

CWC CSP-24 Report

The 24th Conference of States Parties: setting the scene

The twenty-fourth session of the Conference of States Parties (CSP) for the Chemical Weapons Convention opens on Monday. The CSP is a major policy-making body for the operation of the Convention, second only in significance to the five-yearly Review Conferences. Annual CSP sessions are usually scheduled for five working days but are sometimes concluded in four. As CSP-24 has items on its agenda during the week for which there are significant divergences of views it is possible that this session could take all of the available time. The CSP is being held at the World Forum Convention Centre which is situated next door to the headquarters building of the CWC's implementing body, the Organization for the Prohibition of Chemical Weapons (OPCW). Official documents are available from the OPCW website <<<http://www.opcw.org>>>.

These CWC reports, printed on a different colour of paper each day, are usually done only for the Review Conferences. In 2018, the annual CSP was held immediately preceding the Fourth Review Conference, and so in those circumstances it seemed sensible to cover the CSP as well as many subjects would be discussed in both. Following positive feedback from the reporting of that CSP, the CWC Coalition, a global network of non-governmental groups with an interest in the Convention, has decided to extend reporting to cover this CSP. Owing to the brief timescale to prepare a report for circulation each morning about the activities the previous day, each report is the responsibility of the author rather than the coalition as a whole. The link to current and earlier reports is printed overleaf.

Impact of events in 2018

As noted above, every five years, the CWC holds a Review Conference to provide a strategic overview for the Convention, its provisions and the context it is operating within. The Fourth CWC Review Conference (RC-4) was held in The Hague in November 2018. It was unable to reach a consensus outcome for a final report. The primary divergence of views was focused on the issue of attribution of use of chemical weapons. RC-4 had followed on from other CWC meetings held earlier in 2018. The first, in June, was a special session of the CSP, the fourth such session convened since the start of the Convention and known, for short, as C-SS-4. The special session adopted measures empowering investigations by the OPCW to indicate attribution for use of chemical weapons where the evidence allowed for such a conclusion. The decision bears the document number C-SS-4/DEC.3. The adoption of these measures came at a political cost as the only means to adopt them was to take a vote as a number of states parties opposed the decision. The second of the other meetings was the twenty-third regular session of the CSP which was held immediately before the Review Conference. The agenda of CSP-23 included adoption of the budget for the OPCW for 2019 which included funds for attribution activities in line with the June decision. Owing to the divergence of views on the June decision, the budget was unable to be adopted by consensus, creating further political tensions. Some of the same divergences of positions are likely to be reflected in the debate over the OPCW budget for 2020 and 2021 at this CSP now that the OPCW is moving to a two-year financial planning cycle.

The attribution issues stem from issues relating to investigation of alleged use of chemical weapons. As noted above, these issues have attracted a high level of political

attention. One particular activity that has been the focus of controversy has been the OPCW investigation of the alleged use of chemical weapons in Douma, Syria, in April 2018 through an arrangement known as the “Fact-Finding Mission” (FFM). The FFM has been the primary arrangement for investigating alleged uses of chemical weapons in Syria since 2014 and reported findings that chlorine had been used as a chemical weapon in Douma. In broad terms, the states parties that believe that Syria has been using chemical weapons support the work of the FFM; those that believe the allegations against Syria are unwarranted claim the FFM process is flawed.

Just as any investigatory activity has a need for some operational secrecy, there are clearly some aspects of FFM work that cannot be carried out in the full glare of publicity. There are also security concerns relating to planning of activities as chemical weapons-related investigations have come under physical attack in Syria; indeed, the first FFM mission was attacked on 27 May 2014 with one vehicle damaged to make it unusable and another damaged but drivable but no significant injury to the occupants of either. One challenge is that the information vacuum may end up being filled with speculation and misunderstandings but also, potentially, disinformation. There have been public claims that some information wasn't considered by the FFM and other claims that pressure was put on inspectors to come to particular conclusions, but the available verifiable information is insufficient to independently confirm or refute such claims. Divergent positions are likely to be taken on these issues by delegations during the CSP.

The current situation within the CWC highlights a fundamental challenge to any regime controlling weapons – how does an international treaty and associated arrangements that have traditionally operated on a basis of consensus deal with a situation in which one or more states parties is believed by some of the other states parties to be not only maintaining capabilities relating to the prohibited weapons but are also believed to have used them?

