



**REPORT OF THE SECOND SPECIAL SESSION OF THE CONFERENCE OF THE STATES PARTIES TO REVIEW THE OPERATION OF THE CHEMICAL WEAPONS CONVENTION (SECOND REVIEW CONFERENCE)
7 – 18 April 2008**

1. AGENDA ITEM ONE – Opening of the Second Review Conference

- 1.1 The Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter “the Second Review Conference”) was opened at 15:12 on 7 April 2008 by the Chairperson of the Twelfth Session of the Conference of the States Parties (hereinafter “the Conference”), Ambassador Abuelgasim Abdelwahid Shiekh Idris of Sudan. It received a message from the Secretary-General of the United Nations (UN), delivered by his special representative, Mr Tim Caughley, Director of the Geneva Branch, Office for Disarmament Affairs and Deputy Secretary-General of the Conference on Disarmament (RC-2/2, dated 7 April 2008).
- 1.2 The following 114 States Parties participated in the Second Review Conference: Afghanistan, Algeria, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d’Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Eritrea, Estonia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malaysia, Malta, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Viet Nam, Yemen, Zambia, and Zimbabwe
- 1.3 In accordance with Rule 29 of the Rules of Procedure of the Conference, the following Signatory States participated in the Second Review Conference as observers: Guinea-Bissau and Israel.



- 1.4 In accordance with Rule 30 of the Rules of Procedure of the Conference, and pursuant to decision RC-2/DEC.1, dated 7 April 2008, Angola, Iraq, Lebanon were accorded observer status.
- 1.5 The Second Review Conference, in decision RC-2/DEC.2, dated 7 April 2008, **approved** the participation of five international organisations, specialised agencies, and other international bodies in its Session.
- 1.6 The Second Review Conference, in decision RC-2/DEC.3, dated 7 April 2008, **approved** the participation of 28 non-governmental organisations in its Session.

2. AGENDA ITEM TWO – Election of the Chairperson

In accordance with Rule 8(b) of the Rules of Procedure of the Conference, the Second Review Conference, by acclamation, **elected** as its Chairperson Ambassador Waleed Ben Abdel Karim El Khereiji of Saudi Arabia.

3. AGENDA ITEM THREE – Election of Vice-Chairpersons and other officers

- 3.1 In accordance with Rule 8(b) of the Rules of Procedure of the Conference, the Second Review Conference **elected** representatives of the following 10 States Parties as Vice-Chairpersons of the Conference: China, Costa Rica, Czech Republic, France, Iran (Islamic Republic of), Kenya, Nigeria, Russian Federation, United States of America, and Uruguay.
- 3.2 Also, in accordance with Rule 8(b) of the Rules of Procedure of the Conference, the Second Review Conference **elected** as Chairperson of the Committee of the Whole, Ambassador Benchaâ Dani of Algeria.

4. AGENDA ITEM FOUR – Adoption of the agenda

- 4.1 The provisional agenda for the Second Review Conference was circulated under cover of RC-2/1, dated 11 March 2008.
- 4.2 On the recommendation of the General Committee, the Second Review Conference **adopted** the following agenda:

AGENDA ITEM ONE – Opening of the Second Review Conference

AGENDA ITEM TWO – Election of the Chairperson

AGENDA ITEM THREE – Election of Vice-Chairpersons and other officers

AGENDA ITEM FOUR – Adoption of the agenda

AGENDA ITEM FIVE – Organisation of work and establishment of subsidiary bodies

AGENDA ITEM SIX – Statement by the Director-General

AGENDA ITEM SEVEN – Report of the Chairperson of the Executive Council on the preparations for the Second Review Conference

AGENDA ITEM EIGHT – General debate

AGENDA ITEM NINE – 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:

- (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;
- (b) ensuring the universality of the Chemical Weapons Convention;
- (c) implementation of the provisions of the Chemical Weapons Convention relating to:
 - (i) general obligations and declarations related thereto;
 - (ii) destruction of chemical weapons and destruction or conversion of chemical weapons production facilities;
 - (iii) verification activities of the OPCW;
 - (iv) activities not prohibited under the Chemical Weapons Convention;
 - (v) national implementation measures;
 - (vi) consultations, cooperation, and fact-finding;
 - (vii) assistance and protection against chemical weapons;
 - (viii) economic and technological development;
 - (ix) Articles XII to XV and final clauses; and
 - (x) the protection of confidential information;
- (d) the general functioning of the Organisation for the Prohibition of Chemical Weapons.

AGENDA ITEM TEN – Reports of subsidiary bodies

AGENDA ITEM ELEVEN – Any other business

AGENDA ITEM TWELVE – Adoption of the final documents of the Second Review Conference

AGENDA ITEM THIRTEEN – Closure

5. AGENDA ITEM FIVE – Organisation of work and establishment of subsidiary bodies

5.1 The Second Review Conference **considered** and **adopted** the recommendations of the General Committee reported to it in accordance with Rule 43 of the Rules of Procedure of the Conference.

5.2 The Second Review Conference **adopted** the recommendation of the General Committee that it be closed on 18 April 2008.

Appointment of the Credentials Committee

5.3 In accordance with Rule 27 of the Rules of Procedure of the Conference, the Second Review Conference, on the recommendation of its Chairperson, **appointed** the following 10 members of the Credentials Committee: Austria, Bolivia, Brazil, Bulgaria, Cameroon, Finland, Namibia, Poland, Sri Lanka, and Thailand.

6. AGENDA ITEM SIX – Statement by the Director-General

The Second Review Conference **noted** the opening statement by the Director-General (RC-2/DG.2, dated 7 April 2008).

7. AGENDA ITEM SEVEN – Report of the Chairperson of the Executive Council on the preparations for the Second Review Conference

The Chairperson of the Executive Council (hereinafter “the Council”), Ambassador Romeo A. Arguelles of the Philippines, reported to the Second Review Conference on the work of the Council in preparation for the Second Review Conference. At his request, the Chairperson of the open-ended working group for the preparation of the Second Review Conference, Ambassador Lyn Parker of the United Kingdom of Great Britain and Northern Ireland, reported to the Second Review Conference on the work of the open-ended working group and submitted to the Second Review Conference the Chairperson’s provisional text for agenda item nine of the Provisional Agenda of the Second Review Conference (RC-2/CRP.1, dated 31 March 2008).

8. AGENDA ITEM EIGHT – General debate

The following delegations made statements during the general debate: Slovenia (on behalf of the European Union and associated countries), Netherlands, Cuba (on behalf of the Non-Aligned Movement and China), South Africa (on behalf of the African Group), Kyrgyzstan (on behalf of the Commonwealth of Independent States), United States of America, Saudi Arabia, China, Russian Federation, Singapore, Japan, Pakistan, Iran (Islamic Republic of), Serbia, Switzerland, Mexico, Algeria, Canada, New Zealand, South Africa (in its national capacity), Ukraine, Indonesia, Turkey, Bangladesh, Malaysia, Peru, Republic of Korea, Australia, Brazil, Tunisia, Yemen, Norway, Sudan, El Salvador, Mongolia, India, Colombia, Nigeria, Albania, Libyan Arab Jamahiriya, Thailand, Kuwait, United Arab Emirates, Qatar, Zambia, Uganda, Belarus, Morocco, China (Hong Kong Special Administrative Region), and Argentina.

9. AGENDA ITEM NINE – 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:

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

- 9.1 The Second Review Conference welcomed the fact that eleven years after its entry into force, the Chemical Weapons Convention (hereinafter “the Convention”) remains a unique multilateral agreement banning an entire category of weapons of mass destruction in a non-discriminatory and verifiable manner under strict and effective international control. The Second Review Conference noted with satisfaction that implementation of the Convention makes a major contribution to international peace and security through the elimination of existing stockpiles of chemical weapons, the prohibition of the acquisition or use of chemical weapons, and provides for assistance and protection in the event of use, or threat of use, of chemical weapons and for international cooperation for peaceful purposes in the field of chemical activities. The Convention sets new standards for global disarmament and non-proliferation through verification in a non-discriminatory and multilateral manner.
- 9.2 The Second Review Conference noted with satisfaction that since the First Review Conference in 2003 the total number of States Parties has risen from 151 to 183, leaving only 12 states still to join the Convention. This high level of participation signifies that an overwhelming majority of states consider chemical weapons and their use under any circumstances by any state, group or individual to be illegal and prohibited. The Second Review Conference categorically condemned the use of chemical weapons as defined in the Convention. The Second Review Conference reaffirmed the undertaking of States Parties not to use riot control agents as a method of warfare. The Second Review Conference also underlined the essential contribution that the Convention has made to confidence building and cooperation among States Parties, as well as to their national security.
- 9.3 The Second Review Conference strongly reaffirmed the commitment of all States Parties to comply with all obligations under the Convention, and the importance of this commitment in upholding the Convention’s integrity and maximising its contribution to international peace and security. The Second Review Conference also stressed the important respective roles assigned by the Convention to the Council in promoting, and to the Conference in ensuring, that all States Parties comply with their obligations.
- 9.4 The Second Review Conference reaffirmed that complete destruction of chemical weapons, and conversion or complete destruction of chemical weapons production facilities (CWPFs), is essential for the realisation of the object and purpose of the Convention. The Second Review Conference also reaffirmed the importance of the obligation of the possessor States Parties to complete the destruction of their chemical weapons stockpiles within the final extended deadlines as established by the Conference at its Eleventh Session. The Second Review Conference welcomed the statements of possessor States Parties reiterating their commitment to meeting the final, extended deadlines established under the Convention by the Eleventh Session of

the Conference. The Second Review Conference noted the significant progress made so far by possessor States Parties in the destruction of chemical weapons, as well as the recent completion by Albania of the destruction of its entire stockpile and commended the progress made by those States Parties which are close to achieving complete destruction of their stockpiles. The Second Review Conference noted that by 1 April 2008, over 38% of the total stockpiles of 70,000 tonnes of Category 1 chemical weapons initially declared by States Parties had been destroyed. However, the Second Review Conference expressed its concern that more than 60% of stockpiles still remained to be destroyed.

