

CWC Review Conference Report

The second week: start of the Committee of the Whole

The first day of the second week of the Third Review Conference for the 1993 Chemical Weapons Convention (CWC) saw a full day of the Committee of the Whole with Ambassador Sa'ad Al Ali (Iraq) in the Chair. The Committee met in the Ieper Room in the OPCW Building rather than the main hall in the Convention Centre next door.

All treaty regimes have their own procedures for how they carry out the line-by-line negotiations of documents from their meetings. For the CWC, the drafting work is the responsibility of the Committee of the Whole which then reports back to the plenary. It was announced last week by the Chair of the Conference, Ambassador Krzysztof Paturej (Poland), that he expected the Committee of the Whole to take four days of work and report back to a plenary session on Friday 19 April. Ambassador Paturej also indicated that the section of the final document relating to the review of the operation (part B of the consensus text produced by the Open-Ended Working Group (OEWG) chaired by Ambassador Nassima Baghli (Algeria)) would be discussed in the Committee of the Whole before the political declaration (Part A of the OEWG text). However, the precise timetable will be within the remit of Ambassador Al Ali.

The OEWG held more than thirty meetings (and many delegations discussed matters between themselves before going into the OEWG meetings), and so the OEWG consensus text represents perhaps a hundred hours of time reviewing the Convention. On some issues it may be difficult to find consensus that goes far beyond the OEWG text, although the higher level of political representation at the Review Conference (and political attention from capitals) will inevitably alter the negotiating dynamic.

Unlike plenary sessions, which NGOs are allowed into, the Committee of the Whole meets behind closed doors. While there are clearly issues on which delegations disagree, the atmosphere in the building seemed positive. The tensions that were apparent at the same stage of the previous Review Conference in 2008 are not discernable.

Issues in drafting the final report of the Conference

The issues likely to be of most concern throughout the negotiating of the final report have been well flagged in the public, such as in the initial General Debate, in the discussions under agenda item 9 on the review of the operation of the Convention, and through national papers submitted to the Conference. Indeed, experience of review conferences within a variety of treaties indicates it is very rare for a new issue to be raised at this stage of a conference, although new aspects of an issue may be highlighted.

Discussions with delegates in the lounge indicated that there were a number of issues that would have to be handled with care. The most prominent example of this would be how the Review Conference refers to the recent developments in relation to Syria. This has been the subject of very high level discussion in the UN Security Council and it was suggested last week in the plenary session that there would be little point in reopening the debates that had been held there. Nevertheless, any text on a controversial matter that has been the subject

of extended, and somewhat divisive, debate at Security Council level would need extensive consultations between delegations and capitals as well as between delegations in The Hague.

The common method for dealing with a complex issue such as this is to appoint a facilitator to consult with interested delegations. This allows for progress on a specific subject without taking away time available for other subjects to be discussed in the meeting. To this end Ambassador Allen Wagner Tizon (Peru) has been appointed facilitator to consult on the Syria issues. In addition, Peter Goosen (South Africa) has been requested to carry out consultations on the political declaration ahead of its consideration by the Committee of the Whole.

With four days of Committee of the Whole scheduled and the underlying principle of negotiation that 'nothing is agreed until everything is agreed', experience suggests few firm decisions will be taken in the early days until delegations get a sense of where the ground lies. Unlike some negotiations where many delegations will have only a single issue as their negotiating priority, the issues under consideration within the CWC overlap each other and so the trade-offs between issues may be complex and not necessarily apparent to those not within the relevant meetings, whether the formal proceedings of the Committee of the Whole or informal consultations.

As well as issues relating to Syria, the Committee of the Whole also had some discussions on issues such as the Geneva Protocol, incapacitating chemicals and national implementation.

National Papers

With the Conference moving into closed discussions, there is space to examine some of the national papers submitted to the Conference. National papers are available via the OPCW website <<<http://www.opcw.org>>>.

A paper submitted by Armenia, Belarus, Iran, Russian Federation and South Africa on the Geneva Protocol is published as RC-3/NAT.7. The paper suggests that remaining reservations to the Geneva Protocol be withdrawn as any country that is a party to both the CWC and the Biological Weapons Convention will have renounced possession of all of the weapons that the Geneva Protocol relates to. [Remaining reservations are listed on pp 274-76 of the *CWC Resource Guide 2013*, available at <<<http://www.cwc2013.info>>>.]

There is always a difficulty with States Parties of one treaty making comments about another as memberships of treaties rarely coincide. However, the CWC makes direct reference to the 1925 Geneva Protocol in its preamble, bringing that treaty into the remit of the CWC Review Conference. Notwithstanding this, some governments consider it inappropriate for a meeting of one treaty to call for members of another to do something. In this case the paper calls for action only from those party to the CWC.

Issues surrounding other national papers will be examined in future *daily reports* as space permits.

Side events

There were no side events held on Monday.

This is the seventh report from the Third Review Conference of the Chemical Weapons Convention which is being held from 8 to 19 April 2013 in The Hague. They are prepared by Richard Guthrie of CBW Events for the CWC Coalition, a global network of non-governmental groups with an interest in the Convention. The reports are available at <<<http://www.cbw-events.org.uk/cwc-rep.html>>>. The author can be contacted during the Conference on +31 623 426 072 or <<richard@cbw-events.org.uk>>.