

CWC Review Conference Report

The Fifth CWC Review Conference: setting the scene

The Chemical Weapons Convention (CWC) was the second treaty to globally prohibit an entire class of weapons of mass destruction but the first to do so with a system of multilateral verification measures. The CWC was signed in 1993 and entered into force in 1997. Treaties are always shaped by the concerns at the forefront of the minds of the negotiators during the period they were being negotiated, making them creatures of their time. Yet treaties have to operate within constantly evolving contexts – from the scientific and technical to the political – and be able to respond to events. With that in mind, a common feature of treaties dealing with active problems is a review process in order to ensure they stay relevant and up to date in their activities.

Review Conferences provide the opportunity, in the words of the CWC: ‘to undertake reviews of the operation of this Convention. Such reviews shall take into account any relevant scientific and technological developments’. The Fifth five-yearly Review Conference is being held at the World Forum Convention Centre which is situated next door to the headquarters building of the CWC’s institution – the Organization for the Prohibition of Chemical Weapons (OPCW).

Preparations for the Review Conference

A CWC Review Conference is not a stand-alone event, there are many preparations beforehand. Ambassador Henk Cor van der Kwast (Netherlands), nominated as the President-designate, has been actively interacting with delegations. As with earlier Review Conferences, an ‘Open-Ended Working Group for the Preparation of the Fifth Review Conference’ (OEWG-RC), Chaired by Ambassador Lauri Kuusing (Estonia), has been convened and has worked for about a year to examine issues relevant to the Convention. In line with past practice, the OEWG-RC Chair has produced a report to help the Review Conference in its work [WGRC-5/1]. That report notes that during April he distributed a ‘Draft Provisional Text’ based on the discussions within the OEWG-RC for consideration by delegates to the Fifth Review Conference. As usual, there is a substantial document prepared by the Technical Secretariat on the ‘Review of the Operation of the Chemical Weapons Convention since the Fourth Review Conference’ [WGRC-5/S/1]. The Scientific Advisory Board has reported to the Review Conference [RC-5/DG.1], as in previous years, alongside the formal response by the Director-General [RC-5/DG.2]. These plus other official documents from the Review Conference, as well as papers and statements where the presenters have wanted to make them public, are available from the OPCW website at <http://www.opcw.org>.

The Fifth Review Conference will be starting just days after the formal ceremony to mark the opening of the new OPCW Centre for Chemistry and Technology, often referred to as the ‘ChemTech Centre’. The ceremony was led by His Majesty King Willem-Alexander of the Netherlands with Ministerial-level representation from a number of countries – a clear indication of the perceived significance of the new Centre.

Some issues at the Fifth CWC Review Conference

This should be the last Review Conference that has to deal with questions of destruction of stocks of chemical weapons declared by the original state parties as the USA has indicated that its final destruction activities will be completed this year – a position publicly restated by President Biden on Friday.

There are issues relating to Syria which are the subject of strongly-held divergent views for which there are essentially two clusters of perspectives – those that find the evidence for use of chemical weapons in Syria by government forces to be compelling and those that deny such use. The establishment of the Investigation and Identification Team (IIT) via a vote at a special session of the Conference of States Parties (CSP) in June 2018 is a particular source of contention. This has led to a number of votes within later CSPs on budgets as the minority of CWC states parties that remain opposed to the decision to establish the IIT oppose expenditure within the budget on its activities. The majority of states parties consider that the declarations by Syria on its past chemical-weapons-related activities remain incomplete which has led to the removal of certain privileges under the Convention for that country.

The allegations of use of nerve agents known as ‘novichoks’ to target individuals in the UK and in Russia are also subject to divergent views.

While the issues noted above make the headlines, the bulk of the work of the OPCW remains relatively routine – such as programmes of industry inspection, assistance and protection against use or threat of use of chemical weapons, and international cooperation on the peaceful uses of chemistry. Each of these has some differences in emphasis between delegations in relation to at least some aspects and future operations in each would benefit from consensus guidance by the Review Conference. While the controversies are significant, it is these more routine activities the underpin the day-to-day operations within the Convention and it is important that they are not forgotten amidst the controversies.

There are also issues where operational effectiveness may be enhanced by reconsideration of past policy decisions in the light of experience. An example of this would be the tenure policy that prevents staff remaining at the OPCW for more than seven years. When this was introduced it was described as being to prevent the OPCW becoming a career organization. However, a consequence of the tenure policy has been to make retention of certain skill sets more difficult and there have been some suggestions of whether greater flexibility in its implementation may be beneficial.

All treaties prohibiting classes of weapons require action at the national as well as the international level and the importance of national implementation obligations has been the focus of many CWC discussions. There many states parties with incomplete national measures and the changing science and technology context means that every country should be carrying out regular reviews of measures to help keep them effective.

Prospects for outcomes of the Review Conference

In addition to the issues noted above for which there are strong divergences of perspectives, the contemporary geo-political situation has resulted in significant tensions between countries which are likely to influence proceedings in the Review Conference.

A key activity of Review Conferences across the realm of international security is the preparation of a final document to be adopted by consensus. In current circumstances, the prospects for an all-encompassing final agreement are low. This is disappointing to many in this field as the benefits of clear strategic guidance from the Review Conference would be substantial.

Where consensus might be reached, it would be short-sighted not to take up the opportunity to adopt a decision on a particular issue. However, with difficult issues on the table, there may well be delegations which will take the position that nothing is agreed until everything is agreed. While there have been votes in annual sessions of the CSP on substantive matters, past practice for Review Conferences has been to operate on the basis of consensus on substantive matters. In the run-up to the Review Conference, representatives of some states parties have expressed interest in exploring adoption of a final document by voting. While some see benefits of voting on substantive matters at the Review Conference, others see political costs.

This is the first report from the Fifth Review Conference for the Chemical Weapons Convention being held in The Hague from 15 to 19 May 2023. These reports are written by Richard Guthrie of CBW Events who is solely responsible for their contents. The reports are available via <http://www.cbw-events.org.uk/cwc-rep.html> which includes a subscription link to receive the reports via email. The author can be contacted via richard@cbw-events.org.uk.