

# CWC Review Conference Report

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## Late into Friday night: the closing of the Review Conference

The closing day of the Third Review Conference for the 1993 Chemical Weapons Convention (CWC) went up to the wire, with proceedings formally finishing at only two minutes before midnight. The two matters under consideration during the day were the reference to the situation in Syria and the issue of the use of toxic chemicals in law enforcement.

This report will cover the closure of the Conference. An additional report will examine some issues from the Review Conference and contain some reflections.

### **The Committee of the Whole and informal consultations**

The day started in a relatively positive manner with an informal consultation on the use of toxic chemicals in law enforcement. This consultation, held in the Ooms Room in the OPCW building, produced a text that had been agreed by all participants in it, including the US delegation. However, later in the day the US delegation suggested that there were legal issues that were raised by the agreed text and that there would need to be guidance from Washington.

When the Committee of the Whole convened in the Ieper Room shortly after midday, the situation in Syria remained the predominant focus of attention. Delegations in The Hague had been left waiting while capitals considered whether the text that had been agreed during Thursday evening would be acceptable. By early Friday afternoon, a number of Western governments had indicated they were hesitant in accepting the text that was in front of them. This was causing concern amongst these countries as it was hard to see how the text on Syria could be strengthened – it had been the subject of hours of negotiations and further concessions from those opposed to strengthening it were unlikely – and if they were to not accept the text they would be seen as the countries blocking consensus. By late afternoon, it seemed that the only major delegation that was awaiting information from their capital regarding the reference to Syria was that of the USA.

The gathering in the Ieper Room met in a variety of guises. It started as the Committee of the Whole with Ambassador Sa'ad Al Ali (Iraq) in the Chair but at other moments changed to being a consultation on the Syria issues chaired by Ambassador Peter Goosen (South Africa). Apart from a brief comfort break, the delegates remained in the Ieper Room for nearly seven hours, all of it behind closed doors. As time went on, the meeting became increasingly fractious, leading to fears that the chances of a consensus outcome were fading away rapidly.

By late evening, in a bid to promote consensus, the delegation of Switzerland, with great dignity, withdrew its proposal for text on the use of toxic chemicals in law enforcement under the Convention. It had been clear that unless the US delegation received guidance soon they could not accept it and it was not clear how long the guidance might take to arrive. The Swiss received a round of applause for this that could be heard in other parts of the building.

The text that was in place on Syria at the end of the Committee of the Whole was that the States Parties: 'Recalling the Thirty-Second Meeting of the Executive Council, reiterated their deep concern that chemical weapons may have been used in the Syrian Arab Republic and underlined that the use of chemical weapons by anyone under any circumstances

would be reprehensible and completely contrary to the legal norms and standards of the international community.’ There was a second paragraph that expressed support for the assistance given by the OPCW to the UN Secretary-General under paragraph 27 of Part XI of the Verification Annex of the Convention.

### **The plenary meeting**

During the evening it was announced that a plenary meeting would be scheduled for 21.00, which would consider the draft report on a ‘take it or leave it’ basis. In the event, the plenary convened at 21.35 with Ambassador Krzysztof Patulej (Poland) in the Chair and by 21.41 had approved the report of the Committee of the Whole, essentially accepting the draft text for the final document.

This decision was followed by a run of statements given in the following order: United States, Australia, Ireland (on behalf of the EU), Italy, Canada, Japan, United Kingdom, Netherlands, Chile, India, South Africa, Germany, France, Republic of Korea, Cuba, Mexico, Argentina, Brazil, Norway, Tunisia, New Zealand, Iran, Switzerland, Sweden and Peru – the largest number of statements this author can recall being given at this stage of a review conference.

The majority of these statements expressed a desire that the language in relation to should have been stronger Syria. Ambassador Robert Mikulak (USA) stated that the agreed language ‘fell short’ of what the CWC committed its members to and quoted the preamble of the Convention: ‘for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons’. Other delegates were similar in their words, for example, Australia expressed that it was ‘frankly disappointed’ in the Syria reference and Germany said it was ‘deeply disappointed’. There were also many references by these and similar states about things that they felt were missing from the final document, such as any substantive reference to the UN Secretary-General speaking at the Review Conference or to the need for Syria to keep its acknowledged stocks of chemical weapons in a secure manner. Ambassador Bhaswati Mukherjee (India) compared the outcome with what had happened at the previous Review Conference in 2008 and called the result this time an ‘outstanding document’ and noted ‘we have spoken with one voice on Syria, is that not an achievement?’ Ambassador Peter Goosen (South Africa) invoked the spirit of Madiba (Nelson Mandela) stating that delegates should ‘celebrate what unites us’ not what divides. He said that the text on Syria was strong, stating that ‘deep concern’ were strong words and that the term ‘reprehensible’ carried a strong sense of condemnation.

Switzerland expressed its ‘extreme regret’ that the Conference had failed to adopt a paragraph on incapacitating chemical agents. Statements of regret on this issue were also made by New Zealand and Norway. On the subject of the greater access for civil society at this Conference, a very positive statement was made by India, a country not normally associated with such a position.

Following these statements, OPCW Director-General Ahmet Üzümcü addressed the Conference. He called the reaching of agreement on the report ‘a major achievement’ taken in a spirit of cooperation and consensus, and described the text as ‘substantive and forward looking’. He made two announcements: that destruction of chemical weapons in Libya had resumed that day; and that Somalia had announced it would be joining the CWC, although no timing was specified.

A number of formal decisions were taken. The most significant of which was the formal adoption of the final report on which Ambassador Patulej brought down the gavel at 23.41. After traditional closing statements from the five regional groups, given by Pakistan, Poland, USA, Algeria and Uruguay, the meeting was closed at 23.58.

*This is the eleventh report from the Third Review Conference of the Chemical Weapons Convention which was 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 via <<[richard@cbw-events.org.uk](mailto:richard@cbw-events.org.uk)>>.*