Schedule amendments

A further event of 2018 to have an impact on the CWC was the poisoning of Sergei and Yulia Skripal in the city of Salisbury in the United Kingdom. The poison, as identified by a number of labs, is a chemical not on the Schedules of the CWC and is said to be one of a group of compounds known by the term “Novichok”. While all toxic chemicals are chemical weapons under the Convention if they are used to cause harm to humans or animals by their toxic nature, there are a number of operational arrangements that relate to chemicals on the Schedules. Two proposals were put forward to amend the Schedules: one by Canada, the Netherlands and the USA would add two families of chemicals to Schedule 1; the second by Russia would add five families. Both amendments include the chemical used in Salisbury. The Canadian/Dutch/US proposal was adopted by the Executive Council on 14 January this year. There was a debate about the Russian proposal with many delegations content with adding the first four families but raising questions about whether the fifth met the criteria for addition to Schedule 1A. When it was put to the vote at the Executive Council on 25 February this year the proposal was not adopted. Both Executive Council decisions were objected to (by Russia and Burundi, respectively) on 9 April, meaning they need to be discussed (and if necessary voted on as a matter of substance) at the CSP. More recently, Russia circulated information to states parties that suggested changes to its proposal for the fifth group. This further information was not made public, but prompted positive reactions from the US (one of the proposers of the other amendment) and the UK (seen as a bellwether on these amendments as it was the country in which the poison was used) in public statements to the Executive Council. This opens up the possibility that both amendments could be adopted at the CSP at the same time.

This is the first report from the Conference of States Parties for the Chemical Weapons Convention being held in The Hague from 25 to 29 November 2019. These reports have been produced for all CWC Review Conferences since 2008 and CWC CSPs since 2018 and are written 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, together with those from earlier meetings and an email subscription link, are available at <<<http://www.cbw-events.org.uk/cwc-rep.html>>>. The author can be contacted via <<richard@cbw-events.org.uk>>.

CWC CSP-24 Report

The first day: the opening of the general debate

The twenty-fourth session of the Conference of States Parties (CSP) for the Chemical Weapons Convention opened on Monday morning in The Hague. The bulk of the day was taken up with the “general debate” – an opportunity for delegations to make opening statements in public session on any aspect of the Convention and its operations. After the formal CSP proceedings there was the annual presentation ceremony for the “OPCW–The Hague Award”.

The first formal task of the CSP was to elect Ambassador Krassimir Kostov (Bulgaria) as its Chair. A number of other formalities were completed, such as decisions on attendance of observers. After the decision on access by NGOs, Ireland took the floor to make an intervention on behalf of 43 states parties. The decision had reflected that some NGOs had been blocked from attending the CSP and the Irish intervention expressed concern that past decisions on access were being “undermined by certain States Parties that are blocking the accreditation of some NGOs” and that it was important for the CSP to hear a diversity of voices. Russia suggested that some NGOs hindered the work of the OPCW by introducing politics into the technical work of the Organization. Syria suggested that NGOs should not level accusations against states parties. NGO access was also raised by a number of delegations during the general debate.

After a few further formalities, OPCW Director-General Fernando Arias then gave his opening statement to the Conference. Some points from this statement are covered in the thematic discussion below. His statement, along with general debate statements (if those giving the statements request it), will be posted to the OPCW website <<<http://www.opcw.org>>>.

The general debate

The general debate offers the chance for delegations to make statements to outline their positions. With the general debate continuing into Tuesday, it is difficult to come to any conclusions relating to any predominant themes. As well as there being more statements to come, there may be an element of chance as to whether delegations interested in any particular aspect happened to all speak on one particular day or another. Nonetheless, there were a number overarching themes; some of which will be examined here and some in the next daily report. There were also some notable points from individual statements. The session started with group statements from: the European Union; Azerbaijan on behalf of the CWC states parties that are members of the Non-Aligned Movement (NAM) and China; and Sudan on behalf of the Africa Group. These were followed by national statements from: Iran, Iraq, China, Slovenia, Australia, Vietnam, USA, UK, Russia, Republic of Korea, United Arab Emirates, Saudi Arabia, Spain, France, Ireland, Indonesia, Botswana, State of Palestine and Guatemala.

