction-related issues; (iv) destruction or conversion of chemical weapons production facilities; (v) verification activities of the OPCW; (vi) activities not prohibited under the Chemical Weapons Convention’. During the afternoon, time was also found for ‘(vii) national implementation measures’ and ‘(viii) consultations, cooperation, and fact-finding’.

Classified session

While there have been classified meetings within the annual sessions of the Conference of the States Parties (CSP) to discuss the status of implementation of the Convention and to deal with destruction issues in the three countries that had not met the CWC’s destruction deadline, this was the first time that such a meeting had been held at a Review Conference.

The ‘Final Extended Deadline of 29 April 2012’ decision was taken by the CSP in 2011 (document C-16/DEC.11) relates to Libya, Russia and the United States. It requires each of these possessor States ‘to report, and provide a briefing in a closed meeting, at each regular session of the Executive Council’ on progress that has been achieved towards the complete destruction of remaining stocks of chemical weapons [paragraph 3(d)]. The decision specifies that these reports and briefings should include information on measures to accelerate progress or to overcome problems in the destruction programmes. Such details are considered particularly sensitive.

The decision also mandates that the Review Conference ‘conduct a comprehensive review on the implementation of this decision at a specially designated meeting(s) of the Conference’ [paragraph 3(h)]. This designated meeting was the one held in classified mode on Thursday.

As the Conference had gone into classified mode from the start of the morning session the general obligations issues of sub-paragraph (i) of the agenda item were discussed under classified rules rather than in the open session they would otherwise have been in.

Review of the operation of the Convention

The sub-topics (iv)-(viii) of agenda item 9(c) and some unclassified aspects of (ii) and (iii) were discussed in sequence once the meeting moved back into open session. In open session, the reports from the three possessors states were formally recorded as 'considered and noted'.

The further topics discussed were introduced by relevant senior members of the OPCW Technical Secretariat who also highlighted the relevant sections of the background document reviewing the operation of the CWC since the Second Review Conference in 2008 submitted by the Director-General (RC-3/S/1 [+ Corr.1]). As with the themes discussed on Wednesday, the Open Ended Working Group (OEWG) consensus paper formed the basis for discussion although there was no attempt to negotiate on this text but simply to identify paragraphs that would need further work within the Committee of the Whole.

On destruction issues, there were questions raised about whether there could be more consistency in the way information was provided in reports to allow easier comparisons.

Regarding the topic of verification, questions were raised about the understandings of what might be meant by the terms efficient, effective and sufficient which included the suggestion that it might be impossible to know whether the level of inspection activities would have been sufficient to catch cheating if no cheating had been taking place.

On activities not prohibited, it was noted that a number of outstanding issues, such as dealing with low concentrations, had been resolved since the last Review Conference. There remained significant mismatches in reporting of transfers of chemicals between countries.

During discussion on national implementation there was recognition that effective national measures were required for an effective treaty regime. In 2009, a CSP decision had been taken to use a benchmark for effective national measures of 'legislation covering all key areas'. Evaluation of this had indicated that this may not be the optimum benchmark as the circumstances of States Parties were so different. It was noted that delays in introducing national implementation measures were not only due to questions of drafting legislation but also related to finding time for legislatures to go through the relevant processes and procedures to adopt it.

Regarding cooperation and fact finding, it was recognised that these were non-routine activities, such as challenge inspection, that would have to be carried out to tight schedules at short notice if the relevant procedures had been activated; therefore capabilities to fulfil these requirements must be maintained. The were comments that, as the OEWG paper had been written before recent developments in Syria relating to allegations of use, the relevant paragraphs would need to be updated.

Side events

Three side events were held on Thursday. A morning event was convened in the Ieper Room in the OPCW Building by the CWC Coalition on 'Reinforcing the global norm against chemical weapons' and included presentations on strengthening national implementation and on chemical safety and security. Two lunchtime events were held. One, in the Ieper Room, was convened by the International Centre for Chemical Safety and Security (Poland) and TNO (Netherlands) on 'Developing a programme on chemical safety and security in Kenya'. The other, in a side room at the Convention Centre, was convened by Ireland entitled 'Roundtable discussions on EU support for OPCW activities'.

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Completion of the thematic review and discussion of science and technology

The last day of the first week of the Third Review Conference for the 1993 Chemical Weapons Convention (CWC) saw the final stages of the thematic review, a first discussion of the political declaration and a novel plenary session on scientific and technological developments.

Review of the operation of the Convention and of the draft political declaration

The proceedings of the morning started with the Chair of the Conference, Ambassador Krzysztof Patulej (Poland), bringing out a bell he had been given by the Indian delegation. He noted that he wasn't intending to use it to bring speakers to a close on their remarks but to keep it there as a reminder for the sessions to end on time. Ironically, this was the first session to run over time.

