

# CWC Review Conference Report

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## The Conference of States Parties & the Review Conference: setting the scene

The Fourth five-yearly Review Conference for the 1993 Chemical Weapons Convention (CWC) provides the opportunity, in the words of the Convention itself: ‘to undertake reviews of the operation of this Convention. Such reviews shall take into account any relevant scientific and technological developments’. This Review Conference is being held towards the end of the calendar year so it will follow on directly from the annual Conference of States Parties (CSP) – a change from previous practice that Review Conferences were held in the first half of the calendar year. The CSP (in its 23rd session, so CSP-23) will be convened on 19 and 20 November with the Review Conference (RC-4) convened during 21 to 30 November. Both conferences are being held at the World Forum Convention Centre which is situated next door to the headquarters building of the CWC’s implementing body, the Organization for the Prohibition of Chemical Weapons (OPCW). Official documents are available from the OPCW website <<<http://www.opcw.org>>>.

### **The global context**

Since the last Review Conference, there have been many relevant events that may impact upon CSP-23 and RC-4. These include: the exposure of a large number of people to the nerve agent sarin in the area of East Ghouta, Syria, and the report of the investigation led by Åke Sellström of Sweden; adoption of the Kerry-Lavrov plan to remove all chemical weapons from Syria; removal of declared chemical weapons from Syria alongside contested allegations that the declaration was incomplete; numerous further allegations of use of chemical weapons in the territory of Syria; establishment of the OPCW Fact-Finding Mission; establishment of the UN-OPCW Joint Investigative Mechanism for a limited period and a highly contested debate about whether the mandate should be continued; completion of destruction of declared chemical weapons in Russia and ongoing challenges of chemical weapons destruction in the United States; the fatal poisoning of Kim Jong-nam at Kuala Lumpur airport, Malaysia; the completion of destruction of Libya’s chemical weapons-related materials; the poisoning of Sergei and Yulia Skripal in Salisbury, UK, with further exposures to three other people, leading to one fatality; and the convening of a Special Session of the CSP on the issue of attribution in relation to use of chemical weapons. This list, which is by no means comprehensive, illustrates that while there have been positive developments there are also a number of issues of significant political controversy for which there are substantially divergent views between CWC states parties.

There are other signs of divergent views between CWC states parties. For example, the annual draft resolution on the CWC put forward in the First Committee of the UN General Assembly, usually agreed by consensus, was approved for forwarding to the General Assembly by a vote on 5 November of 148 in favour to 7 against (Cambodia, China, Iran, Nicaragua, Russia, Syria and Zimbabwe), with 23 abstentions. There had also been votes on 5 paragraphs before the final vote on the draft resolution.

### **Prospects for the Conference of States Parties**

CSP-23 will be shorter than the usual annual sessions which are normally scheduled for 5 working days but which are sometimes concluded in 4. In part, time will be saved by not including an agenda item for ‘general debate’ – the allocated time for general opening

statements – as the Review Conference will provide such an opportunity. Most items on the agenda of the CSP have been considered previously by the OPCW Executive Council (EC) and the decisions forwarding them to the CSP taken by consensus. According to the annotated provisional agenda [C-23/INF.1, 9 November], CSP-23 will be asked to take decisions on matters related to the Programme and Budget of the OPCW for 2019 for which no consensus could be reached within the EC. The vote on the budget in 89th session of the EC fell just short of the two-thirds majority required for a substantive decision. The report of a subsequent EC meeting [EC-M-61/3, 5 November] indicated that the voting to adopt a decision to forward the draft budget to the CSP had 29 in favour to 3 against, with 7 abstentions. The same divergences are likely to remain as the budgetary matters are discussed in the CSP. Owing to the nature of financial decisions to be taken, there would have to be 5 votes on financial elements at the CSP. Aside from issues relating to additional expenditures needed for attribution-related activities, there will be some delegations who are used to dealing only with zero-growth budgets in international organizations.

### **Preparations for the Review Conference**

In line with past practice, an Open-Ended Working Group for the Preparation of the Fourth Review Conference (OEWG), with Ambassador I Gusti Agung Wesaka Puja (Indonesia) in the Chair, has taken the place of the ‘Preparatory Committee’ process that occurs in the equivalent treaties dealing with biological and nuclear issues. The OEWG Chair has produced a report to help the Review Conference in its work [WGRC-4/1, 2 November]. There is also an Open-Ended Working Group on the Future Priorities of the OPCW (OEWG-FP) that has prepared a report for the Review Conference [RC-4/WP.1, 16 July]. There have been other official reports prepared for the Review Conference, or its preparatory stages, that are of interest. The Scientific Advisory Board has produced a report [RC-4/DG.1, 30 April], which should be read in conjunction with the response from the Director-General [RC-4/DG.2, 1 June]. The OPCW Technical Secretariat provided written input to the OEWG [WGRC-4/S/1, 29 May]. In recent days, OPCW Director-General Fernando Arias published a background document reviewing the operation of the CWC since the last Review Conference [RC-4/S/1, 6 November] and a number of Working Papers have been published. These documents constitute a rich source of information on a range of challenges and issues for the future regime to prevent re-emergence of chemical weapons, such as those relating to destruction of the remaining chemical weapons, the post-destruction roles of the OPCW, methodologies for industry verification, and state practice in the use of chemicals that act on the central nervous system.

### **Prospects for the Review Conference**

A key activity of Review Conferences is the preparation of a final document to be adopted by consensus – Review Conferences for any treaty seldom adopt anything by a vote. To find consensus text on issues relating to Syria or to the Salisbury poisonings, just to take two examples of current contentious issues, that might form part of a final document from the Review Conference would be extremely challenging. This could be interpreted as a sign that a substantive outcome from the Review Conference looks sufficiently difficult to achieve as to be unlikely. Of all the Review Conferences attended by this author, this would seem at the outset to be the one least likely to produce a consensus outcome. That should not be taken to suggest that the process of the Review Conference is without value as it is not a stand-alone event – it is just one part of a wider set of activities, as illustrated by the documents prepared and published before the Conference.

*This is the first report from the Fourth Review Conference of the Chemical Weapons Convention which is being held from 21 to 30 November 2018 in The Hague, preceded by the Twenty-Third Session of the Conference of States Parties. These reports are prepared by Richard Guthrie of CBW Events for the CWC Coalition, a global network of non-governmental groups with an interest in the Convention. The reports, together with those from earlier Review Conferences and an email subscription link, are available at <<<http://www.cbw-events.org.uk/cwc-rep.html>>>. The author can be contacted via <<[richard@cbw-events.org.uk](mailto:richard@cbw-events.org.uk)>>.*