- 9.5 The Second Review Conference noted with satisfaction that the OPCW has established an effective verification system with a view to achieving the non-proliferation and confidence building aims of the Convention.
- 9.6 The Second Review Conference reaffirmed the right of the States Parties, subject to the provisions of the Convention and without prejudice to the principles and applicable norms of international law, to use chemicals for purposes not prohibited by the Convention. The Second Review Conference affirmed that the OPCW continues to provide a forum for consultation and cooperation related to the observance of this right among States Parties.
- 9.7 The Second Review Conference reaffirmed the importance that the Convention attaches to fostering international cooperation in the field of peaceful chemical activities of the States Parties, and the objective of implementing the Convention in a manner that avoids hampering their economic and technological development and international cooperation in the field of chemical activities for purposes not prohibited by the Convention. The Second Review Conference reaffirmed the right of the States Parties, subject to the provisions of the Convention and without prejudice to the principles and applicable rules of international law, to use chemicals for purposes not prohibited by the Convention, and their determination to undertake to facilitate the fullest possible exchange of chemicals, equipment, and scientific and technical information relating to the development and application of chemistry for purposes not prohibited by the Convention.
- 9.8 The Second Review Conference reaffirmed that the full and effective national implementation of the obligations under the Convention is essential for the realisation of the object and purpose of the Convention. It welcomed the considerable progress made in national implementation since the Conference at its Eighth Session adopted the plan of action for the implementation of Article VII obligations (C 8/DEC.16, dated 24 October 2003), while also recognising that there remain a sizeable number of States Parties that still need to take some or all of the necessary measures to implement their Article VII obligations, and that a number of these States Parties still require assistance and technical support.
- 9.9 The Second Review Conference reiterated that the implementation of the Convention's provisions on assistance and protection against chemical weapons makes a significant contribution to countering the threats associated with the possible use of chemical weapons. It stressed that, in a case of use of chemical weapons, the Convention makes provision for immediate assistance by the OPCW, subject to the requirements and procedures laid down in the Convention. For this purpose, the

OPCW may cooperate with the requesting State Party and other States Parties and relevant international organisations. The Second Review Conference furthermore emphasised the need for the OPCW as well as the States Parties to achieve an effective capability to meet the requirements of Article X in order to provide timely and necessary assistance and protection against the use, or threat of use, of chemical weapons, and for the capacity building activities of the Technical Secretariat (hereinafter “the Secretariat”).

- 9.10 The Second Review Conference noted with concern that, along with the continued threat of the possible use of chemical weapons by States under any circumstances, the international community also faces the increased danger of the use of chemical weapons by terrorists or other non-state actors. In this context, the Second Review Conference recalled the decision of the Council concerning the OPCW’s contribution to global anti-terrorist efforts (EC-XXVII/DEC.5, dated 7 December 2001) and affirmed its continuing relevance.
- 9.11 The Second Review Conference noted the impact of scientific and technological progress on the effective implementation of the Convention and the importance for the OPCW and its policy-making organs of taking due account of such developments. In that context, it stressed that the Scientific Advisory Board should continue to play an objective and balanced role in advising the Director-General. The Second Review Conference reaffirmed the commitment by all States Parties to achieving the object and purpose of the Convention, as set out in its Preamble and provisions.

Agenda item 9(b): ensuring the universality of the Chemical Weapons Convention

- 9.12 The Second Review Conference reiterated that the universality of the Convention is essential to achieve its object and purpose and enhance international peace and security. The Second Review Conference underlined that the goal of universality shall be pursued by the Secretariat as well as States Parties as a matter of high priority.
- 9.13 The Second Review Conference noted with satisfaction the substantial progress achieved since the adoption by the Council on 24 October 2003 of the Action Plan for the Universality of the Chemical Weapons Convention (EC-M-23/DEC.3, dated 24 October 2003) and subsequent decisions adopted by the Council and the Conference of the States Parties. It also acknowledged the efforts made collectively by the States Parties, the policy-making organs, the Secretariat, and the Director-General to this end. It welcomed the fact that, of the 40 States not Party when the Action Plan was adopted, more than two-thirds (including one possessor State) have since joined the Convention. However, it noted that there remain 12 States not Party to the Convention, including five signatory States and seven non-signatory States. It recalled in particular that among the States not Party there are some whose non-adherence is a matter of serious concern.
- 9.14 The Second Review Conference underlined the important political, economic, and security benefits of becoming a State Party to the Convention, recognised the positive contribution of cooperation among the States Parties and the OPCW to the achievement of universality, and recalled that States that remain outside the

Convention are not able to take advantage of the benefits that it offers to States Parties.

- 9.15 The Second Review Conference underlined that the objectives of the Convention will not be fully realised as long as there remains even a single state not party that could possess or acquire such weapons. It stressed that the continued absence from the Convention of any country keeps open the risk that chemical weapons could be developed, acquired, transferred or used.
- 9.16 The Second Review Conference therefore strongly urged all 12 remaining States not Party to the Convention (Angola, the Bahamas, the Democratic People's Republic of Korea, the Dominican Republic, Egypt, Guinea-Bissau, Iraq, Israel, Lebanon, Myanmar, Somalia, and the Syrian Arab Republic) to ratify or accede to it as a matter of urgency and without preconditions, in the interests of enhancing their own national security as well as affirming their commitment to global peace and security and to the object and purpose of the Convention. In this connection, the Second Review Conference welcomed efforts by Guinea-Bissau, Iraq and Lebanon who are well advanced in the process of accession to the Convention, and requested the Secretariat to continue to support their ongoing efforts aimed at adherence.
- 9.17 The Second Review Conference expressed its conviction that universality matched by full implementation by all States Parties of their obligations under the Convention is essential to achieve the aims of the Convention.
- 9.18 The Second Review Conference called upon the Secretariat, the Director-General, policy-making organs and all States Parties in a position to do so to intensify further their efforts with States not Party with a view to achieving full universality at the earliest possible date. It encouraged them to make full use of all available opportunities and resources to pursue this goal at all levels. It welcomed the decision of the Twelfth Session of the Conference to continue with the Action Plan on Universality (C-12/DEC.11, dated 9 November 2007), and its intention to review the results and implementation of that plan at its Fourteenth Session and to take any decision it deems necessary addressing, in particular, the status of those States not Party whose non-adherence is a cause for serious concern.

Agenda item 9(c)(i): general obligations and declarations related thereto

- 9.19 The Second Review Conference reaffirmed the commitment of the States Parties to comply with the obligations that they have undertaken under Article I of the Convention.
- 9.20 The Second Review Conference underlined the obligations of all the States Parties to adopt in accordance with their constitutional processes the necessary measures to implement their obligations under the Convention, including the obligation to prohibit natural and legal persons within their territory and in any other place within their jurisdiction, from undertaking any activity prohibited to a State Party under the Convention.

- 9.21 The Second Review Conference also reaffirmed the continued relevance of the definitions contained in Article II of the Convention, which ensure the comprehensive nature of the prohibition of chemical weapons under the Convention.
- 9.22 The Second Review Conference considered the impact of developments in science and technology on the Convention's prohibitions. The definitions contained in Article II, in particular, of the terms "chemical weapons", "chemical weapons production facility", were found to adequately cover these developments and to provide for the application of the Convention's prohibitions to any toxic chemical, except where such a chemical is intended for purposes not prohibited by the Convention, and as long as the types and quantities involved are consistent with such purposes.
- 9.23 The Second Review Conference stressed the importance of the timely, complete, and accurate submission of the initial declarations required of each State Party under Article III. It noted that, by the end of 2007, all but 13 States Parties had submitted their initial declarations under Article III of the Convention. The Second Review Conference called upon those States Parties that had yet to submit their Article III declarations to do so as a matter of urgency. It requested the Secretariat to keep the Council informed of progress, and encouraged the Secretariat and the States Parties to provide assistance to present and future States Parties, if requested, in the preparation and submission of timely declarations and amendments.
- 9.24 The Second Review Conference reiterated the call of the First Review Conference upon the Council to reach agreement on the declaration criteria for former chemical weapons development facilities, required to be declared under the provisions of Article III, subparagraph 1(d), with a view towards promoting confidence among States Parties.