The programme of work for the review on Friday comprised the sections of paragraph (c) of agenda item 9 which read: '(ix) assistance and protection against chemical weapons; (x) economic and technological development; (xi) Articles XII to XV and final clauses; (xii) the protection of confidential information' and '(d) The general functioning of the Organisation for the Prohibition of Chemical Weapons'.

As with the themes covered on Wednesday and Thursday, the Open Ended Working Group (OEWG) consensus paper was used as a benchmark for discussion although there was no attempt to negotiate on this text but simply to identify paragraphs that would need further work within the Committee of the Whole. Also as before, the topics discussed were introduced by relevant senior members of the OPCW Technical Secretariat who also highlighted the relevant sections of the Director-General's background document.

Assistance and protection against chemical weapons is covered by Article X of the Convention. It was noted that an increasing number of national programmes were being reported. The subject of safety and security was particularly discussed and it was clear that some delegations were unsure of where they felt this issue was going. [It is worth noting that there is a particular linguistic complication here for some languages such as German, Russian and Swedish in which the words 'safety' and 'security' are the same term. In English, safety is predominantly about averting accidental harm while security is focused on averting deliberate harm, although the two concepts overlap.] The question was raised as to whether improvements in safety and security could be called for without setting uniform standards.

The issue of economic and technological development falls within Article XI of the Convention. There were many comments made that the OEWG text made no reference to the non-aligned proposal for an Action Plan on Article XI. Other countries raised doubts of whether such an Action Plan might be adopted. This is clearly going to be an issue under some lengthy discussion in the coming week. Safety and security was raised again in this section where concerns were raised that it should not be used to hamper Article XI issues.

Chair of the OPCW Scientific Advisory Board (SAB), Stefan Mogl, reported on the Board's activities during the year.

The political declaration was described by many delegates as the part of the final declaration most read by those not at the Conference and so it had particular importance. There were calls for it to be 'concise' and 'balanced'. However a number of issues were raised in interventions – such as universality; chemical weapons destruction; capacity

building, cooperation and other Article XI issues, and national implementation – for inclusion in the political declaration. The question of how the political declaration should reflect ‘recent developments’, the increasingly-used euphemism for the situation in Syria, remains contentious.

There were reminders that the political declaration needs to be connected to the review of the Convention. [This might seem an obvious statement but there have been meetings relating to other treaties where there has been a considerable disconnect between sections of final documents.]

The Chair, in summing up the proceedings of the last few days, listed paragraphs that had been referred to in the discussion as needing some further work. There were comments from the floor that it was the role of the Chair of the Committee of the Whole, Ambassador Sa’ad Al Ali (Iraq), to highlight what work was needed. Ambassador Paturej acknowledged this and said the list he had read out was indicative and not exhaustive and was provided, in part, to illustrate that there was agreement on many more paragraphs than there had been paragraphs on which further work had been suggested. This exchange highlighted more than any other that the OEWG text is forming the draft of the final document of the Review Conference – a situation very different from that in 2008.

Plenary on science and technology

The afternoon saw the Conference move to the Ieper Room in the OPCW Building for a plenary session entitled ‘The multiple uses of chemicals: innovation, science and security – an informal thematic discussion on science and technology’. Director-General Ahmet Üzümcü opened the session, noting the importance of keeping the Convention relevant to the advances in science and technology. The session was chaired by Patricia Lewis (Chatham House). She reminded the delegates that the history of human civilization has been based on scientific developments, from preparation of food to modern inventions.

There were two panels and further presentations, after each of which there was active discussion. The first panel, on ‘The multiple uses of chemicals’, consisted of Pawan Dhar, Centre for Systems and Synthetic Biology, Kerala, India who spoke on ‘Emerging synthetic biology trends in India’; and Robert Mathews, SAB Temporary Working Group on CB convergence, on ‘The convergence of chemistry and biology: advances in chemical protection’. The second panel, entitled ‘Education for prevention’, comprised Alejandra Suárez, Universidad Nacional de Rosario, Instituto de Química Rosario – CONICET, Argentina who spoke on ‘Project in education and outreach relevant to the CWC in Argentina’; and Temechegn Engida, Federation of African Societies of Chemistry, Addis Ababa, Ethiopia, on ‘Education and Outreach about the Chemical Weapons Convention’. There followed a presentation from Hugh Gregg, OPCW Laboratory, on ‘Chemical Analysis in the verification of the Chemical Weapons Convention’ and remarks from Stefan Mogl, Chair of the SAB.

Side events

Four side events were held on Friday, two in the morning, two at lunchtime, all in the OPCW Building. The morning events were: ‘Legacy issues of chemical weapons’ convened by the CWC Coalition and ‘Developing a network of resources centres to support implementation of the CWC’ convened by the International Centre for Chemical Safety and Security (Poland) and TNO (Netherlands). The lunchtime events were: the ‘Open forum’ convened by the CWC Coalition; and ‘Ensuring efficient verification – what the OPCW Central Analytical Database can do’ convened by Denmark, Finland, Norway and Sweden.