The EU noted that its member states contributed some 40% of the OPCW regular budget as well as providing voluntary contributions. The Azerbaijan statement was its first since taking over as NAM convenor after the Baku summit in October. The USA talked of a “priority to restore deterrence against the use of chemical weapons” and suggested that Myanmar had a past chemical weapons programme that was undeclared.

Use of chemical weapons – many statements made references of regret that recent years had seen use of chemical weapons in Iraq, Malaysia, Syria and the UK.

France referred to a recent expert level meeting in Paris under the auspices of the “International Partnership against the Impunity for the Use of Chemical Weapons”.

Schedule amendments – there were many statements in favour of adopting the two proposals for amendments to the Schedules [one by Canada, the Netherlands and the USA, the other by Russia (as updated)], with some suggesting both could be decided on the same fall of the gavel. There were no overt statements against the adoption of these amendments. The tone of the contributions provided a strong indication that these proposed decisions might be adopted by consensus.

Investigations of alleged use – many statements welcomed the establishment of the OPCW Investigation and Identification Team (IIT) following the decision of June 2018, with some noting that the publication of its first report will be a significant step. Australia noted that Syria had refused a visa for the IIT team leader. Some delegations noted that the IIT would be looking further at the events in Douma on 7 April 2018. The Fact-Finding Mission (FFM) report into Douma was the subject of significantly divergent views; for example, it was described by Russia as “a distorted image of reality” whereas France called the work of the mission “rigorous” and the UK expressed “full confidence” in the women and men in the Technical Secretariat, including the FFM. In his opening statement, the Director-General had suggested the FFM report provided “reasonable grounds” that chemical weapons had been used and that he stood by the conclusions of the report. Russia suggested that if the IIT were to be funded from voluntary contributions it would lead to investigators being hired to prepare “made-to-order” reports.

Gender balances – there were many more references to this than in recent years. It was notable that many of the delegations that in the past would have called for equitable geographical distribution of employees within the OPCW were this time adding balanced gender representation to this call. The Director-General had noted that females now hold half of the senior management posts in the Technical Secretariat.

Destruction of chemical weapons – the Director-General had noted that 97 per cent of declared stocks had now been destroyed under international supervision. This was noted by a number of delegations as a remarkable achievement. There were some calls for all remaining stocks to be destroyed at an accelerated pace. The key area of stockpile destruction yet to be completed are the remains of the USA's Cold War-era chemical weapons. Iran, for example, described any remaining chemical weapons as “a threat to international peace and security”. The ongoing destruction of World War II-era chemical weapons abandoned by Japan on the territory of China was noted.

The OPCW–The Hague Award

The annual “OPCW–The Hague Award” is to honour and recognise individuals and organizations that have made “an outstanding contribution to achieving a world free of chemical weapons”. It was established, in partnership with the City of The Hague, as an enduring legacy of the OPCW being awarded the 2013 Nobel Peace Prize.

The joint recipients of the 2019 OPCW–The Hague Award are Cheng Tang (China), Robert Mikulak (USA), and the International Union of Pure and Applied Chemistry (IUPAC). The recipients were presented with their awards in a ceremony with the OPCW Director-General and the Deputy Mayor of the City of The Hague.

Side Events

Usually in these reports it is useful to list side events taking place as an indication of the topics gaining most attention. However, the list of side events at this CSP is too long to be able to note them individually. For example, on Monday there was 1 breakfast event, 2 at lunchtime and 1 in parallel with the afternoon plenary session. On Tuesday, there is 1 breakfast event scheduled, with 6 at lunchtime and 1 in the evening (as well as a concert).

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CWC CSP-24 Report

The second day: continuation of the general debate

Tuesday, the second day of the twenty-fourth session of the Conference of States Parties (CSP) for the Chemical Weapons Convention, was spent almost entirely on further statements made in plenary session as part of the general debate.

Before the resumption of the general debate, the CSP heard from Izumi Nakamitsu, the UN High Representative for Disarmament Affairs, who noted that the OPCW Director-General had briefed the Security Council on the work of the Organization earlier in the month. She underscored that the UN Secretary-General had “full confidence in the professionalism, objectivity and impartiality of the work of the OPCW”. She remarked that the work towards a chemical-weapon-free world was far from complete and emphasised “the international norm against chemical weapons has been repeatedly challenged by their use, with impunity, in the Syrian Arab Republic” and that it “remains imperative to ensure that those who use chemical weapons are identified and held accountable”. She made a plea to delegations to “engage in dialogue between each other and with the OPCW Secretariat to ensure the full implementation of all decisions adopted by Conferences of States Parties, including decision C-SS-4/DEC.3” (the June 2018 decision) and indicated that access to Syria should be granted to the Investigation and Identification Team (IIT) “without restrictions or impediments to perform its mandate”.

