

ARTICLE 1: SCOPE

ISSUE: This Article seeks to establish one of the key reforms to the CCW sought by Canada and other Western countries. It would extend the scope of the application of the convention to internal conflicts (or "non-international conflicts" in the vernacular of the treaty) from only international ones, as is now the case.

BACKGROUND:

The principle of extending the scope of the CCW has largely been accepted as a primary goal of the Review Conference. It was expected that the NAM hardliners would raise objections to the principle; they did not, although some have suggested changes to the wording. However, we expect them to link progress on this issue to concerns they have over the degree of intrusiveness of any verification provisions which may be suggested.

At the last Expert's Group meeting two alternatives for Article 1 were discussed.

Alternative A:

This alternative was proposed by Denmark, Cuba and Australia. We believe that this is the first time in the CCW process that one of the NAM hardliners has joined Western countries in making a proposal. This breakthrough is doubly significant in that it happened on such an important issue.

The first difficulty in applying this principle was over how, exactly, to recognize it. Initially, it was felt that this could be done by referring to Articles 2 and 3 of the Geneva Convention of 12 August, 1949, but since China had not signed the treaty, it objected to this reference. The Danes therefore proposed the wording currently contained in Article 2 of the Chairman's text. There was some concern that the phrase "all circumstance including armed conflict and times of peace" could be interpreted as not widening the scope of the Convention in the manner we had hoped. After some consideration, and quiet backroom debates, this phrase was accepted by all as accomplishing what we seek.

Cuba's price for cosponsoring this agreement was to have recognized, in some way, each states' right of non-interference in its internal affairs. Debate on this surrounded clause 3. As initially written, this clause contained detailed language on non-interference. After some discussion, it was decided to accept a simple statement recognizing the rights and principles set out in the UN Charter, leaving states-parties to interpret this themselves.

The appeal in this alternative is that the simplicity of clause 3 gives it a