This is the sixth 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 <<<http://www.cbw-events.org.uk/cwc-rep.html>>>. The author can be contacted during the Conference on +31 623 426 072 or <<richard@cbw-events.org.uk>>.

CWC Review Conference Report

The second week: start of the Committee of the Whole

The first day of the second week of the Third Review Conference for the 1993 Chemical Weapons Convention (CWC) saw a full day of the Committee of the Whole with Ambassador Sa'ad Al Ali (Iraq) in the Chair. The Committee met in the Ieper Room in the OPCW Building rather than the main hall in the Convention Centre next door.

All treaty regimes have their own procedures for how they carry out the line-by-line negotiations of documents from their meetings. For the CWC, the drafting work is the responsibility of the Committee of the Whole which then reports back to the plenary. It was announced last week by the Chair of the Conference, Ambassador Krzysztof Patulej (Poland), that he expected the Committee of the Whole to take four days of work and report back to a plenary session on Friday 19 April. Ambassador Patulej also indicated that the section of the final document relating to the review of the operation (part B of the consensus text produced by the Open-Ended Working Group (OEWG) chaired by Ambassador Nassima Baghli (Algeria)) would be discussed in the Committee of the Whole before the political declaration (Part A of the OEWG text). However, the precise timetable will be within the remit of Ambassador Al Ali.

The OEWG held more than thirty meetings (and many delegations discussed matters between themselves before going into the OEWG meetings), and so the OEWG consensus text represents perhaps a hundred hours of time reviewing the Convention. On some issues it may be difficult to find consensus that goes far beyond the OEWG text, although the higher level of political representation at the Review Conference (and political attention from capitals) will inevitably alter the negotiating dynamic.

Unlike plenary sessions, which NGOs are allowed into, the Committee of the Whole meets behind closed doors. While there are clearly issues on which delegations disagree, the atmosphere in the building seemed positive. The tensions that were apparent at the same stage of the previous Review Conference in 2008 are not discernable.

Issues in drafting the final report of the Conference

The issues likely to be of most concern throughout the negotiating of the final report have been well flagged in the public, such as in the initial General Debate, in the discussions under agenda item 9 on the review of the operation of the Convention, and through national papers submitted to the Conference. Indeed, experience of review conferences within a variety of treaties indicates it is very rare for a new issue to be raised at this stage of a conference, although new aspects of an issue may be highlighted.

Discussions with delegates in the lounge indicated that there were a number of issues that would have to be handled with care. The most prominent example of this would be how the Review Conference refers to the recent developments in relation to Syria. This has been the subject of very high level discussion in the UN Security Council and it was suggested last week in the plenary session that there would be little point in reopening the debates that had been held there. Nevertheless, any text on a controversial matter that has been the subject

of extended, and somewhat divisive, debate at Security Council level would need extensive consultations between delegations and capitals as well as between delegations in The Hague.

The common method for dealing with a complex issue such as this is to appoint a facilitator to consult with interested delegations. This allows for progress on a specific subject without taking away time available for other subjects to be discussed in the meeting. To this end Ambassador Allen Wagner Tizon (Peru) has been appointed facilitator to consult on the Syria issues. In addition, Peter Goosen (South Africa) has been requested to carry out consultations on the political declaration ahead of its consideration by the Committee of the Whole.

With four days of Committee of the Whole scheduled and the underlying principle of negotiation that 'nothing is agreed until everything is agreed', experience suggests few firm decisions will be taken in the early days until delegations get a sense of where the ground lies. Unlike some negotiations where many delegations will have only a single issue as their negotiating priority, the issues under consideration within the CWC overlap each other and so the trade-offs between issues may be complex and not necessarily apparent to those not within the relevant meetings, whether the formal proceedings of the Committee of the Whole or informal consultations.

As well as issues relating to Syria, the Committee of the Whole also had some discussions on issues such as the Geneva Protocol, incapacitating chemicals and national implementation.

National Papers

With the Conference moving into closed discussions, there is space to examine some of the national papers submitted to the Conference. National papers are available via the OPCW website <<<http://www.opcw.org>>>.

A paper submitted by Armenia, Belarus, Iran, Russian Federation and South Africa on the Geneva Protocol is published as RC-3/NAT.7. The paper suggests that remaining reservations to the Geneva Protocol be withdrawn as any country that is a party to both the CWC and the Biological Weapons Convention will have renounced possession of all of the weapons that the Geneva Protocol relates to. [Remaining reservations are listed on pp 274-76 of the *CWC Resource Guide 2013*, available at <<<http://www.cwc2013.info>>>.]

There is always a difficulty with States Parties of one treaty making comments about another as memberships of treaties rarely coincide. However, the CWC makes direct reference to the 1925 Geneva Protocol in its preamble, bringing that treaty into the remit of the CWC Review Conference. Notwithstanding this, some governments consider it inappropriate for a meeting of one treaty to call for members of another to do something. In this case the paper calls for action only from those party to the CWC.

Issues surrounding other national papers will be examined in future *daily reports* as space permits.