Further themes from the general debate

The reporting here looks at further themes in the general debate following discussion in the previous daily report on: use of chemical weapons; schedule amendments; investigations of alleged use; gender balances; and destruction of chemical weapons. The delegations making statements in the general debate on Tuesday were: Bahrain, the Philippines, India, Uruguay, Colombia, New Zealand, Sweden, Luxembourg, the Netherlands, Germany, Portugal, Pakistan, Malta, Cuba, Panama, Brazil, Poland, Ukraine, Fiji, Syria, Malaysia, Switzerland, Japan, Argentina, Kenya, Bangladesh, Peru, Uganda, Myanmar, Bosnia Herzegovina, Czech Republic, Albania, Lithuania, Kazakhstan, Morocco, Norway, South Africa, Turkey and Algeria. At the end of the day the Chair of the CSP, Ambassador Krassimir Kostov (Bulgaria), read out a list of 25 further states parties that wished to make statements, meaning the general debate will take up a significant proportion of Wednesday. While the majority of the reporting here takes details from statements made on Tuesday, there is also reflection of some points made on Monday. Further themes will be discussed in coverage of the third day of the general debate and these will include aerosolized use of central nervous system-acting chemicals, the revitalized facilitation framework and the budget for 2020.

Myanmar – following the statement by the USA on Monday alleging that Myanmar had a past chemical weapons programme that had not been declared, Bangladesh noted it was “deeply concerned” about the allegations regarding its neighbour. Myanmar stated it was committed to implementation of the CWC, that it had never had any ambition to be a chemical weapons possessor and that it was willing to address any concerns in a constructive manner.

Investigations of alleged use – there was further discussion on the Fact-Finding Mission (FFM) in relation to an allegation of use in Douma, Syria, in April 2018. Syria suggested that the report was based on “distorted facts”. Others, for example, Sweden and Germany, expressed confidence in the FFM and its processes and procedures. Malaysia

referred to the unofficial release of a technical contribution to the FFM investigation as a breach of confidentiality that could undermine the OPCW. On the Investigation and Identification Team (IIT) established following the June 2018 decision, Pakistan suggested that this decision had caused disruption in the balance between the Technical Secretariat and the Policy Making Organs in the OPCW.

Syria declaration assessment – since Syria became a state party to the CWC in 2013, there have been concerns about “gaps, inconsistencies, and discrepancies” in the declaration by that country regarding its chemical weapons programme. [Note: the phrase is the one used in Executive Council decision EC-81/DEC.4 adopted by consensus on 23 March 2016.] The Declaration Assessment Team (DAT) was established to resolve these “gaps, inconsistencies, and discrepancies” and many delegations used their statements to urge the resolution of these, calling for more efforts to be made. In his statement on Monday, the Director-General informed the CSP that, to date, there had been 22 rounds of consultations between the Secretariat and the Syrian Government.

Underpinning the norm – a large number of delegations included some form of words to indicate that there were no circumstances in which use of chemical weapons could be justified – the norm that underpins the CWC. Australia reminded the CSP of the words in the Preamble to the CWC: “for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons, through the implementation of the provisions of this Convention”.

Universality – The aim of universal membership is an issue that is regularly raised within international treaties dealing with global challenges. For some, the breadth of the membership is a reflection of overall effectiveness. There were calls from Middle East states for Israel to become a state party (the country has signed the Convention but not ratified it). In the past there had been specific mentions of the other non-states parties – the Democratic People’s Republic of Korea, Egypt and South Sudan – but most of the calls for universality at this CSP have been more general.

Article XI – The issue of access to peaceful uses of chemistry is covered by Article XI of the Convention, embodying a bargain that the renunciation of chemical weapons and the control of poisons as weapons has to be implemented in such a way as to facilitate the use of chemistry for peaceful purposes. There were many references to capacity building (not only under this article, but also capacity building under Article X on assistance and protection). The Philippines, for example, drew connections between capacity building and effective national implementation – not simply in the legal sense, but also by the bringing together of the many agencies in government that have to be involved. There were a number of links made with the Sustainable Development Goals. It was noted that capacity building could assist in promoting broader geographical representation of Designated Laboratories, as there is not one in either Africa or in Latin America, and this would be helped by the creation of the OPCW Centre for Chemistry and Technology (see below). South Africa referred to its efforts to enhance its laboratory capacities through a twinning programme with the eventual aim of achieving Designated Laboratory proficiency standards.

