

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 Patulej (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'.

This is the fifth 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>>.