Side events

There were no side events held on Monday.

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CWC Review Conference Report

The Committee of the Whole: the second day

The second day of the second week of the Third Review Conference for the 1993 Chemical Weapons Convention (CWC) saw another full day of the Committee of the Whole with Ambassador Sa'ad Al Ali (Iraq) in the Chair. Once again, the Committee met in the Ieper Room in the OPCW Building rather than the main hall in the Convention Centre next door.

The Committee of the Whole continued to meet behind closed doors. The title for their deliberations is 'Preparations for the outcome of the Third Review Conference' which involves preparing a draft of the final document which can then be approved by a plenary session of the Conference.

The Ieper Room is much smaller than the Convention Centre main hall and with so many delegates wishing to participate in proceedings the room is apparently very crowded. Delegates could be seen to take chairs and cushions into the room as all the seating had been used. There were some suggestions that the Committee of the Whole move into the Convention Centre as the facilities there would have been much more comfortable. Counter arguments to this included that the lack of comfort would keep people focused on a prompt solution!

Preparations for the Conference final document

The Committee of the whole continued its run through of the Open Ended Working Group (OEWG) consensus paper relatively rapidly, identifying paragraphs that need work and getting delegations interested in the pertinent subject matter to seek a solution. All through the day there were suggestions for variations of text being circulated in draft form and being considered by small huddles of delegates. As the iterations were modified following interactions, these texts for amendments were being collected together but it is not clear when a revised text taking these into account will be circulated to delegates. In other areas where work still needs to be done and where specific text has not yet been put together there is greater clarity on where the common ground may lie. The Chair has requested assistance from a few individuals on particular issues to act as informal facilitators.

Consultations continued on the issue of how to handle the subject of recent developments in Syria and on the political declaration. Most major points relating to the political declaration appear to have been settled with the significant outstanding issue remaining the reference to the situation regarding Syria, an issue which also needs to be resolved for the review section of the final document. The consultations on the political declaration started during the lunch break and continued for some time after the due start time of the Committee of the Whole. Having started late, the Committee of the Whole then met until nearly 7pm, an hour later than they would normally sit until, the last part of which was without interpretation.

Discussions with delegations in the adjacent lounge indicate that the arguments being used in favour of, or in opposition to, any particular points remain consistent with the arguments made in the General Debate and the agenda item 9 plenaries on the review of the operation of the Convention.

While there is much yet to be achieved, there is still time in which to achieve it. At this stage of negotiation of a text there is an element of theatre. Disentangling the realistic expectations from the positioning can be difficult, even for those inside the room.

National papers

A useful source for understanding national positions at any review conference is to examine the working papers submitted by States Parties. Within the CWC Review Conference these are published as 'national papers', a category that also includes speeches made in open session if the speaker requests that their intervention be circulated as an official document of the Conference. The papers listed below are national papers that are, in essence, working papers submitted to the Conference and that have been posted on the OPCW website <<<http://www.opcw.org>>>:

- RC-3/NAT.5 – China, 'Position Paper - Chemical Weapons Abandoned by Japan in China'
- RC-3/NAT.6 – China, 'Position Paper - Article X and XI of the Chemical Weapons Convention'
- RC-3/NAT.7 – Armenia, Belarus, Iran, Russia and South Africa, 'The Geneva Protocol of 1925'
- RC-3/NAT.8 – Iran (on behalf of the NAM CWC States Parties and China), 'Position Paper'.
- RC-3/NAT.9 – Iran, 'Sources of Verification (Public Available Information)'
- RC-3/NAT.10 – Iran, 'Challenge Inspection and Investigation of Alleged Use of Chemical Weapons'
- RC-3/NAT.11 – Iran, 'Protection and Assistance (Article X)'
- RC-3/NAT.12 – Iran, 'International Cooperation (Article XI)'
- RC-3/NAT.13 – Iran (on behalf of the NAM CWC States Parties and China), 'Proposal for a Plan of Action on the Full Implementation of Article XI of the Chemical Weapons Convention'
- RC-3/NAT.14 – Lithuania, Poland, Bulgaria and Luxembourg, 'Broadening International Cooperation on Sea-dumped Chemical Weapons and Promoting the OPCW as a Forum for Voluntary Cooperation on this Issue'
- RC-3/NAT.15 – Iran, 'Universality'
- RC-3/NAT.20 – Japan, 'Japan's Efforts and the Progress on the Destruction of Abandoned Chemical Weapons in China'

There were many submissions by States Parties to the OEWG preceding the Review Conference that would fall into a similar category as these working papers. Submissions to the OEWG were not publicly posted, however.

Side events

There were no side events held on Tuesday.

This is the eighth 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 <<<http://www.cbw-events.org/cwc-rep.html>>>. The author can be contacted during the Conference on +31 623 426 072 or <<richard@cbw-events.org.uk>>.