OPCW Centre for Chemistry and Technology – many statements expressed support for the creation of a Centre for Chemistry and Technology, sometimes called the ChemTech Centre for short, by upgrading the current OPCW Laboratory and Equipment Store. Aspects of the project highlighted in statements were the contribution it would provide to capacity-building activities and to enhanced capabilities for the OPCW to keep track of relevant scientific and technological developments. The Director-General had noted on Monday that EUR 28.6 million had been raised thus far and that a further EUR 5 million was required by July 2020. A number of countries made pledges during the general debate of further financial contributions to the project.

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CWC CSP-24 Report

Conclusion of the general debate and the Schedule amendment decision(s)

The third day of the CWC Conference of States Parties (CSP) saw the final statements in the general debate, the decision to adopt the two Schedule amendment proposals, and the formal presentation of the 2020 budget proposal but consensus was not reached on this.

Final themes from the general debate

The statements in the general debate on Wednesday were from: Lao DPR, Canada, Belarus, Hungary, Singapore, Holy See, Nigeria, Estonia, Ecuador, Latvia, Gambia, Costa Rica, Mexico, Angola, Jamaica, Chile, Denmark, Ethiopia, Thailand, Qatar, South Africa, Burkina Faso, Senegal, Nepal, Mauritius, Venezuela, Ghana, El Salvador and Israel [as a signatory], with rights of reply from State of Palestine, Syria and Saudi Arabia. There were also statements from the OPCW Advisory Board on Education and Outreach and from the International Union of Pure and Applied Chemistry (IUPAC). The CSP had made a decision to allocate an hour to hear statements from NGOs, although after one hour and nine minutes, there had not been time to hear all of them. However, all NGO statements will be placed on the OPCW website. The themes discussed here take details from statements during the whole general debate and should be read in conjunction with the themes discussed in the previous two daily reports.

Specific points raised on Wednesday included a request by Venezuela for voting by the CSP on membership of the Executive Council for the next cycle owing to disagreements in the regional group. The right of reply statements mostly reflected political issues related to the Middle East.

Financial matters – a number of statements criticized that there had been an “omnibus” financial package to be adopted as a whole. This included the budget for 2020 and the decision to move to a biannual financial planning cycle. As well as controversies over funding the Investigation and Identification Team (IIT) following the June 2018 decision, there were questions whether a small 2017 cash surplus should be returned to states parties rather than be allocated to other purposes. There were calls for all assessed contributions to be paid in full and on time to enable more efficient financial planning.

Loss of consensus and the revitalized facilitation framework – there were numerous expressions of regret of a lack of a consensus outcome from the Fourth Review Conference last year. Many delegations spoke with appreciation for the efforts of Ambassador I Gusti Agung Wesaka Puja (Indonesia) and Ambassador Agustín Vásquez Gómez (El Salvador) as co-facilitators on consultations on future priorities. Both had played key roles in the Review Conference as Chair of the preparatory Open-Ended Working Group and as Chair of the Review Conference itself, respectively. The move to what has been described as a revitalized facilitation framework has been carried out in association with the Chair of the Executive Council, Ambassador Andrea Perugini (Italy).

The Schedule amendment decision

The two proposals to add families of chemicals to Schedule 1 of the Convention were considered by the CSP at the same time. One had been proposed by Canada, the Netherlands and the USA, the other by Russia. After all of the challenges during the last year, the formal proceedings were over in few seconds as no delegation wished to take the floor and both proposals were adopted in parallel by consensus, together with a spontaneous round of applause, perhaps reflecting a release of tensions around this issue.

As it was one fall of the gavel to adopt both proposals, it was one decision to take two decisions. The Director-General told delegations that in the coming days he would generate the formal notification to inform states parties and the UN Secretary-General (as the Depositary of the Convention) of the decision to adopt the two proposals. Under subparagraph 5(g) of Article XV of the Convention, the Schedule changes will enter into force for all States Parties 180 days from the date of this formal notification. There is no action required by states parties in relation to the Depositary. He noted that the Secretariat would issue guidance for states parties regarding implementation of the changes.