Agenda item 9(c)(ii): destruction of chemical weapons and destruction or conversion of chemical weapons production facilities

- 9.25 The Second Review Conference reaffirmed that each State Party has undertaken to destroy chemical weapons it owns or possesses or which are located in any place under its jurisdiction or control and to destroy or convert any CWPFs in accordance with the provisions of the Convention.
- 9.26 The Second Review Conference reaffirmed that complete destruction of chemical weapons, and conversion or complete destruction of CWPFs, is essential for the realisation of the object and purpose of the Convention. The Second Review Conference also reaffirmed the importance of the obligation of the possessor States Parties to complete the destruction of their chemical weapons stockpiles within the final extended deadlines as established by the Conference at its Eleventh Session.
- 9.27 The Second Review Conference welcomed the statements of possessor States Parties reiterating their commitment to meeting the final, extended deadlines established under the Convention by the Eleventh Session of the Conference. The Second Review Conference noted the significant progress made so far by possessor States Parties in the destruction of chemical weapons, as well as the recent completion by Albania of the destruction of its entire stockpile and commended the progress made

by those States Parties which are close to achieving complete destruction of their stockpiles

- 9.28 The Second Review Conference noted that by 1 April 2008, over 38% of the total stockpiles of 70,000 tonnes of Category 1 chemical weapons initially declared by States Parties had been destroyed. However, the Second Review Conference expressed its concern that more than 60% of stockpiles still remained to be destroyed.
- 9.29 The Second Review Conference called upon the possessor States Parties to destroy their remaining chemical weapons within the extended final deadlines.
- 9.30 In this connection, the Second Review Conference noted that the obligation and responsibility for the destruction of chemical weapons lies solely with the possessor States Parties. At the same time it welcomed the assistance of other States Parties in providing support to destruction efforts, and reaffirmed the value of the continuation of such support offered by those States Parties that are in a position to do so.
- 9.31 The Second Review Conference underlined the responsibilities of the possessor States Parties to provide detailed annual chemical weapons destruction plans, updated as necessary, and of the policy-making organs to monitor their progress towards complete chemical weapons destruction in accordance with the provisions of the Convention, including their extended deadlines.
- 9.32 The Second Review Conference recalled the decision adopted by the Conference at its Eleventh Session on visits by representatives of the Council (C-11/DEC.20, dated 8 December 2006). In accordance with this decision, a visit to the Anniston chemical agent disposal facility in Alabama, United States, took place in October 2007 by the representatives of the Council. The Second Review Conference reaffirmed that nothing in visit reports shall in any way affect the obligation of possessor States Parties to destroy all their chemical weapons by the extended deadlines under the terms of the Convention.
- 9.33 The Second Review Conference recognised the decrease in the number of remaining Chemical Weapons storage facilities but reiterated the conclusion of the First Review Conference on the importance of possessor States Parties implementing appropriate measures to secure such storage facilities and to prevent movement of their chemical weapons out of the facilities, with the exception of removal for destruction or (in accordance with the provisions of the Convention) withdrawal of Schedule 1 chemicals for use for research, medical, pharmaceutical, or protective purposes.
- 9.34 The Second Review Conference also reaffirmed that declarations provided by States Parties under Article III, which establish a baseline for measuring progress in the elimination of chemical weapons stockpiles, need to be comprehensive and accurate. The Second Review Conference reminded States Parties to ensure that their declarations under Article III are updated in a timely manner, if and when new information becomes available. It called upon the Secretariat to continue rendering, when requested, technical assistance to States Parties on the preparation of declarations. The Second Review Conference also encouraged States Parties that are in a position to do so to assist other States Parties, at their request, in the preparation and submission of declarations and amendments.

- 9.35 The Second Review Conference reaffirmed the importance of the verification of chemical weapons stockpiles as well as of their destruction in accordance with the Convention. This is one of the main activities of the Secretariat and will remain so until stockpile destruction has been completed. It recalled the obligation of possessor States Parties to pay Article IV and V verification costs. It called on the relevant States Parties to pay assessed costs in full and without delay, and to avoid accumulating arrears in future.
- 9.36 The Second Review Conference reaffirmed the obligation to destroy or otherwise dispose of old chemical weapons in accordance with the Convention, and requested the Council, assisted by the Secretariat, to address the issue of new discoveries of old chemical weapons. It encouraged close cooperation among those States Parties concerned in relation to future discoveries of old or abandoned chemical weapons including over any necessary research and development to ensure the safe recovery and destruction of such weapons.
- 9.37 The Second Review Conference reaffirmed the undertaking of each State Party to destroy all chemical weapons it abandoned on the territory of another State Party in accordance with the provisions of the Convention. It welcomed the existing cooperation between territorial and abandoning States Parties, and noted with concern that a large amount of abandoned chemical weapons remain to be destroyed. The Second Review Conference called upon abandoning States Parties to make the fullest possible efforts to complete destruction as soon as possible with the appropriate cooperation provided by the territorial States Parties. It commended the active and positive role that has been played by the Secretariat in this process, and encouraged it to continue to play such a role in future.
- 9.38 The Second Review Conference reviewed progress in relation to the destruction or conversion of CWPFs as required by Part V of the Verification Annex. The Second Review Conference expressed its concern that full conversion or destruction of all facilities had not been completed within the deadlines set by the Convention. It also noted that additional CWPFs had been declared since the First Review Conference. The Second Review Conference urged all relevant States Parties to complete the destruction or conversion of such facilities as soon as possible, in accordance with the decisions of the Conference of the States Parties. The Second Review Conference requested the Council to continue to oversee completion of destruction or conversion.
- 9.39 The Second Review Conference recalled that, in accordance with the provisions of the Convention, converted facilities shall be no more capable of being reconverted into a CWPF than any other facility used for industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes. The Second Review Conference noted that States Parties with converted facilities are required to report annually on activities at those facilities and that converted facilities remain liable to on-site inspection, in accordance with paragraph 85 of Part V of the Verification Annex, for a period of 10 years after completion of certification by the Director-General of their conversion for purposes not prohibited.
- 9.40 Upon completion of the 10-year period following the completion of conversion, the Council shall decide on the nature of continued verification activities. The Second Review Conference reaffirmed that future planning of verification measures needs to

take account of these requirements for the verification of converted CWPFs, and requested the Council to decide on the nature of continued verification at those facilities and to consider proposals for recommendations or decisions that may be needed.

Agenda item 9(c)(iii): verification activities of the OPCW

- 9.41 The verification system is one of the most important elements of the Convention. It provides for systematic verification with continuous on-site monitoring of the destruction of chemical weapons and systematic verification of the elimination of CWPFs. It also provides for the verification of activities not prohibited under the Convention.
- 9.42 The Second Review Conference noted with satisfaction that the OPCW has established a verification system that has been effective in meeting the requirements of the Convention and which continues to gain effectiveness and efficiency. It further noted that the verification system will need to continue to be improved in a manner consistent with the Convention in response to advances in science and technology. The Second Review Conference also recognised the continued need for the OPCW to have up-to-date verification technologies at its disposal.
- 9.43 The Second Review Conference noted that the Secretariat and the States Parties have acquired considerable experience with the conduct of more than 3000 inspections at over 1080 chemical weapons-related and industrial sites in 80 States Parties since the entry into force of the Convention. The Second Review Conference noted with satisfaction that no case of non-compliance had been brought to the attention of the Council.
- 9.44 The verification system of the Convention is based upon declarations from States Parties. The Second Review Conference therefore noted the importance of the timely and accurate submission of declarations in accordance with the Convention. The Second Review Conference noted the efforts made by the States Parties in collecting and updating declaration data and submitting this information to the Secretariat in accordance with Convention timelines, as well as continued improvements in the degree of standardisation of declaration data. It stressed that there is a need for further improvement in this area.
- 9.45 The Second Review Conference recognised the efforts of the Secretariat, consistent with its responsibilities under the Convention, to cooperate with the States Parties in ensuring that declarations submitted in accordance with the Convention are complete and accurate by, *inter alia*, clarifying ambiguities and discrepancies and providing technical assistance and technical evaluation to States Parties in the implementation of the provisions of the Convention. It encouraged the Secretariat to continue these efforts, in close consultation with the States Parties, and to provide appropriate assistance upon request to any State Party with a view to meeting its declaration obligations. The Second Review Conference also requested the Secretariat to ensure that the latest information provided by States Parties in their declarations is accurately captured, so that the most up to date information is used for planning inspections.