CWC Review Conference Report

A plenary, consultations, Committee of the Whole and a new draft

The second Wednesday of the Third Review Conference for the 1993 Chemical Weapons Convention (CWC) started with a brief plenary meeting, extensive consultations and a further afternoon of the Committee of the Whole with Ambassador Sa'ad Al Ali (Iraq) in the Chair. A new version of the draft final document was circulated by Ambassador Al Ali after lunch, as had been predicted in the morning's plenary.

The morning plenary and the Credentials Committee

A brief plenary meeting took place at the start of the day as a formal decision was required to change the composition of the Credentials Committee. The Chair of the Conference, Ambassador Krzysztof Patulej (Poland), took the opportunity of the convening of the plenary meeting to get a report back from the Committee of the Whole (reported below).

The decision taken in plenary was that Senegal replace Rwanda owing to a rotation of personnel. The role of Credentials Committees at inter-governmental conferences is sometimes perceived as a simple, if perhaps boring, administrative process. However, there is an important purpose in checking that those present and participating in decision making have the relevant authority to be doing so. Without confidence in that authority there might, one day at some conference on some subject, be doubt in the legitimacy of the decisions.

Consultations on the political declaration

Consultations regarding the political declaration (part A of the final document) continued over lunch. Again the major area where consensus was hard to find was how the Review Conference should elaborate its position regarding the recent developments in Syria.

During the morning plenary, there was a request from the floor to move the consultations from the Ooms Room, which is relatively small, to the Ieper Room as that was not going to be used for the Committee of the Whole at the scheduled time. This was agreed.

The Committee of the Whole

In his report to the plenary meeting, Ambassador Al Ali (Iraq) indicated that the first reading of the draft text of the section on the review of the operation of the Convention (part B of the final document) was complete. A number of areas where further work was needed had been identified and consultations were taking place to find consensus solutions in all these areas. He asked for results from these consultations, if possible, before lunchtime so that they could be inserted into a new draft that would be available in the afternoon, by which time it would hopefully be possible to see the results of the facilitations on the political declaration. He warned that there may need to be extra hours of work that would have to be put in to finish the task before the Committee could report back to the plenary on Friday.

After lunch, the Committee of the Whole convened for a relatively short meeting. A new text was circulated amongst delegations. This text, referred by some as 'the composite text', was taken away by delegates for consideration with the plan to restart the Committee of the Whole at 9.30 am, earlier than usual, with a warning that the working day may go on until 9.30 in the evening.

It is not uncommon for review conferences such as this one to go into late night consultations on the penultimate day, sometimes well past midnight. The great difficulty of the 2008 CWC Review Conference was that there were still back room discussions on a wide range of issues between a small group of delegates on the evening of the last day, forcing the conference to ‘stop the clock’ to reach a result early on the Saturday morning and leaving the majority of delegations with a ‘take it or leave it’ option on the final text. A significant advantage of the current conference is that all delegations have been involved in the review of all major issues.

Prospects for the Review Conference

There is one issue still under discussion for which the solution seems hard to predict.

Aside from that issue, the Conference appears plausibly to be on track for the adoption of a final document, referred to by some as the ‘outcome document’, at a plenary session on Friday. This won’t necessarily be an easy task. There will need to be some final areas of work which will result in further amendments but, as noted before, most areas have potential solutions identified. How these potential solutions fit within the trade-offs between delegations is not yet totally clear. These are multilateral negotiations with multiple issues under consideration. However, these issues have found workable precedents either within the CWC or within related treaty regimes and so there are realistic grounds to anticipate they will be resolved, even if they are not resolved to everyone’s total satisfaction.

There will also be questions of balance once another round of amendments have been put into place – is there one group of states or one particular perspective on issues that has been favoured by the text in the final document? If the text is perceived to be out of balance this could prompt some further negotiation which could take additional time. However this should only delay the adoption of a final document, not prevent it.

The one issue that plausibly could cause a significant hindrance to the adoption of a final document is how the Review Conference refers to the recent developments in Syria. There are a number of influences here. One is the perspective of some States Parties that this is the most serious challenge to the CWC since it entered into force and so any reference must be robust. Another perspective is that the CWC States Parties should not hold governments outside the Convention to the same values. The overall political situation within the Middle East adds complexities, especially when it comes to suggestions of naming any one state.

If a solution can be found to the reference to these recent developments then the prospects for the Review Conference are good.

The Review Conference and the CWC

In general terms, five-yearly Review Conferences of the treaties relating to the control of ‘weapons of mass destruction’ are the ultimate decision-making bodies as no other meetings have powers to take substantive decisions, including those on budgets. This is not the case here. For the CWC and its implementing body, the Organization for the Prohibition of Chemical Weapons, 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.

Side events

There were no side events held on Wednesday.

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CWC Review Conference Report

The Committee of the Whole: Thursday night into Friday morning

The penultimate day of the Third Review Conference for the 1993 Chemical Weapons Convention (CWC) saw the proceedings go on late into the early hours of Friday morning with agreement reached on the text for a draft final document apart from one remaining issue – the use of toxic chemicals in law enforcement – and a question of how Syria should be referred to in part B of the text.