The budget discussion

When the budget proposals were put to the CSP Russia and China took the floor making forceful statements, expressing dissatisfaction. Russia suggested that the draft budget process be paused to allow for further consultations. The USA suggested that the objections were based on a desire not to implement the June 2018 attribution mechanism decision and called for a roll-call vote which will be held on Thursday afternoon.

Background note: aerosolized use of central nervous system-acting chemicals

Numerous statements were made during the general debate in support of efforts by Australia, Switzerland and the USA to prepare a draft decision that would result in a statement that aerosolized use of central nervous system-acting chemicals was inconsistent with law enforcement purposes as a “purpose not prohibited” under the Convention. This debate has many facets and a long history. There are ambiguous terms in the CWC which are not there by accident, but appeared as part of the compromises needed to reach consensus on the whole text. Of these, a key term is “law enforcement”, although there is not space to cover that aspect here.

The central nervous system (CNS) is essentially the brain and spinal cord. In humans it is key to consciousness. “CNS-acting chemicals” is the term that has been used in recent debates as it is considered a more useful term than “incapacitants” or “incapacitating chemical agents” which were far less precise.

The Scientific Advisory Board (SAB) has looked at related issues many times. For example, in a 2003 report it suggested that what were commonly described at the time as “non-lethal” agents “should be monitored and assessed in terms of their relevance to the Convention. However, based on past experience and the fact that many of these compounds act on the central nervous system, it appears unlikely from a scientific point of view that compounds with a sufficient safety ratio would be found.” [RC-1/DG.2, 23 April 2003] A 2008 SAB report said: “One area in drug research that is causing some concern involves compounds that could be developed legitimately within the constraints of the Convention as non-lethal agents for law-enforcement purposes. Such compounds clearly have dual-use potential. The accelerated discovery of drugs has resulted in the identification of many new compounds that act very selectively on the central nervous system”. [RC-2/DG.1, 28 February 2008]

The way terminology was used evolved over time. For example: “Incapacitants are chemical agents which act on the central nervous system and impair cognition, perception and consciousness” [Switzerland, RC-2/NAT.12, 9 April 2008] and: “By ‘incapacitating chemical agents’ we mean toxic chemicals for law enforcement purposes that are not riot control agents and act on the central nervous system”. [Switzerland, plenary statement, RC-3, 9 April 2013]

Australia, suggesting that the “incapacitants” terminology was limiting debate, introduced the term “CNS-acting chemicals”. [C-19/NAT.1, 14 November 2014] This paper is recommended reading for anyone having to consider policy on this issue.

The issue of CNS-acting chemicals was a major topic of discussion at the Third CWC Review Conference in 2013, using the incapacitant terminology. The daily reports from that Conference are available at the website referred to below.

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CW destruction, attribution, a vote on the budget and EC membership

Thursday, the fourth day of the Conference of States Parties (CSP), was presented with information on chemical weapons destruction, saw interventions on the attribution decision, took a run of decisions, mostly by consensus – with voting on the decision to adopt the programme and budget – and voted on membership of the Executive Council.

US destruction presentation and statements on destruction in China

The presentations of the plans for destruction of remaining chemical weapons to the annual CSP meetings have usually been held in closed session. This year there was only one presentation, by the USA, and that country opted to give the presentation in open format. The presentation noted that over 93 per cent of the US chemical weapons had now been destroyed, described the operations at the two remaining destruction sites, and indicated that the programme was on target to achieve full destruction in 2023 with destruction proceeding as fast as practicable, taking into account workforce safety, safety of the local communities and protection of the environment.

China and Japan gave statements on the destruction of chemical weapons abandoned by Japan on the territory of China during World War II. Under the Convention, Japan is obliged to carry out the safe destruction of the abandoned chemical weapons (ACW). China noted that additional objects to be destroyed were being found more frequently, especially as economic development leads to additional land being built on. China also noted that there are soil contamination problems from leaking munitions and expressed the hope that Japan's commitments to complete destruction tasks in the next few years will be fulfilled. Japan stated that it had spent EUR2.2 billion on destruction so far and would continue to “do its utmost” to complete the destruction of the ACW.

