

CWC Review Conference Report

The Run-up to the Conference: Preparations and expectations

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

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

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

Expectations for the Review Conference

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

Chemical weapons destruction

The states that declared the possession of chemical weapons at the time the CWC entered into force for them are Albania, India, Libya, Russia, the USA and 'another state party', not identified at its request but generally understood to be South Korea. Under the terms of the Convention, all chemical weapons should be destroyed within ten years after its entry into force, i.e., by 29 April 2007. The Convention allows this deadline to be extended by five years, but no further. Many delegations feel that it is premature to come to judgement on whether the possessor states will meet the 2012 deadline. Others believe that unless maximum pressure is placed as soon as possible on the possessor states – particularly the USA and Russia, the two with the largest holdings – there is less chance this deadline will be reached as the required resources will not be allocated otherwise.

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

Industry verification

Article VI of the Convention deals with inspections of industrial facilities – for both those producing chemicals listed on the Convention’s schedules and those producing non-scheduled chemicals. The latter of these, known as ‘Other Chemical Production Facilities’ (OCPFs) are currently the subject of particular attention. While the number of facilities handling scheduled chemicals is in the hundreds, the number of declared OCPFs is now over 5000 worldwide and it has been suggested that the geographical spread of OCPF inspections needs revision.

Action Plans

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

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

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

Riot-control agents and incapacitants

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

NGO resources page

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

This is the first report from the Second Review Conference 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>>>. This second website also includes other materials from the meeting. Richard Guthrie can be contacted during the Review Conference on +31 620 901 205 or <<richard@cbw-events.org.uk>>.