Earlier in the day the Credentials Committee provided a first report which notes that 129 States Parties had attended the Review Conference. Of these, 109 had full credentials already submitted and accepted.

The Committee of the Whole

Three sessions of the Committee of the Whole were timetabled for Thursday instead of the usual two. The sessions were scheduled for 9.30-12.30, 14.00-17.00 and 18.30-21.30. Normally the sessions are 10.00-13.00 and 15.00-18.00.

The Committee of the Whole started roughly on time with Ambassador Sa'ad Al Ali (Iraq) in the Chair and examined the composite text that had been distributed on Wednesday afternoon, making relatively slow progress. The afternoon meeting ran for four hours in what seemed to be an attempt to maintain what little momentum there was, but several key paragraphs containing disagreements were skipped with the intention of returning to them later, raising concerns that there might not be enough time. Interpretation services stopped about three hours into the meeting. The meeting broke shortly after 18.00 and the evening session started half an hour later, pausing only for a short comfort break around 22.30, but was making little visible progress and mostly revisiting previously aired debating points. Some delegations started having pizzas and other fast food delivered to the OPCW building to keep themselves going. This clearly had some effect as the rate of progress increased as the night wore on.

The Committee of the Whole concluded its proceedings for the day at 02.55 with the last issue under consideration being that of toxic chemicals for law enforcement. This was carried over into consultations to start at 10am Friday with the aim of being ready for a plenary meeting to adopt the report in the afternoon. Some delegations wanted to insert references to the situation in Syria in part B and this was yet to be negotiated but may be based on the language discussed for part A (see below).

The political declaration

The political declaration (part A of the final document) had been finalized other than two paragraphs relating to recent developments in Syria. Consultations on these two paragraphs started in parallel with the meeting of the Committee of the Whole from 21.45 and continued until just before midnight, producing drafts that satisfied some concerns but which other delegations regarded as not sufficient yet perhaps all that was possible.

The situation in Syria remains the predominant issue that could cause a significant hindrance to the adoption of a final document. The final decision on what is said about Syria

resides in capitals and in many cases with officials who do not normally deal with the CWC. How rapidly some of these officials can respond to the needs of the Review Conference and how much flexibility they can display might have more influence on the outcome of the Review Conference than anything said or done in The Hague.

Structure of the draft final document

The structure of the draft final document as tentatively agreed by the Committee of the Whole at the end of Thursday's proceedings is as follows:

- Part A: Political Declaration
- Part B: 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
 - 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
 - Ensuring the universality of the Chemical Weapons Convention
 - General obligations and declarations related thereto
 - Reports by the Director-General on destruction-related issues
 - Destruction of chemical weapons, including implementation of the Conference of the States Parties and Executive Council decisions on destruction-related issues
 - Destruction or conversion of chemical weapons production facilities
 - Verification activities of the OPCW
 - Activities not prohibited under the Chemical Weapons Convention
 - National implementation measures
 - Consultations, cooperation, and fact-finding
 - Assistance and protection against chemical weapons
 - Economic and technological development
 - Articles XII to XV and final clauses
 - The protection of confidential information
 - The general functioning of the Organisation for the Prohibition of Chemical Weapons

National papers

Two further working papers have been published:

- RC-3/NAT.39 – Denmark, Finland, Norway and Sweden, 'The Role of the OPCW Central Analytical Database in Ensuring Efficient On-Site Verification'
- RC-3/NAT.40 – Kenya, Poland and the Netherlands, 'Promoting the OPCW as a Platform for Voluntary Cooperation in Chemical Safety and Security - Developing and Sustaining a Programme on Chemical Safety and Security in Chemical Activities in Kenya'

Side events

There were no side events held on Thursday

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 location given in the text below.

This is the tenth 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 <<<http://www.cbw-events.org.uk/cwc-rep.html>>>. The author can be contacted during the Conference on +31 623 426 072 or <<richard@cbw-events.org.uk>>.

CWC Review Conference Report

Late into Friday night: the closing of the Review Conference

The closing day of the Third Review Conference for the 1993 Chemical Weapons Convention (CWC) went up to the wire, with proceedings formally finishing at only two minutes before midnight. The two matters under consideration during the day were the reference to the situation in Syria and the issue of the use of toxic chemicals in law enforcement.

This report will cover the closure of the Conference. An additional report will examine some issues from the Review Conference and contain some reflections.

The Committee of the Whole and informal consultations

The day started in a relatively positive manner with an informal consultation on the use of toxic chemicals in law enforcement. This consultation, held in the Ooms Room in the OPCW building, produced a text that had been agreed by all participants in it, including the US delegation. However, later in the day the US delegation suggested that there were legal issues that were raised by the agreed text and that there would need to be guidance from Washington.

