

# CWC Review Conference Report

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## The Third CWC Review Conference: issues and reflections

This last report examines some issues from the Third Review Conference for the 1993 Chemical Weapons Convention (CWC) and provides some reflections.

The final document includes procedural aspects, the political declaration (17 paragraphs) and the review of the operation of the CWC (136 paras). It is the latter two of these that will be focused upon here. The previous Conference in 2008 had been unable to agree a political declaration. The review section has a more logical structure than in 2008 with each section ending with a paragraph that contains recommendations and actions, although the negotiating process blurred the distinction of these paragraphs.

### **Syria**

With the recent history of debate in the UN Security Council on the issue of Syria, it was clear that there were going to be divergent views on how this topic could and should be handled by the Review Conference. With 129 States Parties attending, it was never likely to be able to move any consensus conclusions further than the 15 members of the Security Council had been able to.

### **Article XI**

The proposal for a plan of action on Article XI was heavily promoted by the non-aligned States Parties and by Iran in particular. There were moments during discussions on the final document that Iran was connecting the plan of action to most other issues, suggesting progress on the plan of action was key to its agreement in other areas. The end result was similar to the situation in the Biological Weapons Convention (BWC) when a similar action plan proposal was introduced in that forum. The plan itself was not adopted, but some language from elements of the plan were incorporated into the final document text.

While there is strong support for making implementation of this article more effective, there remains a question, as in the similar discussions in the BWC context, as to what 'full implementation' of this article really means.

### **National implementation**

The need for improvements in the levels of national implementation was strongly pressed by many western governments. There was concern that countries might be criticised in some way for not having made better progress in this area. The final text uses terms such as 'called upon' and 'encouraged' in relation to improvements required in national implementation.

The review section acknowledges the role of 'education, outreach and awareness-raising' in national implementation.

### **Incapacitants**

The last version of language, as accepted within the informal consultation on Friday morning, noted the issue 'could be discussed by meeting of governmental experts of States Parties, operating on the basis of consensus' and that a 'factual report' from any such meeting would be forwarded to the Executive Council for consideration. At least part of the difficulty that the US delegation had with this language is that it could have also included discussion of riot-control agents (RCAs) within the meetings.

An evolution in the discussion of this issue has been that policy in this area has been clarified by some States Parties. For example, Germany and the United Kingdom both indicated they would not use incapacitating chemical weapons more toxic than would fit the definition of RCAs for law enforcement. This may prompt others to review their policies. Germany produced a paper 'Toxic Chemicals for Law Enforcement' (RC-3/NAT.44).

### **Destruction of chemical weapons**

The final document notes that the Director-General can 'confirm' that the Libya, Russia and the United States 'have taken the necessary measures to meet the planned completion dates for their destruction activities'. However, there were concerns raised by a number of delegations during the Conference that these dates may not be met.

### **Reflections**

A conscious effort is taken in writing these daily summaries to report the facts and not give opinion. However, there are many times that the question is raised – 'so what do you think about what happened?' While the role of a commentator should be to try to report what is happening in an impartial manner, there are times that this style of reporting does not convey some significant points. The following are some personal reflections that do not necessarily represent anyone's views other than the author's own.

The core function of the Review Conference is to review both the past and to consider implications for the future. The process and procedures of both the Review Conference and the preparatory activities beforehand provided opportunities for a thorough examination of the CWC and its operations. All discussions were open to all delegations on all of the key areas of work. This was a distinct improvement on 2008 in which much of the language of the final document was decided by a small group of delegates in a side room.

The basic administration functions of the Conference, such as timely production of documents for discussion in the main meeting rooms, was excellent, ensuring focus was on the issues under debate rather than having momentum to fade while printed papers were awaited.

The decision on greater participation by civil society and industry was significant. While many will focus on the opportunity to address a plenary meeting as a highlight, the decision allows for a much greater interaction. More meetings were held in open session in 2008 than in 2013, although not as many as at the equivalent BWC conference. It was unfortunate that what should have been an open discussion on general obligations was held in a classified session as a later agenda item required the meeting to be held in this mode. The logistics of holding a classified meeting are complicated and there are logical reasons why starting a session in classified mode is simpler than making the transition part-way through. If, instead, the classified material had been discussed at the beginning of the session, all of the open topics could have been discussed in open session.

The aim of the Swiss proposal on incapacitants, as elaborated in November, was to promote debate – and there certainly has been that. Indeed this has been the most extensive debate between States Parties on the issue since the Convention entered into force in 1997. By that measure alone, the efforts to promote consideration of the subject matter can only be rated as a success. Nonetheless, it would have been a greater success to have had specific language in the final document. The issues of incapacitating chemicals in law enforcement are complex ones that will take some years to resolve. The potential for these issues, if unresolved, to slowly and subtly undermine the Convention is now much more widely recognised. This is good for the long-term health of the treaty regime.

*This is the twelfth, and final, report from the Third Review Conference of the Chemical Weapons Convention, held from 8 to 19 April 2013 in The Hague. They were 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)>>.*