- 9.46 The Second Review Conference welcomed the progress made in introducing the Verification Information System, including the option of submitting declarations in electronic form. The Second Review Conference encouraged States Parties' National Authorities to avail themselves of this possibility. It requested the Secretariat to provide them, on request, with appropriate training and assistance. The Second Review Conference reiterated the need to ensure that confidential data is effectively protected at all times, in accordance with the requirements of the Convention.
- 9.47 The implementation by all States Parties of the standing arrangements required by the Convention for the conduct of inspections is important. Noting that some OPCW inspections still encountered difficulties in these areas, the Second Review Conference urged all States Parties to implement these measures without delay and in a manner fully consistent with the requirements of the Convention.
- 9.48 The Second Review Conference noted the progress made by the Secretariat in optimising verification procedures with the aim of increasing cost-effectiveness as well as the steps made by States Parties in this regard. It welcomed the constructive role that States Parties have played in this effort, and encouraged them to continue to cooperate with the Secretariat in identifying and implementing optimisation measures. It requested the Council to continue to monitor the optimisation process to ensure that the stringent verification requirements of the Convention are strictly preserved. It requested the Secretariat to continue to look for further improvements, particularly as additional chemical weapons destruction facilities come into operation in the years ahead, and also in light of the accumulated experience of the range of industrial inspections.
- 9.49 The Second Review Conference noted the experience gained as a result of the Secretariat's recent trial of sampling and analysis for verification purposes during Schedule 2 site inspections. The Second Review Conference welcomed the recent Note by the Director-General on this experience (S/688/2008, dated 10 April 2008), encouraged States Parties to review this carefully, and encouraged the Council to discuss this matter further, as appropriate.
- 9.50 The Second Review Conference requested the Council to resume, as a matter of priority, the consultations on the unresolved issues pertaining to the verification regime of the OPCW with the view of developing appropriate recommendations.
- 9.51 The Second Review Conference reaffirmed the importance of factual reporting by the Secretariat to the Council and the States Parties on verification results, in the interests of transparency and continued assurance of States Parties' compliance. It encouraged the Secretariat to continue its efforts to improve verification reporting and urged States Parties to avail themselves of this information, as well as availing themselves of their right to receive and examine declaration data from other States Parties, in accordance with the relevant provisions of the Convention.

Agenda item 9(c)(iv): activities not prohibited under the Chemical Weapons Convention

- 9.52 The Second Review Conference reaffirmed the right of the States Parties, subject to the provisions of the Convention, to develop, produce, otherwise acquire, retain,

transfer, and use toxic chemicals and their precursors for purposes not prohibited under the Convention. The provisions of Article VI shall be implemented in a manner which avoids hampering the economic or technological development of States Parties, and international cooperation in the field of chemical activities for purposes not prohibited under the Convention including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for purposes not prohibited under the Convention.

- 9.53 The Second Review Conference reaffirmed the obligation of the States Parties to adopt the necessary measures, including legislative and administrative steps, to ensure that toxic chemicals and their precursors are developed, produced, otherwise acquired, retained, transferred, or used within their territories or in any other places under their jurisdiction or control only for purposes not prohibited by the Convention.
- 9.54 The Second Review Conference noted that the Annex on Chemicals of the Convention clearly sets out the different levels of risk posed by scheduled chemicals to the Convention's object and purpose and the Verification Annex sets out distinctive verification regimes for different types of facilities. In this context, the Second Review Conference recalled that the selection of a particular facility or plant site for inspection shall take into account, besides the risk posed by the relevant chemical, *inter alia*, the characteristics of the facility and the nature of the activities carried out there. In this regard, the Second Review Conference further noted that:
- (a) Schedule 1 chemicals pose a high risk to the object and purpose of the Convention and Schedule 1 facilities shall be subject to systematic verification as required by paragraph 22 and paragraph 29 of Part VI of the Verification Annex.
 - (b) Schedule 2 chemicals pose a significant risk to the object and purpose of the Convention and Schedule 2 facilities shall be subject to initial inspections and subsequent inspections as required by paragraph 14 of Part VII of the Verification Annex.
 - (c) Schedule 3 chemicals poses otherwise a risk to the object and purpose of the Convention and Schedule 3 facilities shall be randomly selected for inspection as required by paragraph 14 of Part VIII of the Verification Annex.
 - (d) Other Chemical Production Facilities shall be randomly selected for inspection as required by paragraph 11 of Part IX of the Verification Annex.
- 9.55 The Second Review Conference noted that between the entry into force of the Convention and 31 December 2007, the following inspections had been carried out:
- (a) 182 Schedule 1 inspections were conducted, at an average frequency of 6.7 inspections per declared facility over a period of 10 years;
 - (b) 405 Schedule 2 inspections were conducted, at an average frequency of 2.5 inspections per facility over a period of 10 years;

- (c) 218 Schedule 3 inspections were conducted, covering 50.2% of declared inspectable facilities; and
 - (d) in total, 521 other chemical production facilities (OCPFs) producing discrete organic chemicals (around 11.4% of the inspectable total) had been inspected after OCPF inspections commenced in 2000, as provided for by the Convention.
- 9.56 The Second Review Conference recalled the decision taken by the Council at its Twenty-Sixth Meeting to undertake discussions, under the industry cluster, in 2007, with the assistance of relevant experts of the Secretariat and States Parties, on the main issues related to the implementation of the verification regime established by Article VI of the Convention, including, *inter alia*, the frequency of inspections of the different categories of the facilities to be inspected as required by the Convention. The Second Review Conference urged States Parties to continue their ongoing discussions concerning the question of frequency of inspections of all plant sites.
- 9.57 The Second Review Conference underlined the need for comprehensive, effective, and efficient verification and recalled that such verification shall avoid undue intrusion into the States Parties chemical activities for purposes not prohibited under the Convention. The Second Review Conference noted that the Article VI verification system had been strengthened since the First Review Conference: the number of inspections of chemical industry facilities had been increased, further experience had been gathered in conducting such inspections effectively, and important decisions had been taken on industry declarations. The Second Review Conference stressed that there is still room for improvement and therefore efforts to strengthen the implementation of the Article VI verification system should continue, including increasing its efficiency and effectiveness.
- 9.58 The Second Review Conference noted that the Director-General, in his Note (WGRC-2/S/1, dated 27 November 2007 and Corr.1, dated 25 January 2008) refers to developments in science and technology since the First Review Conference and requested the Council to consider these issues.
- 9.59 The Second Review Conference encouraged States Parties to share their experiences about the most effective ways to implement the Convention, and to cooperate in the resolution of issues they may encounter in their implementation of these provisions and measures. It encouraged the Secretariat to continue to provide technical assistance to States Parties, on request, for the submission of Article VI declarations, the receipt of OPCW inspections, and other technical questions that may arise in the implementation of provisions related to activities not prohibited under the Convention. It also encouraged further development of existing fora, such as the annual, regional and subregional meetings of National Authorities, to facilitate exchanges on specific aspects of implementation including the early identification of annual themes.
- 9.60 The Second Review Conference stressed the importance of the timely submission of initial declarations and annual declarations in an accurate and complete manner by all States Parties under Article VI (facilities, aggregate national data, and notifications and declarations of transfers of Schedule 1 chemicals) in accordance with the

timelines in the Convention. It encouraged the Secretariat to continue to provide support to States Parties in connection with the preparation and submission of declarations. It stressed the importance of the Secretariat's continuing to report to the Council in accordance with the decision of the Council (EC-51/DEC.1, dated 27 November 2007), with the aim of allowing the Secretariat to efficiently and effectively carry out its verification activities.

- 9.61 The Second Review Conference encouraged the Secretariat to continue to develop and periodically update existing databases on declarable chemicals, under the guidance of the Council, thus providing practical help to companies for identification of declarable chemicals. It noted the continued importance of providing practical help to States Parties and industry to enable them to identify all declarable facilities and activities. It also expressed appreciation for the ongoing project of the OPCW with the European Chemical Industry Council (CEFIC) aimed at extending the Chemical Abstracts Service (CAS) registry numbers to all declarable chemicals. It requested that, as recommended by the Scientific Advisory Board, the OPCW Declaration Handbook should provide references to the various CAS numbers corresponding to the entries in the Schedules.
- 9.62 The Second Review Conference recalled the decision of the First Conference of States Parties requesting States Parties to implement, on a voluntary basis, the recommendation of the Conference at its First Session (C-I/DEC.38, dated 16 May 1997) that they inform the Secretariat when plants or plant sites that have been declared as undertaking activities in relation to Schedule 2 or Schedule 3 chemicals cease to do so. It further recalled that the First Review Conference had requested the Council to consider whether to require such submissions from States Parties, and noted that the Council had not yet taken up this issue. In this regard, the Second Review Conference requested the Secretariat to include, in the Declaration Handbook, a standard form for the submission of such notifications.
- 9.63 The Second Review Conference noted with concern that the issue of low concentrations in relation to Schedule 2A/2A* chemicals has not yet been resolved. It urged the Council to resume work promptly, with the support of the Secretariat, towards the earliest resolution of the issue in accordance with the requirements of the Convention (Verification Annex, Part VII, paragraph 5).
- 9.64 The Second Review Conference recalled that the Council had at its Fiftieth Session taken note of the modification announced by the Director-General to the Secretariat's OCPF site-selection methodology as reflected in the Note (S/641/2007, dated 25 May 2007, and Corr.1, dated 4 June 2007). The Council acknowledged that it will only be an interim measure. The Second Review Conference reiterated the request made by the Council for early resumption of consultations on the OCPF site selection methodology with a view to reaching a decision by States Parties, in accordance with Part IX, paragraphs 11 and 25, of the Verification Annex to the Convention. The Second Review Conference noted the Council's request to the Director-General to report to it on the performance of the modified methodology at the end of the first year of its implementation.

