

CWC Review Conference Report

A plenary, consultations, Committee of the Whole and a new draft

The second Wednesday of the Third Review Conference for the 1993 Chemical Weapons Convention (CWC) started with a brief plenary meeting, extensive consultations and a further afternoon of the Committee of the Whole with Ambassador Sa'ad Al Ali (Iraq) in the Chair. A new version of the draft final document was circulated by Ambassador Al Ali after lunch, as had been predicted in the morning's plenary.

The morning plenary and the Credentials Committee

A brief plenary meeting took place at the start of the day as a formal decision was required to change the composition of the Credentials Committee. The Chair of the Conference, Ambassador Krzysztof Patulej (Poland), took the opportunity of the convening of the plenary meeting to get a report back from the Committee of the Whole (reported below).

The decision taken in plenary was that Senegal replace Rwanda owing to a rotation of personnel. The role of Credentials Committees at inter-governmental conferences is sometimes perceived as a simple, if perhaps boring, administrative process. However, there is an important purpose in checking that those present and participating in decision making have the relevant authority to be doing so. Without confidence in that authority there might, one day at some conference on some subject, be doubt in the legitimacy of the decisions.

Consultations on the political declaration

Consultations regarding the political declaration (part A of the final document) continued over lunch. Again the major area where consensus was hard to find was how the Review Conference should elaborate its position regarding the recent developments in Syria.

During the morning plenary, there was a request from the floor to move the consultations from the Ooms Room, which is relatively small, to the Ieper Room as that was not going to be used for the Committee of the Whole at the scheduled time. This was agreed.

The Committee of the Whole

In his report to the plenary meeting, Ambassador Al Ali (Iraq) indicated that the first reading of the draft text of the section on the review of the operation of the Convention (part B of the final document) was complete. A number of areas where further work was needed had been identified and consultations were taking place to find consensus solutions in all these areas. He asked for results from these consultations, if possible, before lunchtime so that they could be inserted into a new draft that would be available in the afternoon, by which time it would hopefully be possible to see the results of the facilitations on the political declaration. He warned that there may need to be extra hours of work that would have to be put in to finish the task before the Committee could report back to the plenary on Friday.

After lunch, the Committee of the Whole convened for a relatively short meeting. A new text was circulated amongst delegations. This text, referred by some as 'the composite text', was taken away by delegates for consideration with the plan to restart the Committee of the Whole at 9.30 am, earlier than usual, with a warning that the working day may go on until 9.30 in the evening.

It is not uncommon for review conferences such as this one to go into late night consultations on the penultimate day, sometimes well past midnight. The great difficulty of the 2008 CWC Review Conference was that there were still back room discussions on a wide range of issues between a small group of delegates on the evening of the last day, forcing the conference to 'stop the clock' to reach a result early on the Saturday morning and leaving the majority of delegations with a 'take it or leave it' option on the final text. A significant advantage of the current conference is that all delegations have been involved in the review of all major issues.

Prospects for the Review Conference

There is one issue still under discussion for which the solution seems hard to predict.

Aside from that issue, the Conference appears plausibly to be on track for the adoption of a final document, referred to by some as the 'outcome document', at a plenary session on Friday. This won't necessarily be an easy task. There will need to be some final areas of work which will result in further amendments but, as noted before, most areas have potential solutions identified. How these potential solutions fit within the trade-offs between delegations is not yet totally clear. These are multilateral negotiations with multiple issues under consideration. However, these issues have found workable precedents either within the CWC or within related treaty regimes and so there are realistic grounds to anticipate they will be resolved, even if they are not resolved to everyone's total satisfaction.

There will also be questions of balance once another round of amendments have been put into place – is there one group of states or one particular perspective on issues that has been favoured by the text in the final document? If the text is perceived to be out of balance this could prompt some further negotiation which could take additional time. However this should only delay the adoption of a final document, not prevent it.

The one issue that plausibly could cause a significant hindrance to the adoption of a final document is how the Review Conference refers to the recent developments in Syria. There are a number of influences here. One is the perspective of some States Parties that this is the most serious challenge to the CWC since it entered into force and so any reference must be robust. Another perspective is that the CWC States Parties should not hold governments outside the Convention to the same values. The overall political situation within the Middle East adds complexities, especially when it comes to suggestions of naming any one state.

If a solution can be found to the reference to these recent developments then the prospects for the Review Conference are good.

The Review Conference and the CWC

In general terms, five-yearly Review Conferences of the treaties relating to the control of 'weapons of mass destruction' are the ultimate decision-making bodies as no other meetings have powers to take substantive decisions, including those on budgets. This is not the case here. For the CWC and its implementing body, the Organization for the Prohibition of Chemical Weapons, most of its key decisions, such as the budget, are taken at the regular annual session of the Conference of the States Parties (CSP). The Review Conference, while technically a special session of the CSP, takes no budgetary decisions, although a decision in the final document could have budgetary influence.

Side events

There were no side events held on Wednesday.

This is the ninth 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>>.