

# CWC Review Conference Report

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## The fifth day: the long day of the Committee of the Whole

The Fourth five-yearly Review Conference (RC-4) of the of the Chemical Weapons Convention (CWC) continued into Tuesday, its fifth working day, with the formal proceedings dedicated to the work of the Committee of the Whole. Rather than two sessions [10.00-13.00 and 15.00-18.00] there were three sessions held during the day – morning, afternoon and evening [10.00-13.00, 15.00-18.00 and 19.30-22.30].

The Committee started in the morning in the Ieper Room in the OPCW building where it had convened on Monday afternoon. It continued to meet behind closed doors. The Ieper Room is much smaller than the main hall in the World Forum Convention Centre (WFCC) next door and with so many delegates wishing to participate in proceedings the room is said to have become crowded. The decision was taken during the morning that the afternoon and evening sessions would be held in the WFCC main hall where the plenary is also held.

The Committee of the Whole is working its way through the ‘Chairperson’s draft provisional text’ prepared by the Chair of the ‘Open-Ended Working Group for the Preparation of the Fourth Review Conference’ (OEWG), Ambassador I Gusti Agung Wesaka Puja (Indonesia). By the end of the day, four sessions of the Committee of the Whole had been held [1 on Monday afternoon and 3 on Tuesday] with barely half of the paragraphs of the OEWG Chair’s text having been given a preliminary examination, commonly known as a ‘first reading’. From discussions in the corridors, it is clear that many difficult paragraphs in the text were skipped. It is worth remembering that Ambassador Puja informed the Review Conference on Monday that there were a number of difficult subject areas not covered in his text. These factors taken together indicate that the timetable for this Review Conference to reach any kind of conclusion is very tight.

One aspect of the work of the Committee of the Whole that appears to be different from that which has taken place in earlier Review Conferences is that there appear to have been no facilitators appointed to deal with difficult issue areas. During the Second Review Conference (RC-2, held in 2008) and the Third Review Conference (RC-3, held in 2013) facilitators were appointed to deal with challenging issue areas through consultation with interested delegations. This allows for progress on specific subject areas without taking away time available for other subjects to be discussed in the meeting. However, it is understood that the Chair of the Committee of the Whole, Ambassador Marcin Czepelak (Poland), has been calling upon the experience of some of those who had coordinated aspects of the OEWG work.

### **The structure of 2013 CWC Review Conference final document**

The Review Conference is currently working towards a final document in the same format as that resulting from Third Review Conference in 2013. The formal title of the final document of that conference is ‘Report of the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention’ [OPCW document number RC-3/3, 19 April 2013, available from the OPCW website <<<http://www.opcw.org>>>]. The section numbers directly follow the numbers of the agenda items for that Conference, with sections 1-8 and 10-13 being almost entirely procedural and, in essence, are like brief minutes of what had occurred under those items.

The substantive parts fell within agenda item 9 under which the thematic review took place. For the final report, this was split into two parts – ‘Part A: Political Declaration’ and ‘Part B: ‘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’. Part B of the 2013 final report used the sub-item titles to agenda item 9 agreed to at the beginning of RC-3 as sub-section headings. The Part A political declaration has also sometimes been known as the solemn declaration.

The structure of the CWC Review Conference documents has evolved over time. In 2003, the political declaration was issued separately [RC-1/3, 9 May 2003] from the final report [RC-1/5, 9 May 2003]. The difficulties in reaching consensus in 2008 meant that there was no separate political declaration nor was a political declaration text included in that year’s final report [RC-2/4, 18 April 2008]. As noted above, the political declaration in 2013 was included in the final report.

At the time of writing, the current author is not aware of any draft text that would be put forward as a possible political declaration for the current Review Conference.

### **Agenda item 9 sub-items in the Third and the Fourth Review Conference**

The sub-items under agenda item 9 for the Fourth Review Conference, as agreed on the first day of the Conference are the same as those in RC-3 and read:

- (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) reports by the Director-General on destruction-related issues;
  - (iii) destruction of chemical weapons including implementation of the Conference of the States Parties and Executive Council decisions on destruction-related issues;
  - (iv) destruction or conversion of chemical weapons production facilities;
  - (v) verification activities of the OPCW;
  - (vi) activities not prohibited under the Chemical Weapons Convention;
  - (vii) national implementation measures;
  - (viii) consultations, cooperation, and fact-finding;
  - (ix) assistance and protection against chemical weapons;
  - (x) economic and technological development;
  - (xi) Articles XII to XV and final clauses; and
  - (xii) the protection of confidential information; and
- (d) the general functioning of the Organisation for the Prohibition of Chemical Weapons.

These sub-items were the elements of the thematic review.

In the equivalent activities within Review Conferences to the Biological Weapons Convention, there is an article-by-article review that is prepared by the Committee of the Whole.

*This is the eighth report from the Fourth Review Conference of the Chemical Weapons Convention being held in The Hague 21-30 November 2018, preceded by the 23rd Session of the Conference of States Parties. These reports are prepared for the CWC Coalition, a global network of non-governmental groups with CWC interests, and are available at <<<http://www.cbw-events.org.uk/cwc-rep.html>>>. The author, Richard Guthrie of CBW Events, can be contacted via <<[richard@cbw-events.org.uk](mailto:richard@cbw-events.org.uk)>>.*