- 9.65 In relation to declaration and inspection of OCPFs (Part IX of Verification Annex of the Convention) the Second Review Conference noted the desirability of directing inspections towards facilities of greater relevance to the object and purpose of the Convention and of removing irrelevant facilities from the declarations and inspections. The Second Review Conference requested the Director-General to examine the options for achieving the above objectives without imposition of any additional declaration obligations and strictly in accordance with the relevant provisions of Part IX of the Verification Annex of the Convention and to submit his findings to the Council for its consideration.
- 9.66 The Second Review Conference noted the Director-General's view expressed in RC-2/S/1*, dated 31 March 2008, concerning the present level of assurance with respect to OCPFs. The Second Review Conference confirmed that any changes in the frequency of OCPF inspections, if required, should take into account any refinements to the OCPF inspection regime or improvements in site selection methodology, and should be based on a thorough discussion and a decision of the policy-making organs.
- 9.67 The Second Review Conference concluded that the allocation of resources to the verification regime for the chemical industry needed to be further optimised, taking due account of the nature of the declared facilities, the inspection experience gathered, developments in science and technology, and based on the principles set out in Article VI. To this end, it encouraged the Council and the Secretariat to work toward continued progress in those areas identified by paragraph 7.71 of the Report of the First Review Conference (RC-1/5, dated 9 May 2003), as well as:
- (a) improving OPCW classified verification reporting by providing more information (consistent with confidentiality requirements) about sites inspected and issues that have arisen; through more precise classification of portions of text; and by making charts and tables available in spreadsheet form to facilitate analysis by States Parties;
 - (b) improving the submission and handling of industry declarations (in particular, through encouraging the submission of declaration data in electronic form). In this connection, the Second Review Conference encouraged States Parties to develop national projects that would allow the submission of declarations in electronic form and encouraged the Secretariat to explore what support it might be able to provide to States Parties wishing to move to electronic submissions; and
 - (c) consideration of the report to be produced by the Secretariat on the further development of the OCAD.
- 9.68 It also noted that an increasing number of States Parties had put in place the necessary measures on transfers of scheduled chemicals.
- 9.69 In relation to transfers of scheduled chemicals to or from States not Party, the Second Review Conference recalled the prohibitions on any such transfers of Schedule 1 chemicals and, from 29 April 2000, of Schedule 2 chemicals. It also noted that an increasing number of States Parties had put in place the necessary measures on transfers of scheduled chemicals. It urged all States Parties to implement the

necessary legislative and administrative measures, and to share experiences about the implementation of these provisions.

- 9.70 The Second Review Conference considered the decision on measures regarding the transfers of Schedule 3 chemicals to States not Party to the Convention (EC-47/DEC.8, dated 8 November 2006) and reaffirmed this decision.
- 9.71 The Second Review Conference expressed concerns that the discrepancies between transfers declared by States Parties are of considerable magnitude and encouraged the continuing consultation efforts under the cluster of chemical industry and other Article VI issues. The Second Review Conference requested the Secretariat to continue working with the States Parties concerned on analysing persisting discrepancies between exporting and importing States Parties, with a view to identifying the factors that cause problems, and to recommend possible solutions.

Agenda item 9(c)(v): national implementation measures

- 9.72 The Second Review Conference reaffirmed that the full and effective national implementation of the obligations under the Convention is essential for the realisation of the object and purpose of the Convention.
- 9.73 National implementation also contributes in an important manner to the Convention's ability to deal with changes in the security environment or in science and technology that may affect its operation. It contributes to meeting new challenges, including the threat or possible use of chemical weapons, as defined by the Convention, by non-state actors such as terrorists.
- 9.74 The Second Review Conference welcomed the significant progress made in the implementation of Article VII since the First Review Conference and commended the efforts of the States Parties, the Director-General, and the Secretariat in assisting with national implementation of the Convention through the Article VII Action Plan and follow-up decisions. The Second Review Conference encouraged the States Parties and the Secretariat to continue to support the implementation of the decision of the Conference (C-12/DEC.9, dated 9 November 2007) to achieve full implementation of Article VII obligations. In this connection, the Second Review Conference noted that seven States Parties have yet to designate or establish National Authorities. It reaffirmed the need to continue efforts, including encouragement and cooperation, to secure the designation or establishment of National Authorities by all States Parties without further delay.
- 9.75 The Second Review Conference highlighted the need for a comprehensive approach to the enactment of implementing legislation in line with each State Party's constitutional requirements, to filling gaps in legislation, and to ensuring that legislation reflects fully the Convention's prohibitions. The Second Review Conference expressed concern that 10% of submissions under Article VII, paragraph 5, are still outstanding. The Second Review Conference expressed concern that 101 States Parties, including over half of the original Parties to the Convention at its entry into force, have not yet fully enacted comprehensive implementing legislation. It recognised that 44 out of these 101 States Parties have informed the OPCW of some legislative or administrative measures taken to implement the Convention and that a

further 45 States Parties have informed the OPCW that they are currently developing draft legislation.

- 9.76 The adoption of implementing legislation in accordance with each State Party's constitutional processes (including penal legislation, and other measures necessary to implement the Convention) is an important responsibility of each State Party. In light of the success of the Article VII Action Plan in assisting States Parties towards full implementation, the Second Review Conference recalled that the Conference at its Twelfth Session had requested the Council to submit to its next session a report to be prepared by the Secretariat along with its own recommendations, as appropriate, for consideration concerning those States Parties that have not submitted any information in accordance with paragraph 1 of that decision (C-12/DEC 9). The Second Review Conference recognised the distinctive characteristics of different States Parties' legislative processes in the context of the implementation of Article VII.
- 9.77 The Second Review Conference reaffirmed that raising the awareness of all stakeholders about the prohibitions and requirements of the Convention would benefit national implementation. The Second Review Conference noted that voluntary measures by relevant industry and scientific communities to promote responsible conduct can also help to guard against chemical weapons, as defined in the Convention, being used.
- 9.78 The Second Review Conference welcomed the efforts made by States Parties to assist each other upon request in their national implementation measures. It noted again the value of bilateral assistance and networking within and among regions, especially for States Parties with limited resources who may need particular assistance. It encouraged strengthened learning, communication, and mutual cooperation through further engagement by the Secretariat, by National Authorities, and as appropriate, with parliamentary representatives. The Second Review Conference encouraged the Director-General to make further recommendations in this regard to the Council as necessary.
- 9.79 The Second Review Conference noted with appreciation the ongoing programme for implementation support developed by the Secretariat, which provides technical assistance and technical evaluation in the implementation of the provisions of the Convention to States Parties upon request. The Second Review Conference encouraged States Parties and the Secretariat to continue to consult in order to enhance further the utility and effectiveness of these programmes, and it requested the Secretariat to evaluate the programme and report to the Council.
- 9.80 Having reviewed implementation of the Action Plan and subsequent decisions, in particular the decision of the Twelfth Session of the Conference (C-12/DEC.9), the Second Review Conference:
- (a) Reaffirmed the approach contained in C-12/DEC.9 and called upon States Parties and the Secretariat to continue along those lines;
 - (b) Requested the Secretariat to keep current a progress report on the external server of the OPCW; and,

- (c) Requested the Conference at its annual sessions to continue to review progress towards the full and effective national implementation of obligations under the Convention and to encourage further progress.

Agenda item 9(c)(vi): consultations, cooperation, and fact-finding

- 9.81 The Second Review Conference reaffirmed the commitment of the States Parties to consult and cooperate directly among themselves or through the OPCW, or by using other appropriate international procedures, including those within the framework of the United Nations and in accordance with its Charter, on any matter that may be raised relating to the object and purpose of the Convention or the implementation of its provisions in accordance with the Convention.
- 9.82 The Second Review Conference reaffirmed that, without prejudice to the right of any State Party to request a challenge inspection in line with Article IX of the Convention, States Parties should, whenever possible, first make every effort to clarify and resolve, through the exchange of information and consultation among themselves, any matter that might cause doubt about compliance with the Convention, or which gives rise to concerns about a related matter that may be considered ambiguous.
- 9.83 The Second Review Conference also emphasised the value and importance of bilateral consultations to clarify and to resolve issues regarding possible non-compliance with the provisions of the Convention. The Second Review Conference encouraged the States Parties to make full use of this bilateral consultation mechanism.
- 9.84 The Second Review Conference noted with satisfaction that the Council had received no clarification requests under paragraphs 3 to 7 of Article IX since entry into force. It reiterated the fact that the Convention provides for all necessary arrangements to receive and deal expeditiously with any clarification request that a State Party may decide to submit in accordance with the applicable provisions of Article IX.
- 9.85 The Second Review Conference also noted with satisfaction that no challenge inspection or investigation of alleged use had been requested since the entry into force of the Convention. It reaffirmed the right of any State Party to request an on-site challenge inspection, in accordance with the Convention, for the sole purpose of clarifying and resolving any questions concerning possible non-compliance with the provisions of the Convention.
- 9.86 The Second Review Conference also reaffirmed the right and obligation of any inspected State Party to make every reasonable effort to demonstrate its compliance, its obligation to provide access (in accordance with provisions of the Convention) within the requested site for the sole purpose of establishing facts relevant to possible non-compliance, and its right to take measures to protect sensitive installations and to prevent disclosure of confidential information and data not related to the Convention.
- 9.87 The Second Review Conference recalled the provisions of the Convention intended to avoid abuse of the mechanism for challenge inspections and expressed its confidence that the States Parties will continue to uphold the value of the challenge-inspection mechanism for compliance and compliance assurance, while at the same time,

keeping any request for a challenge inspection by States Parties within the scope of the Convention. States Parties shall refrain from requests that are unfounded or abusive in order not to undermine the integrity of the Convention.

