



OPCW

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REPORT BY THE DIRECTOR-GENERAL

**REPORT ON THE IMPLEMENTATION OF THE RECOMMENDATION OF THE
CONFERENCE OF THE STATES PARTIES AT ITS SIXTH SESSION ON
ENSURING THE UNIVERSALITY OF THE CHEMICAL WEAPONS CONVENTION**

1. Recalling its previous recommendations (C-II/DEC.11, dated 5 December 1997; C-III/DEC.9, dated 20 November 1998; C-IV/DEC.22, dated 2 July 1999; and C-V/DEC.21, dated 19 May 2000), the Conference of the States Parties (hereinafter the "Conference"), at its Sixth Session, adopted a recommendation (C-VI/DEC.11, dated 17 May 2001) on ensuring the universality of the Chemical Weapons Convention (hereinafter the "Convention"), urging all states which have neither ratified nor acceded to the Convention to do so without delay.
2. The Conference at its Sixth Session recommended that the States Parties and the Director-General continue to make every effort to encourage all states, in particular those states believed to possess chemical weapons, which have neither ratified nor acceded to the Convention, to do so as soon as possible. States Parties were encouraged to promote the achievement of the common objectives of the Convention in order to enhance a cooperative atmosphere which could encourage other countries to join the Convention. The Conference requested the Director-General to submit a report on the implementation of the recommendation to the Seventh Session of the Conference.
3. This Note does not repeat information contained in previous reports addressing the issue of universality, including the background paper for the Working Group on Preparations for the First Review Conference (WGRC-1/S/2, dated 22 March 2002), and reports made to the Conference at its Fifth and Sixth Sessions (C-V/DG.12, dated 16 May 2000, and C-VI/DG.7, dated 15 May 2001).
4. In the period since the Sixth Session of the Conference, there have been four additional ratifications of the Convention – by Nauru, Saint Vincent and the Grenadines, Samoa, and Uganda, respectively. It is noteworthy that these ratifications are by states situated in the three regions or sub-regions containing the highest numbers of States not party to the Convention, namely Africa, Central America and the Caribbean, and the Pacific Islands. Other sub-regions most affected by the non-adherence of states to the Convention are the Middle East, and Central, North-East, and South-East Asia.

* Reissued in English for technical reasons.

5. As of 3 October 2002, 147 states, constituting 76% of all states worldwide, have ratified or acceded to the Convention. A further 27 states, or 14%, have signed the Convention, but have yet to deposit their instruments of ratification. The total number of non-signatory States stands at 20, or 10% of all states.
6. On 1 November 2001, a Note on the universality of the Convention was submitted by Belgium on behalf of the European Union (C-7/NAT.1, dated 1 November 2001), stating that approaches had been made through démarches to 18 signatory States (Bhutan, Cambodia, the Central African Republic, Chad, the Comoros, the Democratic Republic of the Congo, Djibouti, the Dominican Republic, Grenada, Guatemala, Guinea-Bissau, Haiti, Israel, Kyrgyzstan, Liberia, Myanmar, Rwanda, and Thailand), and 12 non-signatory States (Andorra, Antigua and Barbuda, Belize, the Democratic People's Republic of Korea, Egypt, Lebanon, the Libyan Arab Jamahiriya, Sao Tome and Principe, Solomon Islands, the Syrian Arab Republic, Tonga, and Vanuatu). That Note also stated:

“For a number of States with no political objections, but with financial or administrative constraints, the démarches were useful, in so far as they put the issue of ratification/accession on the agenda of the competent authorities. Some of them reacted in a positive manner, and promised to tackle the issue. Several other States, however, especially smaller States, found the financial and administrative burden of accession too heavy. One signatory State seems to be close to ratification, and should probably do so before the end of the year. Several States stated they still have political constraints not to accede, citing either the regional context, or reasons of a political nature. Furthermore, a number of States may wish to reconsider their position towards the Convention in the light of the tragic events of September 11.”
7. The Executive Council, at its Twenty-Seventh Session, in its first decision on the OPCW's contribution to global anti-terrorist efforts (EC-XXVII/DEC.5, dated 7 December 2001, stressed that “at this stage, the contribution to global anti-terrorist efforts in the context of the Chemical Weapons Convention should focus on the following main areas: (a) promotion of universal adherence to the Convention; ...”.
8. Due to the OPCW's recent financial crisis, only three regional seminars or workshops to promote the universality of the Convention were conducted in the period since the Sixth Session of the Conference – in Jamaica in November 2001; in the Sudan in March 2002; and in Fiji in June 2002. These were only able to be held as a result of the voluntary financial contributions provided for this purpose by the following States Parties: Australia, Canada, Japan, Norway, Oman, Sweden, and the United Kingdom of Great Britain and Northern Ireland. Representatives of a number of States not party attending these events indicated good prospects of adherence to the Convention.
9. In addition, the Secretariat attended the launch of the new African Union in Durban, South Africa, in July 2002. For the first time, the African Union adopted a decision on the implementation and universality of the Convention. The Director-General has started intensive consultations with the Permanent Representatives to the OPCW from Africa. These are designed to build upon the African Union decision in a meaningful way, and to develop a practical programme of action for Africa with regard to the Convention.