When the Committee of the Whole convened in the Ieper Room shortly after midday, the situation in Syria remained the predominant focus of attention. Delegations in The Hague had been left waiting while capitals considered whether the text that had been agreed during Thursday evening would be acceptable. By early Friday afternoon, a number of Western governments had indicated they were hesitant in accepting the text that was in front of them. This was causing concern amongst these countries as it was hard to see how the text on Syria could be strengthened – it had been the subject of hours of negotiations and further concessions from those opposed to strengthening it were unlikely – and if they were to not accept the text they would be seen as the countries blocking consensus. By late afternoon, it seemed that the only major delegation that was awaiting information from their capital regarding the reference to Syria was that of the USA.

The gathering in the Ieper Room met in a variety of guises. It started as the Committee of the Whole with Ambassador Sa'ad Al Ali (Iraq) in the Chair but at other moments changed to being a consultation on the Syria issues chaired by Ambassador Peter Goosen (South Africa). Apart from a brief comfort break, the delegates remained in the Ieper Room for nearly seven hours, all of it behind closed doors. As time went on, the meeting became increasingly fractious, leading to fears that the chances of a consensus outcome were fading away rapidly.

By late evening, in a bid to promote consensus, the delegation of Switzerland, with great dignity, withdrew its proposal for text on the use of toxic chemicals in law enforcement under the Convention. It had been clear that unless the US delegation received guidance soon they could not accept it and it was not clear how long the guidance might take to arrive. The Swiss received a round of applause for this that could be heard in other parts of the building.

The text that was in place on Syria at the end of the Committee of the Whole was that the States Parties: 'Recalling the Thirty-Second Meeting of the Executive Council, reiterated their deep concern that chemical weapons may have been used in the Syrian Arab Republic and underlined that the use of chemical weapons by anyone under any circumstances

would be reprehensible and completely contrary to the legal norms and standards of the international community.’ There was a second paragraph that expressed support for the assistance given by the OPCW to the UN Secretary-General under paragraph 27 of Part XI of the Verification Annex of the Convention.

The plenary meeting

During the evening it was announced that a plenary meeting would be scheduled for 21.00, which would consider the draft report on a ‘take it or leave it’ basis. In the event, the plenary convened at 21.35 with Ambassador Krzysztof Patulej (Poland) in the Chair and by 21.41 had approved the report of the Committee of the Whole, essentially accepting the draft text for the final document.

This decision was followed by a run of statements given in the following order: United States, Australia, Ireland (on behalf of the EU), Italy, Canada, Japan, United Kingdom, Netherlands, Chile, India, South Africa, Germany, France, Republic of Korea, Cuba, Mexico, Argentina, Brazil, Norway, Tunisia, New Zealand, Iran, Switzerland, Sweden and Peru – the largest number of statements this author can recall being given at this stage of a review conference.

The majority of these statements expressed a desire that the language in relation to should have been stronger Syria. Ambassador Robert Mikulak (USA) stated that the agreed language ‘fell short’ of what the CWC committed its members to and quoted the preamble of the Convention: ‘for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons’. Other delegates were similar in their words, for example, Australia expressed that it was ‘frankly disappointed’ in the Syria reference and Germany said it was ‘deeply disappointed’. There were also many references by these and similar states about things that they felt were missing from the final document, such as any substantive reference to the UN Secretary-General speaking at the Review Conference or to the need for Syria to keep its acknowledged stocks of chemical weapons in a secure manner. Ambassador Bhaswati Mukherjee (India) compared the outcome with what had happened at the previous Review Conference in 2008 and called the result this time an ‘outstanding document’ and noted ‘we have spoken with one voice on Syria, is that not an achievement?’ Ambassador Peter Goosen (South Africa) invoked the spirit of Madiba (Nelson Mandela) stating that delegates should ‘celebrate what unites us’ not what divides. He said that the text on Syria was strong, stating that ‘deep concern’ were strong words and that the term ‘reprehensible’ carried a strong sense of condemnation.

Switzerland expressed its ‘extreme regret’ that the Conference had failed to adopt a paragraph on incapacitating chemical agents. Statements of regret on this issue were also made by New Zealand and Norway. On the subject of the greater access for civil society at this Conference, a very positive statement was made by India, a country not normally associated with such a position.

Following these statements, OPCW Director-General Ahmet Üzümcü addressed the Conference. He called the reaching of agreement on the report ‘a major achievement’ taken in a spirit of cooperation and consensus, and described the text as ‘substantive and forward looking’. He made two announcements: that destruction of chemical weapons in Libya had resumed that day; and that Somalia had announced it would be joining the CWC, although no timing was specified.

A number of formal decisions were taken. The most significant of which was the formal adoption of the final report on which Ambassador Patulej brought down the gavel at 23.41. After traditional closing statements from the five regional groups, given by Pakistan, Poland, USA, Algeria and Uruguay, the meeting was closed at 23.58.

This is the eleventh report from the Third Review Conference of the Chemical Weapons Convention which was 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 <<<http://www.cbw-events.org.uk/cwc-rep.html>>>. The author can be contacted via <<richard@cbw-events.org.uk>>.

