

CWC Review Conference Report

The penultimate day of the Review Conference and closure of the CSP

The seventh, and penultimate day of the Fourth five-yearly Review Conference (RC-4) of the of the Chemical Weapons Convention (CWC) started with numerous informal consultations during the morning on what should be in a new draft text for the substantive part of the final report. A new text was introduced in the name of the Chair of the Review Conference, Ambassador Agustín Vásquez Gómez (El Salvador) in a short plenary after lunch. No meetings, other than the brief closing meeting of the Conference of States Parties, were held during the afternoon, allowing delegations to consider the new draft. An evening plenary took views on the new draft before further informal consultations were initiated. At the time of writing of this summary, it would appear that the informal consultations were unable to make sufficient progress to enable a text to be adopted by consensus and that the likely outcome would be a Chair's report. These consultations are scheduled to be reported to a plenary meeting on Friday morning

Short afternoon plenary

Ambassador Gómez introduced his new text, highlighting some of the aspects where he had added text to cover subject matter where neither the Open-Ended Working Group for the Preparation of the Fourth Review Conference (OEWG) nor the Committee of the Whole were able to reach conclusions, or where language had been changed to help move to consensus. Among these, he described the 'instances of use' of chemical weapons since the previous Review Conference as continuing to be the subject of 'debate and contention' and that he had selected text on the subject taken from language used in the Convention itself and references to relevant documents produced or adopted by the OPCW. He noted that central nervous system-acting chemicals had been the subject of debate and so that this should be reflected. A number of aspects of the Syria situation, such as the need to extend full cooperation to the Declaration Assessment Team, and lessons learned from OPCW activities in relation to that country were included. A proposal to have an open-ended working group on Article XI issues was reflected within the capacity development section. A mention of sea-dumped chemical weapons was inserted. References were added to 'highlight the valuable contribution' civil society organizations bring through their engagement with the OPCW. The meeting was adjourned without further discussion.

In the corridors of the Convention Centre, the text was well received, with many individual delegates commenting that the text was a far more effective move towards consensus than they had thought possible, although there were still a number of significant issues in play.

Closure of the Conference of States Parties

Shortly after the brief plenary of the Review Conference, the twenty-third regular session of the Conference of States Parties (CSP) was resumed. This meeting had been suspended just over a week before after it had been unable to reach agreement on adoption of its report.

A revised version of the final report text was introduced by Ambassador Yun-young Lee (Republic of Korea) in his role as Chair of CSP-23. Rather than the process that had been started just over a week ago of considering the draft report paragraph by paragraph, this time the report was considered for adoption as a whole. This is typical of a

deal arranged through informal channels. The Chair's opening remarks, a brief verbal amendment, the standard reservation from Iran about not recognizing Israel, a clarification from Côte d'Ivoire, adoption of the report and the Chair's closing remarks all took 14 minutes – perhaps the shortest CSP meeting this author has witnessed.

Evening plenary

The evening plenary started 4 or 5 hours after most delegations had seen the new text from the Chair of the Review Conference. There was a moment of levity when there was initially no delegation ready to make a comment. The Chair asked again if any delegation wished to comment and then said, with a wry smile, 'If no one takes the floor we will adopt this by consensus', prompting laughter and a gentle ripple of applause.

Reactions to the new text started with a number of primarily Latin American delegations taking the floor in support of the draft. This is typical of a situation where a difficult text has been compiled by a Chair, it is often delegations from the Chair's region who speak out first in support. There were then many supportive statements from other delegations with appreciation to the chair for his efforts. The first dozen or so interventions gave unqualified support, then a few referred to further negotiations or consultations needed. Up to this point, all states parties taking the floor were from the NAM/China group. The US took the floor highlighting that ISIL/Daesh was named as having used chemical weapons but that there was 'a state party in the room', unnamed in the text, that had been found by the same investigation group to have used chemical weapons and asked 'what signal does that send?' Canada asked, through the Chair, if those delegations that referred to further consultations could indicate the areas of concern. Palestine, one that had done so indicated, with some passion, that they found it unacceptable that earlier Review Conferences had used the term 'welcome' in reference to new members but that this draft instead used 'noted with appreciation' that the number of states parties had risen to 193. [Note: CWC Review Conference documents have previously consistently used the word 'welcome' when referring to new adherents to the Convention. This has also been the predominant, but not exclusive, term in documents from other policy making organs. For example the Executive Council 'welcomed the accession of Somalia to the Convention on 28 June 2013' [EC-73/6, 19 July 2013] but 'noted the accession of the Syrian Arab Republic with effect from 14 October 2013' [EC-74/5, 11 October 2013].] Another intervention given with some passion was when the US took the floor a second time and made further points about making reference to one finding of the Joint Investigative Mechanism (JIM) but not another, explicitly stating people have died from chemical weapons 'in Syria, by Syria', asking 'what price consensus?', and suggesting that Article I of the Convention does not refer to use of chemical weapons only when it is convenient not to ignore. Syria responded by saying that the results of the JIM investigations were not endorsed by the UN Security Council and, therefore, if there was no consensus in the Security Council, why should there be consensus in the OPCW?

There were over 50 interventions in the discussion, with few delegations taking the floor more than once. The discussion was focused on two clusters of issues – JIM, the Fact Finding Mission and attribution; and the issue of what term should be used in relation to new states parties. Numerically, most interventions were on the latter subject. The Chair announced that informal consultations would start in his office once the plenary was adjourned.

There will be at least one further report on the closing day of the Review Conference and documentation produced which will be posted to the website listed below, probably next week. The author will be producing daily reports from the Meeting of States Parties to the Biological Weapons Convention next week which may impact upon this schedule.

This is the tenth 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>>