

CWC Review Conference Report

The closure of the Review Conference and some reflections

[*Editorial note:* please note that the production of this wrap-up report was delayed owing to reporting from the Meeting of States Parties of the Biological Weapons Convention the week after the Review Conference.]

The eighth and final day of the Fourth five-yearly Review Conference of the Chemical Weapons Convention (CWC) finished its proceedings on Friday 30 November without concluding a final report. Instead, a report from the Chair [RC-4/3/Rev.1] constitutes the official record of the Review Conference.

The Conference opened in the morning with the formality of adopting the report from the Credentials Committee. This was followed by a report from the General Committee, the body that administers the Review Conference and which in some settings is referred to as ‘the bureau’. During this report, in plenary session, it was confirmed that consultations overnight had made it clear that there would be no consensus on a final report from the Conference as differences in positions held by delegations were too far apart. The Chair of the Review Conference, Ambassador Agustín Vásquez Gómez (El Salvador), had therefore decided to issue the text that he had modified from the work of the Committee of the Whole as a Chair’s report, under the terms of rule 50 of the Rules of Procedure.

The Conference then moved to agenda item 11 ‘Any other business’ which gave delegations a chance to make interventions on a wide range of issues. Many delegations used this opportunity to make what, in other contexts, would be closing statements. Most expressed regret in one form or another at the inability of the Conference to reach consensus and thanked the Chair for his efforts in challenging circumstances. A number of delegations suggested that, as the negotiating model of ‘nothing is agreed until everything is agreed’ had been in use, the Chair’s report should not indicate whether any individual paragraphs were the subject of divergent views.

There were specific points in particular statements that were of note (covered here in the order they were raised). The USA indicated a belief that Iran and Venezuela should not have been elected as Vice-Chairs at the Review Conference, describing them as ‘malign states’ and suggesting this undermined the credibility of the Convention. France introduced a declaration by 57 states parties [published as RC-4/NAT.37, not to be confused with the impunity partnership statement also coordinated by France, RC-4/NAT.19*]. This noted that the ‘re-emergence of the use of chemical weapons is the most alarming development we face today’ and called for a range of actions to strengthen implementation of the Convention. Russia introduced a declaration by around two dozen states parties [not published on the OPCW website at the time of writing] which suggested that disunity within the Convention was caused by politicization which was weakening the Convention. The coordinators of each declaration indicated that their declarations remained open for new adherents. South Africa, noting the two declarations, suggested that calls to adhere to one declaration or another were not a way of achieving consensus.

In his closing comments, the Chair noted that the final text was closer to consensus than many delegates had expected. He also noted that while consensus would have needed some political flexibility there were divergences on issues that were ‘fundamental’ to delegations. The meeting closed at 16.35.

Reflections

A conscious effort is taken in writing these daily summaries to report objectively and not give opinion. However, there are times that this style of reporting does not convey some of the atmosphere of meetings. The following are some personal reflections that do not necessarily represent anyone's views other than the author's own.

This Review Conference was held in particularly challenging circumstances. As the Chair noted, the divergences of views were on 'fundamental' issues. Indeed, as the Review Conference is supposed to give strategic direction to the Convention and the activities within it, could it really be expected that it would reach any form of consensus conclusion so soon after the divisive votes over the budget at the Conference of States Parties (CSP) the week before? The votes were called because of the lack of consensus over the strategic direction of the Convention and the votes were held only eight working days before the conclusion of the Review Conference. Later analysts are likely to look back and wonder why anyone had any expectation of consensus. Indeed, the divergence of views continued into the following week, with the adoption on 5 December of the UN General Assembly resolution on the CWC by a vote of 152 in favour, 7 against with 22 abstentions.

Nevertheless, the Review Conference moved much closer to consensus than might have been reasonably expected. In part this was down to a number of individual delegates who wanted to be able to report back to their capitals that all avenues that could have reasonably been pursued to reach consensus had been followed. In part this was also down to the excellent role played by the Chair himself. The reduced time of this Review Conference – only 8 working days instead of the usual 10 – was probably not a factor in the lack of consensus. While further time would have provided the opportunity for additional consultations to further develop any potential final report, it is clear from the stated positions of a number of delegations that it would have been extremely hard to find formulations on key issues that would have achieved consensus.

The key issue of divergence related the question of how to handle allegations of use of chemical weapons (the assessments of many governments has been that many of these should be considered confirmed use). As noted in earlier daily reports, the key divergence was between those that were supporters of the June decision on attribution and those that were opposed to this. These pretty much neatly fell in to the two groups epitomised by the rival declarations coordinated by France and by Russia. In a rough and ready characterisation, the first group believes chemical weapons have been used in Syria by the government and that this use presents a challenge to the principles and objectives of the CWC itself. It is worth recalling that the Convention includes the following words in its preamble: 'Determined for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons, through the implementation of the provisions of this Convention'. The second group believes that proposals for attribution by the OPCW are an unwarranted politicization of the Convention and its activities.

While investigations of alleged use of chemical weapons have been carried out in challenging situations in which it has been impossible to verify every aspect of every allegation, the methods for investigation of alleged use of chemical weapons in the territory of Syria have not been a failure. Indeed, there is an argument to be made that the processes of investigation and evaluation of evidence regarding allegations of use, such as the Joint Investigative Mechanism (JIM), were opposed because they were too successful in identifying cases where there was clear evidence of use of chemical weapons.

Another notable feature of the Review Conference/CSP was the politics around the status of the State of Palestine which had deposited an instrument of accession to the CWC in 2018. Handling of the issue, particularly by the USA, prompted many delegations to take the floor in support of Palestine as a state party. This provided a distraction from the issues relating to how to deal with allegations of use of chemical weapons

This is the final report from the Fourth CWC Review Conference held in The Hague 21-30 November 2018. 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>>