CWC Review Conference Report

The Third CWC Review Conference: issues and reflections

This last report examines some issues from the Third Review Conference for the 1993 Chemical Weapons Convention (CWC) and provides some reflections.

The final document includes procedural aspects, the political declaration (17 paragraphs) and the review of the operation of the CWC (136 paras). It is the latter two of these that will be focused upon here. The previous Conference in 2008 had been unable to agree a political declaration. The review section has a more logical structure than in 2008 with each section ending with a paragraph that contains recommendations and actions, although the negotiating process blurred the distinction of these paragraphs.

Syria

With the recent history of debate in the UN Security Council on the issue of Syria, it was clear that there were going to be divergent views on how this topic could and should be handled by the Review Conference. With 129 States Parties attending, it was never likely to be able to move any consensus conclusions further than the 15 members of the Security Council had been able to.

Article XI

The proposal for a plan of action on Article XI was heavily promoted by the non-aligned States Parties and by Iran in particular. There were moments during discussions on the final document that Iran was connecting the plan of action to most other issues, suggesting progress on the plan of action was key to its agreement in other areas. The end result was similar to the situation in the Biological Weapons Convention (BWC) when a similar action plan proposal was introduced in that forum. The plan itself was not adopted, but some language from elements of the plan were incorporated into the final document text.

While there is strong support for making implementation of this article more effective, there remains a question, as in the similar discussions in the BWC context, as to what 'full implementation' of this article really means.

National implementation

The need for improvements in the levels of national implementation was strongly pressed by many western governments. There was concern that countries might be criticised in some way for not having made better progress in this area. The final text uses terms such as 'called upon' and 'encouraged' in relation to improvements required in national implementation.

The review section acknowledges the role of 'education, outreach and awareness-raising' in national implementation.

Incapacitants

The last version of language, as accepted within the informal consultation on Friday morning, noted the issue 'could be discussed by meeting of governmental experts of States Parties, operating on the basis of consensus' and that a 'factual report' from any such meeting would be forwarded to the Executive Council for consideration. At least part of the difficulty that the US delegation had with this language is that it could have also included discussion of riot-control agents (RCAs) within the meetings.

An evolution in the discussion of this issue has been that policy in this area has been clarified by some States Parties. For example, Germany and the United Kingdom both indicated they would not use incapacitating chemical weapons more toxic than would fit the definition of RCAs for law enforcement. This may prompt others to review their policies. Germany produced a paper 'Toxic Chemicals for Law Enforcement' (RC-3/NAT.44).

Destruction of chemical weapons

The final document notes that the Director-General can 'confirm' that the Libya, Russia and the United States 'have taken the necessary measures to meet the planned completion dates for their destruction activities'. However, there were concerns raised by a number of delegations during the Conference that these dates may not be met.

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?' While the role of a commentator should be to try to report what is happening in an impartial manner, there are times that this style of reporting does not convey some significant points. The following are some personal reflections that do not necessarily represent anyone's views other than the author's own.

The core function of the Review Conference is to review both the past and to consider implications for the future. The process and procedures of both the Review Conference and the preparatory activities beforehand provided opportunities for a thorough examination of the CWC and its operations. All discussions were open to all delegations on all of the key areas of work. This was a distinct improvement on 2008 in which much of the language of the final document was decided by a small group of delegates in a side room.

The basic administration functions of the Conference, such as timely production of documents for discussion in the main meeting rooms, was excellent, ensuring focus was on the issues under debate rather than having momentum to fade while printed papers were awaited.

The decision on greater participation by civil society and industry was significant. While many will focus on the opportunity to address a plenary meeting as a highlight, the decision allows for a much greater interaction. More meetings were held in open session in 2008 than in 2013, although not as many as at the equivalent BWC conference. It was unfortunate that what should have been an open discussion on general obligations was held in a classified session as a later agenda item required the meeting to be held in this mode. The logistics of holding a classified meeting are complicated and there are logical reasons why starting a session in classified mode is simpler than making the transition part-way through. If, instead, the classified material had been discussed at the beginning of the session, all of the open topics could have been discussed in open session.

The aim of the Swiss proposal on incapacitants, as elaborated in November, was to promote debate – and there certainly has been that. Indeed this has been the most extensive debate between States Parties on the issue since the Convention entered into force in 1997. By that measure alone, the efforts to promote consideration of the subject matter can only be rated as a success. Nonetheless, it would have been a greater success to have had specific language in the final document. The issues of incapacitating chemicals in law enforcement are complex ones that will take some years to resolve. The potential for these issues, if unresolved, to slowly and subtly undermine the Convention is now much more widely recognised. This is good for the long-term health of the treaty regime.

This is the twelfth, and final, report from the Third Review Conference of the Chemical Weapons Convention, held from 8 to 19 April 2013 in The Hague. They were 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 <<<http://www.cbw-events.org.uk/cwc-rep.html>>>. The author can be contacted via <<richard@cbw-events.org.uk>>.