

CWC CSP-24 Report

The closing day of the CSP and some reflections

The fifth and final day of the Twenty-fourth session of the Conference of States Parties (CSP) for the Chemical Weapons Convention (CWC) was held on Friday 29 November. The morning started with the 'Day of Remembrance for All Victims of Chemical Warfare' ceremony in the Ieper Room of the headquarters building of the Organization for the Prohibition of Chemical Weapons (OPCW) and in the memorial gardens behind the building. This ceremony is held each year and is a reminder of the reason as to why the CWC and OPCW exist.

The plenary proceedings started with reports from the Credentials Committee and the Committee of the Whole, the latter being extremely brief as no matters had been delegated to that committee at this CSP. The USA took the floor under discussion of the Credentials Committee to state it did not recognize the government of Venezuela. This intervention prompted responses that this was introduction of bilateral politics into a multilateral forum. The Chair of the Scientific Advisory Board, Cheng Tang, reported on the activities of the Board and highlighted the need for scientific literacy in diplomacy.

Under the agenda item 'Any other business' (AoB) there was considerable discussion focused on public allegations that had been made about whether the OPCW's investigation arrangements were operating correctly. Those promoting recognition of such claims within the CSP suggested that they indicated that there may be incorrect conclusions drawn in investigations. Those rejecting such claims suggested that they were being publicised in an attempt to undermine the independence of the Organization and to spread confusion in relation to allegations of uses of chemical weapons.

In addition to this discussion, Russia made a statement on the subject of countering chemical terrorism of behalf of about two dozen countries [the exact number was slightly unclear because of technical issues.] Some other delegations responded to this stating that, while terrorism was of concern, the past and possible future uses of chemical weapons by states was also of concern.

Adoption of the report

The afternoon session was convened half an hour early from the lunch break to discuss adoption of the report of the CSP. Much of the report was strictly procedural – for example, which delegations spoke under which agenda item. Such a report makes it relatively easy to understand what might have been the subject matter of a statement under a specific agenda item, but harder under when the agenda item is AoB and it was not possible to find consensus text relating to the subject matter of the interventions made under this agenda item. Once the report was adopted, the CSP closed at 17.14.

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.

Although the CWC is operating in particularly challenging circumstances, the CSP turned out very much as might have been expected. There were strongly held views expressed and the key to divergence was the June 2018 attribution decision. One issue that could have generated controversy – the updating of Schedule 1 to add families of

chemicals which included the poison used in Salisbury, UK – was resolved relatively calmly. A year ago few would have predicted that there would be adoption of parallel decisions by consensus on this issue

The states parties opposed to the June 2018 attribution decision claim that the CWC is being politicized by that decision and the processes that led to it. It is a straightforward argument and compelling for those who don't follow the CWC closely. Indeed those processes have led to a succession of later votes which continue to divide states parties. However, the counter-argument is also compelling – that the use of particular weapons by any state party to a convention that prohibits such weapons is the most politically charged act that can be carried out within the realm of arms control and disarmament. How are the supporters of the prohibition expected to react?

If there is to be a return to the practice of consensus decision making, perhaps a precondition would be for there to be no further breaches of the Convention, whether through undeclared chemical weapons-related activities or through the use of chemical weapons. Whether any individual allegation is provable as a breach is for the international system to assess, and the processes to investigate and evaluate any allegations need to be allowed to run their course. Consensus decision making is impossible within any international convention in circumstances where a state party is flouting the provisions of the treaty, as that state party would never join consensus to counter the breach. Which is more important – upholding the key prohibitions of a treaty or achieving consensus decisions? It is impossible to have both.

Just as history condemns those who used chemical weapons in the First World War or the Iran-Iraq War, history will condemn those who have used chemical weapons in recent years. Moreover, the shame that lingers around the individuals with political influence in the 1980s who knew that Iraq was using chemical weapons – but decided that other political aims were more important than bringing the chemical atrocities of that era to an end – will be shared by those that have stood by and not taken steps to counter the chemical atrocities of recent years.

The Fact-Finding Mission (FFM) report on events in Douma, Syria in April 2018 is more controversial than any of the earlier FFM reports. Earlier FFM reports and the work of the Joint Investigation Mechanism (JIM) are accepted by most states parties and most external analysts to have shown that chemical weapons were used within the territory of Syria, with clear conclusions by the JIM that they were used by government forces. Syria and its close allies have repeatedly denied such use and claim flaws in the investigation processes. Those denying such use form a small minority of CWC states parties. There is much that is not yet public about the Douma investigation by the FFM. In part, this is because the new Investigation and Identification Team (IIT) established following the June 2018 attribution decision will be looking further at the available evidence and can be expected to report in due course. Recent claims about disagreements within the OPCW as to what conclusions could be drawn from the available evidence deserve a response. Hopefully, once the IIT has produced its report on Douma the situation will become clearer.

The blocking of attendance by a number of NGOs at the CSP was unprecedented and in the long run could further isolate international arms control from public engagement. This is not in the interests of global security.

Amidst all of the controversy, there is an important point worth emphasizing – while the controversial matters make the headlines, the bulk of the work of the OPCW remains routine – such as programmes of industry inspection and monitoring of ongoing destruction of the last declared chemical weapons stockpile. There is also much work in other fields such as assistance and protection against use or threat of use of chemical weapons (CWC Article X) and international cooperation on the peaceful uses of chemistry (CWC Article XI). It is important that the routine activities are not forgotten amidst the controversies.

This is the sixth and final report from the Conference of States Parties (CSP) for the Chemical Weapons Convention being held in The Hague from 25 to 29 November 2019. These reports are written by Richard Guthrie of CBW Events on behalf of the CWC Coalition of NGOs. The reports are available at <<<http://www.cbw-events.org.uk/cwc-rep.html>>>. The author can be contacted via <<richard@cbw-events.org.uk>>.