- 9.88 The Second Review Conference noted that a number of issues related to challenge inspections still remained to be resolved and that their resolution is important for challenge inspections. It requested the Council to continue its deliberations in order to resolve them expeditiously.
- 9.89 The Second Review Conference noted the preparations that the Secretariat had undertaken since entry into force in order to respond swiftly and effectively to any request for a challenge inspection or investigation of alleged use. It recalled with appreciation the support provided by States Parties for challenge inspection exercises.
- 9.90 The Second Review Conference requested the Secretariat to continue to maintain a high standard of readiness to conduct a challenge inspection or investigation of alleged use in accordance with the provisions of the Convention, *inter alia*, through the use of tabletop exercises and mock inspections, as well as keeping the Council informed about its readiness and reporting any problems that may arise in relation to maintaining the necessary level of readiness to conduct a challenge inspection. The Second Review Conference requested the Secretariat to maintain competence in the light of scientific and technological developments.

Agenda item 9(c)(vii): assistance and protection against chemical weapons

- 9.91 The Second Review Conference re-emphasised the continuing relevance and importance of the provisions of Article X of the Convention and welcomed the activities of the OPCW in relation to assistance and protection against chemical weapons. It recognised that the assistance available under Article X could be a motivating factor for states to join the Convention. It recalled the definition of assistance contained in paragraph 1 of Article X and reaffirmed the right of States Parties to conduct research into, develop, produce, acquire, transfer, or use means of protection against chemical weapons for purposes not prohibited under the Convention.
- 9.92 The Second Review Conference also reaffirmed the undertaking of the States Parties to provide assistance through the OPCW and their undertaking to facilitate - as well as their right to participate in - the fullest possible exchange of equipment, material, and scientific and technological information concerning means of protection against chemical weapons. The Second Review Conference welcomed the progress that had been made on Article X since the First Review Conference but noted that there was scope for further efforts both by Member States and the Secretariat in order to achieve and maintain the high level of readiness of the OPCW.
- 9.93 The Second Review Conference appreciated the Secretariat's efforts in providing expert advice to States Parties that wish to establish or further develop their emergency-response capacity. The Second Review Conference also welcomed the effectiveness and efficiency of the increased focus on making full use of regional and subregional capacities and expertise, including taking advantage of training centres. The Second Review Conference called on the Secretariat to evaluate the effectiveness

of current programmes undertaken under Article X and to assess to what extent and how efficiently they meet the current and future needs of States Parties.

- 9.94 The Second Review Conference reaffirmed concerns expressed at the First Review Conference that chemical facilities may become subject to attacks or other incidents that could lead to the release or theft of toxic chemicals. The Second Review Conference welcomed the fact that some States Parties had taken measures to minimise such risks and encouraged States Parties to exchange experiences and discuss related issues. It noted the value of Article X in this respect and the role of the OPCW as a forum for consultation and cooperation among the States Parties. The Second Review Conference recognised the need for close cooperation with other relevant international organisations and agencies active in this field.
- 9.95 The Second Review Conference, noting the possibility of the use of chemical weapons, as defined by the Convention, by non-state actors such as terrorists, the Second Review Conference underlined the importance of the implementation of Article X in this regard by the States Parties and the Secretariat.
- 9.96 The Second Review Conference recalled that the Conference at its Ninth Session had adopted a format for States Parties to provide information to the Secretariat annually on national programmes for protective purposes in accordance with paragraph 4 of Article X (C-9/DEC.10, dated 30 November 2004). The Second Review Conference welcomed the progress made in this area but noted with concern that the number of submissions under paragraph 4 of Article X by States Parties since the entry into force of the Convention remained low. It noted that there were 75 such declarations in 2006 but only 62 in 2007.
- 9.97 Recalling States Parties' obligation to provide information on their national programmes for protective purposes, which is intended to increase transparency and build confidence among States Parties, and bearing in mind the potential relevance of such information for the coordination of assistance and protection among States Parties, the Second Review Conference urged all States Parties, particularly those that have not yet done so, to make their annual submissions of information in a timely fashion, and requested the Secretariat to assist States Parties with the timely completion of their submissions.
- 9.98 The Second Review Conference noted the progress made on setting up the OPCW data bank on protection and encouraged the Secretariat to update the information available on it regularly concerning assistance, protection equipment and knowledge offered by States Parties. The Second Review Conference requested the Secretariat to report periodically to the Council on the content of the data bank and its use.
- 9.99 The Second Review Conference requested the Secretariat to review and keep up to date its current lists of experts, both from within the Secretariat and from States Parties (including those in the Protection Network). This would enable it to ensure that it has a sufficient range of relevant expertise to call upon to provide advice and assist States Parties, upon request, in developing their protective capacity against chemical weapons, pursuant to Article X paragraph 5, and/or to participate in investigations of alleged use pursuant to the Verification Annex, Part XI, paragraph 7.

- 9.100 The Second Review Conference requested the Secretariat to make proposals to the Council on how to make best use of these resources, taking into account the options for assistance and protection made possible by advances in science and technology.
- 9.101 The Second Review Conference noted with appreciation the offers by States Parties, in accordance with paragraph 7 of Article X, of assistance in the event of the use or threat of use of chemical weapons, as well as national contributions to the voluntary fund for assistance, while also noting that the overall number of assistance offers, bilateral agreements, or contributions to the voluntary fund by States Parties still fall short of the requirements of Article X.
- 9.102 The Second Review Conference urged all States Parties that have yet to make offers of assistance to the OPCW to do so as required by paragraph 7 of Article X. The Second Review Conference also encouraged those States Parties that have made offers to ensure that they are up to date. It requested the Secretariat to evaluate the assistance offers already made in order to identify complementarities and synergies and to engage with States Parties to identify what further offers can be made to help optimise the use of OPCW resources.
- 9.103 The Second Review Conference requested the Secretariat to keep the policy-making organs informed about the status of pledges for assistance by States Parties and about any problems requiring attention and resolution. It also noted the necessity of regional coordination in speeding up response mechanisms and welcomed the Secretariat's efforts for capacity building at a regional and subregional level. In this connection, it welcomed the new focus on regional and subregional training programmes and encouraged the Secretariat to build on the experience gained from such programmes as the three-year training project in Central Asia. It also encouraged the Secretariat to maintain the flexibility to address capacity building for public events where the consequence of chemical attack could be considerable for States Parties. It emphasised the usefulness of the annual report on the status of implementation of Article X in keeping the Council informed of progress, and encouraged greater follow-up to assess and build on the results of these efforts.
- 9.104 The Second Review Conference noted that at its Twelfth Session the Conference stressed the importance of achieving and maintaining a high level of readiness of the Secretariat, as well as States Parties, with respect to providing timely and needed assistance and protection against the use or threat of use of chemical weapons, and that it had requested the Council to conduct intensive deliberations to develop measures for emergency assistance to States Parties, including with regard to the victims of the use of chemical weapons, as provided for in Article X of the Convention.
- 9.105 The Second Review Conference stressed the importance of investigations of alleged use or threat of use of chemical weapons involving States Parties. For such situations, the OPCW must have the capacity and be ready at all times to investigate the need for follow-on action by the OPCW, as well as to facilitate the delivery of assistance. In this context, the Second Review Conference noted the Scientific Advisory Board's work on the analysis of bio-medical samples and requested the Director-General to present a proposal to develop this capability as foreseen by the Council at its Forty-Fourth Session (EC-44/2, dated 17 March 2006).

- 9.106 The Second Review Conference noted that, since the First Review Conference, the Secretariat had taken steps towards the implementation of the First Review Conference's recommendations with regard to an assistance response mechanism and requested the Council to monitor further development of an Assistance Response System to facilitate responses to requests for assistance and protection; had developed and trained the Assistance, Coordination, and Assessment Team (ACAT); and had participated in several field exercises with different international organisations. The Second Review Conference noted the importance of exercises to ensure effective coordination with States Parties and other international agencies in an emergency-response situation, and urged the Secretariat to apply the lessons learned from them and to keep the Council updated on this matter.
- 9.107 In this connection, the Second Review Conference reaffirmed three principles highlighted in paragraph 7.100 of the Report of the First Review Conference (RC-1/5, dated 9 May 2003).
- 9.108 The Second Review Conference requested the Conference of the States Parties to ensure the availability of adequate resources to be placed at the disposal of the Director-General to enable him to take emergency measures of assistance to victims of use of chemical weapons in accordance with paragraph 11 of Article X.
- 9.109 The Second Review Conference encouraged States Parties to make equipment related to the means of protection against the use of chemical weapons available, without undue restrictions, to other States Parties.

