

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.

This is the ninth report from the Second Review Conference for the Chemical Weapons Convention which is being held from 7 to 18 April 2008 in The Hague. These reports are designed to help people who are not in The Hague to follow the proceedings and are prepared by Richard Guthrie with financial support from the Ploughshares Fund <<<http://www.ploughshares.org>>>.

Copies of these reports (and details of how to subscribe to them by e-mail) are available on the CBW Events website at <<<http://www.cbw-events.org.uk/cwc-rep.html>>> and via the NGO resources page at <<<http://cwc2008.org>>>. Richard Guthrie can be contacted during the Review Conference on +31 620 901 205 or <<richard@cbw-events.org.uk>>.