10. Given that before treaties are adopted, they must be considered on a national level, and that relevant decisions must be taken and certain procedures in relation to adherence must be completed, the period between putting the issue on the agenda of the competent authorities and the deposit of an instrument of ratification or accession may generally be expected to be at least six months, and is often a year or more. Following the Jamaica seminar, the Secretariat requested the Ministry of Foreign Affairs and Foreign Trade of Jamaica to follow up the status of developments in relation to the Convention in the seven States not party which attended the Jamaica seminar.
11. On 26 August 2002, the Ministry of Foreign Affairs and Foreign Trade informed the Secretariat that it had sent diplomatic Notes to the States not party in question. This was followed up in some cases by telephone contacts, and the Ministry reported that the response had been encouraging. Subsequently, Saint Vincent and the Grenadines ratified the Convention on 18 September 2002.
12. On 29 August 2002, a representative of Andorra visited the OPCW, and held a series of meetings with officials in the Secretariat in relation to the preparations being made by Andorra to accede to the Convention before the end of the year. On 17 September, the representative of Samoa who attended the Fiji workshop informed the Secretariat that the Samoan cabinet had endorsed ratification of the Convention on 10 September. Samoa subsequently ratified the Convention on 27 September 2002.
13. Concerted efforts are needed to encourage States not party to join the OPCW as soon as possible. Of the States not party to the Convention, contacts and consultations have continued with: Andorra, Antigua and Barbuda, the Bahamas, Barbados, Belize, Cape Verde, Chad, the Comoros, the Dominican Republic, Grenada, Guatemala, Haiti, Kyrgyzstan, the Libyan Arab Jamahiriya, the Marshall Islands, Palau, Rwanda, Sao Tome and Principe, Saint Kitts and Nevis, Thailand, Timor-Leste, Tonga, Tuvalu, and Vanuatu. These represent more than half of the 47 states that have not yet joined the OPCW. As indicated above, the European Union also submitted démarches to a number of these States not party, as well as to Bhutan, Cambodia, the Central African Republic, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Djibouti, Egypt, Guinea-Bissau, Israel, Lebanon, Liberia, Myanmar, Solomon Islands, and the Syrian Arab Republic. .
14. Although it would appear that, in the majority of cases, states that have not yet joined the Convention have not done so due to a number of reasons, inter alia, a lack of awareness, a lack of human or financial resources, or administrative or bureaucratic delays, it is also likely that, in specific cases, regional security contexts, and national or regional conflicts and tensions also detract attention and priority from the issue of adherence to the Convention.
15. It is suggested that future universality efforts should be supported by the expansion of bilateral, targeted, and resource-efficient efforts on the part of the Secretariat and Member States, so as to encourage and assist States not party to the Convention to move towards adherence. Universality efforts may also be pursued through cooperation with various organisations, including the United Nations, the European Union, and the new African Union, as well as sub-regional organisations such as ASEAN, CARICOM, the Inter-Governmental Authority on Development (IGAD), the

Organisation of Eastern Caribbean States (OECS), and the Pacific Islands Forum. In addition, the Secretariat has sought to achieve cost savings in activities to promote universal adherence to the Convention, by conducting events, consultations, and other contacts in conjunction with relevant meetings of regional and sub-regional bodies.

16. Future bilateral and cooperative efforts to support universality efforts, as outlined above, should continue to concentrate on under-represented regions. Various States not party may require specific assistance in preparing for adherence. Targeted activities, whether coupled with, amongst other things, assistance with political briefings, administrative familiarisation, or legislative drafting and advice etc., may be most cost-effective if these activities are carried out in those individual states showing a strong likelihood of early adherence, or by bringing together certain states within particular sub-regions, for example for the purposes of providing legislative assistance. This may arise, either prior to adherence to the Convention or after it, in the context of complying with the requirements of Article VII of the Convention, through possibilities for assistance in the preparation and adoption of implementing legislation. There are three major reasons for this. First, almost all the states in the regions in question are developing states, which show an increased interest in the Convention when they are given evidence of the benefits that may be derived by joining. These benefits include capacity-building, legislative drafting, and trade and economic benefits. Secondly, some states (for example, those with common law systems) often require legislation to be in place, or at least to be in preparation, before they are in a position to adhere to the Convention. Thirdly, effective legal enforcement of Convention obligations is becoming an increasingly urgent priority for the OPCW and its Member States.

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