Agenda item 9(c)(viii): economic and technological development

- 9.110 The Second Review Conference re-emphasised the importance of the provisions of Article XI of the Convention on the economic and technological development of States Parties and recalled that the full, effective and non-discriminatory implementation of Article XI is essential for the realisation of the object and purpose of the Convention.
- 9.111 The Second Review Conference reaffirmed that the provisions of the Convention shall be implemented in a manner that avoids hampering the economic or technological development of States Parties and international cooperation in the field of chemical activities for purposes not prohibited under the Convention, including the international exchange of scientific and technical information, and chemicals and equipment for the production, processing, or use of chemicals for purposes not prohibited under the Convention.
- 9.112 The Second Review Conference reaffirmed that States Parties have the obligation, subject to the provisions of the Convention and without prejudice to the principles and applicable rules of international law, to facilitate, and have the right to participate in the fullest possible exchange of chemicals, equipment, and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under the Convention.

9.113 The Second Review Conference reaffirmed the provision of Article XI that the States Parties shall, *inter alia*:

- (a) not maintain among themselves any restrictions, including those in international agreements, incompatible with the obligations undertaken under the Convention, which would restrict or impede trade and the development and promotion of scientific and technological knowledge in the field of chemistry for industrial, agricultural, research, medical, pharmaceutical, and other peaceful purposes;
- (b) not use the Convention as grounds for applying any measures other than those provided for, or permitted, under the Convention nor any other international agreement for pursuing an objective inconsistent with the Convention; and
- (c) undertake to review their existing national regulations in the field of trade in chemicals in order to render them consistent with the object and purpose of the Convention.

9.114 The Second Review Conference called upon the States Parties to fully implement these provisions of the Convention. It also urged the Council to continue its facilitation efforts to reach early agreement on the issue of the full implementation of Article XI, taking into account earlier and recent proposals submitted.

9.115 The Second Review Conference stressed the importance of the international cooperation programmes of the OPCW. While noting the substantial strengthening of Article XI-related programmes and the growth in the budget of the International Cooperation and Assistance Division since the First Review Conference, it also noted the increase in the membership of the OPCW and the increase in demand of international cooperation and assistance programmes for capacity building. In this regard, the Second Review Conference also called for the adequate funding for the OPCW's international cooperation and assistance programmes, through the regular budget and voluntary funding.

9.116 The Second Review Conference stressed the importance of a focussed and well-evaluated programme of international cooperation and assistance to the promotion of the object and purpose of the Convention as a whole, including its contribution to universality. In this context, the Second Review Conference:

- (a) underlined its commitment to promote international cooperation for purposes not prohibited in the field of chemical activities, and its desire to promote free trade in chemicals as well as international cooperation, and the fullest possible exchange of scientific and technical information in the field of chemical activities;
- (b) stressed again the importance of cooperation projects among States Parties in areas related to the purposes not prohibited. The OPCW should continue to facilitate the provision, upon request, of expert advice on the peaceful uses of chemistry to and among States Parties;

- (c) underlined the importance of assistance and national capacity building in the field of chemical activities for purposes not prohibited, particularly as it applies to the implementation of the Convention, and recalled that an important component of these activities involves facilitating the provision of direct support on-site to assist National Authorities with specific implementation tasks, whether bilaterally, regionally, or through or by the OPCW, and whether by experts from other States Parties or from the Secretariat. The Secretariat, in consultation with States Parties, is requested to continue to review and develop relevant programmes for requesting States Parties.
- (d) noted the benefits of the existing International Cooperation and Assistance programmes, as well as programmes focussed on capacity building and transfer of skills, and recalled that all OPCW programmes should be improved through evaluation of their effectiveness with a view to ensuring that they are responsive to the needs of beneficiary States Parties, in order to optimise resource use and effectiveness. This should involve consultations between the States Parties and the Secretariat, aimed at achieving a clear understanding of the competencies available, the needs of the States Parties, and the requirements of the Convention. The Secretariat should develop further its own capacity to measure the quality and impact of all the OPCW's international cooperation and assistance programmes;
- (e) recognised the need for ensuring the provision of adequate resources and concluded that decisions on budgetary allocations for international cooperation should be based on an objective assessment of States Parties' needs and how the programme addresses these needs, bearing in mind overall resource constraints;
- (f) stressed the importance of coordination between the Secretariat and States Parties in a position to provide voluntary contributions, in terms of both financial and human resources. In this context, the Second Review Conference also welcomed the wide range of voluntary contributions by States Parties individually or collectively;
- (g) emphasised how important it is that the OPCW coordinates its activities with those of other relevant international and regional organisations as appropriate, in order to build on existing competencies, develop synergies, and avoid duplication of efforts. The OPCW should further integrate itself as a partner in the establishment of international programme coordination mechanisms in the field of international cooperation, assistance, and capacity building related the peaceful uses of chemistry;
- (h) encouraged the OPCW to continue to develop relations and partnerships as appropriate with relevant regional and international organisations including international organisations related to chemical safety, chemical industry associations, the private sector and civil society, in order to promote universality and awareness of the objectives and purposes of the Convention. The Second Review Conference welcomed the interest of such groups in the work of the OPCW, including the active engagement of chemical industry.

9.117 The Second Review Conference also recalled the decision of the Conference at its Twelfth Session (C-12/DEC.10, dated 9 November 2007) to request the States Parties and the Secretariat to continue actively to implement its previous decision at its Tenth Session (C-10/DEC.14, dated 11 November 2005) on the full implementation of Article XI, which identified steps towards the full implementation of Article XI to foster international cooperation for peaceful purposes in the field of chemical activities and requests and to request the Council to continue its intensive consultations at regular intervals to develop concrete measures within an agreed framework to ensure the full implementation of Article XI, and to report back to the Conference at its Thirteenth Session for consideration.

9.118 The Second Review Conference called upon States Parties, especially developed countries, to increase, their scientific and technological cooperation, with developing countries, in the peaceful uses of chemistry on a non-discriminatory basis.

Agenda item 9(c)(ix): Articles XII to XV and final clauses

9.119 The Second Review Conference reaffirmed the continued relevance of the provisions of Articles XII to XV.

Agenda item 9(c)(x): the protection of confidential information

9.120 The Second Review Conference reiterated the importance of the protection of OPCW confidential information, in accordance with the provisions of the Convention in view of the fact that the verification provisions of the Convention require States Parties to disclose potentially sensitive information to the Secretariat. Confidence in the OPCW's ability to protect confidential information is thus essential. The Second Review Conference noted that the verification provisions of the Convention require States Parties to disclose potentially sensitive information to the Secretariat through declarations and inspections.

9.121 The Second Review Conference emphasised the important role of the Director-General in ensuring the protection of confidential information, as well as the responsibility of each staff member of the Secretariat to comply with all rules and regulations pertaining to the protection of confidential information. Proper conduct on the part of staff is essential to the effective implementation of a robust confidentiality regime, and the Second Review Conference underlined the need for encouraging staff awareness of relevant procedures, as well as adequate and sustained training within existing resources.

9.122 The Second Review Conference stressed the importance of the procedures to be applied in cases of alleged breaches of confidentiality. It reaffirmed the important role of the Confidentiality Commission in settling any dispute related to breaches or alleged breaches of confidentiality involving both a State Party and the OPCW, while noting with satisfaction that the Commission has had no such disputes brought before it since entry into force.

9.123 The Second Review Conference recalled that the First Review Conference had urged States Parties expeditiously to provide details of their handling of the information provided to them by the OPCW. The Second Review Conference noted a significant

increase in the number of States Parties providing the details required since the First Review Conference but again urged all States Parties to provide this information expeditiously.

- 9.124 The First Review Conference encouraged the Secretariat and the States Parties to review their respective practices in assigning levels of classification to such information, and if possible, and in accordance with the States Party's confidentiality procedures, to adjust the classification level they assign to such information, in order to increase work efficiency and ensure the smooth functioning of the system to protect confidentiality. The Second Review Conference welcomed the improvements made in implementing the confidentiality regime since the First Review Conference, including the completion of the Confidentiality Supplement in 2006, which is to be issued with the next version of the Declarations Handbook, and the adoption of the latest version of the ISO information security management standard (ISO 27001).
- 9.125 The Second Review Conference noted that no agreement had yet been reached on the issue of developing and implementing guidelines regarding the long-term handling of confidential information. It recommended that the Secretariat make a report to the Council proposing solutions before the next Conference.

Agenda item 9(d): the general functioning of the Organisation for the Prohibition of Chemical Weapons

- 9.126 The Second Review Conference noted with satisfaction that the OPCW has matured in the 11 years since the Convention's entry into force and has developed into a well-established multilateral organisation for achieving the object and purpose of the Convention. The Second Review Conference reaffirmed that the work of the policy-making organs is important for the OPCW's effective functioning, which contributes directly to the aims of the Convention. The Second Review Conference welcomed the way in which the policy-making organs have developed a sustainable pattern of work since the First Review Conference and stressed again the need for all States Parties to participate fully in their activities.
- 9.127 The Second Review Conference reaffirmed that decision making by consensus by the policy-making organs plays an important role in achieving common goals and in ensuring strong support for and preserving the integrity of decisions. It noted the need for focussed agendas for both the formal meetings and intersessional consultations of the Council in order for it to take decisions effectively. The Second Review Conference reaffirmed the importance of the Chairperson and Vice-Chairpersons of the Council being engaged with the work of the facilitation groups. While noting improvements since the First Review Conference, the Second Review Conference also reaffirmed the importance of continued efforts by the Secretariat to provide documents in a timely fashion.
- 9.128 The Second Review Conference noted the Director-General's initiative regarding the OPCW Programme to Strengthen Cooperation with Africa with a view to assisting States Parties with their implementation of the Convention. It called upon the Secretariat to implement the Programme as soon as possible as well as to provide feedback on a regular basis on the activities and progress made in this regard.

- 9.129 The Second Review Conference underlined the importance for the OPCW of keeping abreast of the developments in science and technology in order to achieve the object and purpose of the Convention.
- 9.130 The Scientific Advisory Board continues to play a valuable role in enabling the Director-General to render specialised advice to the policy-making organs and the States Parties in areas of science and technology relevant to the Convention.
- 9.131 The Second Review Conference concluded that consideration should be given, through negotiations in the regular budget process, to meeting the cost of two meetings of the Scientific Advisory Board and two meetings of temporary working groups per year. It noted that, based on current activity levels, this would also still require additional funding through voluntary contributions to the Scientific Advisory Board trust fund.
- 9.132 The Second Review Conference encouraged States Parties generally to consider supporting the work of the Scientific Advisory Board by making voluntary contributions to the Scientific Advisory Board trust fund.
- 9.133 The Second Review Conference requested the Council, through a meeting of governmental experts open to all States Parties, to consider the report by the Scientific Advisory Board which the Director-General had forwarded to the Second Review Conference.
- 9.134 The Second Review Conference, in order to facilitate consideration of the specialised advice the Director-General provides to the policy-making organs and to States Parties on the basis of the advice he receives from the Scientific Advisory Board, invited the Director-General to provide considered advice to the Council on how to enhance the interaction between the Scientific Advisory Board and States Parties as well as the policy-making organs, making best use of governmental experts.
- 9.135 In reviewing the functioning of other subsidiary advisory bodies, the Second Review Conference noted the valuable contributions to the work of the OPCW made by the Advisory Body for Administrative and Financial Matters (ABAF) and stressed the importance of its membership, which comprises experts of recognised standing.
- 9.136 The Second Review Conference welcomed recent experience of interactions between National Authorities and other stakeholders in the OPCW from governments and the private sector. It underlined the importance of the involvement of all stakeholders, including the chemical industry and the scientific community in the promotion of the Convention's goals and in supporting national implementation. It encouraged the development of such cooperation, with due regard to the role and responsibilities of States Parties and their National Authorities, on the broadest possible geographical basis.
- 9.137 The Second Review Conference reaffirmed the autonomous and independent status of the OPCW and took cognisance of the resolutions of the United Nations on combating terrorism. The Second Review Conference, in this regard, invited States Parties to consult and cooperate both bilaterally and regionally on ways to prevent terrorists

from acquiring and/or using chemical weapons. The Second Review Conference also took note of the work of the OPCW Open-Ended Working Group on Terrorism.

- 9.138 The Second Review Conference recognised the continued dedication, competence, and integrity of Secretariat staff under the leadership of the Director-General. It noted that the OPCW has at its disposal qualified and trained staff, equipment, and procedures fit for the tasks it must fulfil under the Convention. Cognisant of the implementation of the tenure policy, it reaffirmed that the paramount consideration in the employment of staff remains the necessity of securing the highest standards of efficiency, competence, and integrity, while paying due regard to the importance of recruiting on as wide a geographical basis as possible. The Second Review Conference requested the Director-General, in his recruitment of staff, to pay special attention to regions and countries that are under-represented. It also recognised the implementation of certain improvements for the operation of the Convention that were recommended by the First Review Conference.
- 9.139 The Second Review Conference welcomed, in particular, the fact that implementation of the tenure policy had proceeded as indicated by the First Review Conference. It requested the Director-General to continue to report regularly to the Council on the continued implementation of this policy, including the implications for the OPCW's effectiveness and efficiency and any limited exceptions to the normal policy that may be necessary on these grounds. The Second Review Conference noted the systematic approach to the amendment and updating of the Staff Regulations and Rules followed by the Director-General, in particular, the decision of the Conference at its Tenth Session (C-10/DEC.4, dated 8 November 2005). The Second Review Conference emphasised the importance of maintaining the high level of expertise of Secretariat staff, including the need to maintain professional knowledge.
- 9.140 The Second Review Conference noted that it will be important for the Secretariat to retain necessary chemical weapons-specific expertise in order to address issues related to the OPCW's activities. The Second Review Conference recommended that the Director-General take these considerations into account when assessing and developing future staffing plans.
- 9.141 The Second Review Conference noted that the OPCW had approved zero-nominal growth budgets for the previous three years. While underlining the need to maintain continued budgetary rigour, it also noted that such budgets may not always be sustainable given the objective demands on the organisation. The Second Review Conference welcomed the improvements to the budgetary process of the OPCW since the First Review Conference, including the streamlining of procedures and rules, completing the set of administrative measures needed, and step-by-step implementation of a results-based approach to budgeting.
- 9.142 The Second Review Conference noted that voluntary funds by States Parties contribute significantly to the work and programmes of the OPCW. The Second Review Conference recommended the Council to consider the possible development of guidelines for the offers and utilisation of voluntary funds contributed by individual States Parties and regional and other groups.

- 9.143 The Second Review Conference called on the Secretariat to continue to pursue results-based budgeting vigorously, with a view to completing its introduction as quickly as possible, while keeping the Council informed of progress on a regular basis, to use evaluation and internal and external audit mechanisms, and to continue to review the allocation of human and financial resources while ensuring that the resources available are sufficient to support the effective implementation of the Convention.
- 9.144 The Second Review Conference noted that a large number of assessed contributions have not been received on time or in full and urged all States Parties to regularise their payments without delay and in accordance with the Financial Rules in order to provide financial stability. The Second Review Conference also reaffirmed the need for the Council, with the support of the Secretariat, to continue the monitoring and assessment of budgetary mechanisms to ensure that objectives are being met.
- 9.145 The Second Review Conference reaffirmed the need for Secretariat staff, particularly its inspectors, to keep abreast of developments in science and technology in order to maintain professional excellence and to discharge their responsibilities efficiently. The Second Review Conference requested the Director-General to keep these requirements in mind when identifying the future training needs of the Secretariat.
- 9.146 The Second Review Conference requested the Secretariat to continue to seek to apply information technology more efficiently to improve the functioning of the OPCW, in particular, expanding the OPCW's use of internet-based communications to all sections of the Secretariat. It also recalled the decision of the Conference at its Sixth Session (C-VI/DEC.9, dated 17 May 2001) on the equal treatment of all official OPCW languages and called for further improvements, including regular updating of the website and sustaining the high level of translation and to continue meeting interpretation requirements at sessions of the Conference of the States Parties and the Council.
- 9.147 The Second Review Conference noted that it is essential for effective verification that the Secretariat's approved inspection equipment remains up to date and that the list of such equipment can be adjusted promptly as items become obsolete. It requested the Secretariat to review the operational requirements and technical specifications first approved by the Conference at its First Session (C-I/DEC.71 and Corr.1, both dated 23 May 1997), seeking the advice of the Scientific Advisory Board, and to submit a report to the Council.
- 9.148 The Second Review Conference again expressed its satisfaction at the relationship between the OPCW and the Host Country, including the role of the Director-General and the Council in promoting good relations with the Netherlands. The Second Review Conference welcomed the establishment of the Working Group on Relations with the Host Country in 2005, which was replaced by the Committee on Relations with the Host Country, established by a decision of the Conference at its Eleventh Session (C-11/DEC.9, dated 7 December 2006). It called on the Host Country to work towards resolving, as soon as possible, any outstanding issues relating to implementation of the Headquarters Agreement, in close cooperation with the Host Country Committee, and requested the Director-General to continue to report to the

Council as appropriate on this relationship and the implementation of the Headquarters Agreement.

- 9.149 The Second Review Conference recognised that nothing in the concluding document of the Second Review Conference can, or intends to, modify any of the provisions of the Convention.

**10. AGENDA ITEM TEN - Reports of subsidiary bodies
Committee of the Whole**

- 10.1 The Second Review Conference **noted** the report of the Committee of the Whole on the results of its consideration of the agenda item referred to it on the recommendation of the General Committee (RC-2/CoW.1, dated 18 April 2008), and **took action** as required.

General Committee

- 10.2 The Second Review Conference **noted** the reports of the General Committee, and **took action** as required.

Credentials Committee

- 10.3 The report of the Credentials Committee (RC-2/3 dated 16 April 2008) was presented by its Chairperson, Ambassador Wolfgang Paul of Austria. The Chairperson orally reported that, following the closure of the Credentials Committee meeting, formal credentials were received for the representatives of Cameroon, Colombia, Jamaica, Republic of Moldova and Uzbekistan, and faxes or copies of credentials in the form required by Rule 26 of the Rules of Procedure of the Conference were received from Benin. Formal credentials would be submitted for the latter in due course. The Second Review Conference **noted** this additional information and **approved** the report.

11. AGENDA ITEM ELEVEN – Any other business

12. AGENDA ITEM TWELVE – Adoption of the final documents of the Second Review Conference

The Second Review Conference **considered** and **adopted** the report of the Second Review Conference.

13. AGENDA ITEM THIRTEEN – Closure

The Chairperson closed the Second Review Conference on 18 April 2008.

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