Addressing the threat from chemical weapons use

The formal title of the attribution decision taken in June 2018 was “Addressing the threat from chemical weapons use” [C-SS-4/DEC.3, 27 June 2018]. The CSP was informed of documents submitted to the Executive Council in relation to implementation of this decision under agenda item 9(d). A number of delegations took the floor under this item: China, Iran, Russia, Syria, USA, Canada, Australia, Germany, Netherlands, UK, Belgium, Norway, New Zealand, Nigeria and France. Some delegations took the floor more than once by exercising rights of reply.

China, Iran, Russia and Syria stated their opposition to the attribution decision, with suggestions being made that the decision was not a legitimate one as it had not been taken by consensus. Points were made suggesting that non-consensual decisions could undermine arms control and disarmament regimes in the long term. Another suggestion was that the attribution decision was taken to achieve geopolitical aims, rather than to uphold the Convention by carrying out objective investigations. Controversies about the Fact-Finding Mission (FFM) report on Douma were raised. Nigeria suggested the decision had caused divisions and that it would have been better to have used Article XV provisions on amendments to the Convention. The western group states expressed support for the attribution decision and stressed their view that, as it was taken under the provisions contained within the text of the Convention, it had full legitimacy. Points were made suggesting that a lack of response to violations of conventions, such as use of prohibited weapons, could undermine arms control and disarmament regimes in the long

term. Another suggestion was that the attribution decision was needed to carry out objective investigations and opposition to it stemmed from geopolitical concerns such as political support for the country alleged to have used chemical weapons. Confidence in the FFM was expressed.

A notable point of this debate was a request by Russia for 15 minutes of time to deliver a right of reply [the usual length is 2 minutes], which was granted. During this right of reply, Russia stated that it had met its deadline for destruction of its chemical weapons stocks and asked the rhetorical question of “which country had not?” [Note: Under the terms of the CWC, both Russia and the USA were obliged to destroy their stocks within 10 years of entry into force of the Convention, i.e., by 29 April 2007. The CWC allowed for a 5-year deadline extension, i.e., to 29 April 2012. Neither of the two possessor states with the largest declared stocks managed to meet their destruction deadlines as mandated within the text of the CWC.]

Miscellaneous decisions and reports

As well as a variety of decisions on particular matters, there are a number of reports that the CSP is requested to either approve or to take note of. They will be referred to in the formal report of the CSP. Notable among them were agreement on the scale of assessments of financial contributions and the decision on moving to a two-year financial planning cycle, both of which were adopted by consensus.

The decision on the programme and budget for 2020

The proposal for the programme and budget for 2020 for which consensus could not be reached on Wednesday was put to the vote on Thursday afternoon. This followed the 24 hours delay for further consultations as mandated in the rules of procedure; however, no progress towards consensus had been made. The vote was 106 in favour with 19 opposed, which fulfilled the requirement of two-thirds of the states parties present and voting in favour to pass the budget. Those voting no were: Armenia, Belarus, China, Cuba, Iran, Kazakhstan, Kyrgyzstan, Lao DPR, Mongolia, Myanmar, Nicaragua, Russia, State of Palestine, Sudan, Syria, Tajikistan, Uzbekistan, Venezuela and Zimbabwe.

Once the votes had been counted there was a chance for delegations to provide an explanation of their vote if they wished. Eleven delegations took the floor, most of which had voted no or had abstained. The predominant themes were a call for consensus and a questioning of the legitimacy of the June 2018 attribution decision.

Executive Council membership

The Executive Council has a rotating membership each of which serves for two years. Seats are allocated on a regional group basis and usually each group puts forward the appropriate number of candidates for the number of vacancies. The CSP then approves those group decisions. In cases where the groups cannot come to a decision through their internal processes, the Convention allows for voting by all states parties to fill the vacancies from that group. The next rotation of members requires the Conference is to elect 20 members to serve on the Council for two years, starting in May 2020. Four regional groups had decided their candidates and these were elected by acclamation by the CSP. The Latin America and the Caribbean group had four places to fill and with six candidates: Chile, Ecuador, El Salvador, Guatemala, Peru and Venezuela.

The election process started in the afternoon and continued into the evening with the plenary reconvening at 21.00 for the result to be announced in a sitting lasting less than five minutes – Chile, El Salvador, Guatemala and Peru had been elected.

Erratum – in the report yesterday the decision to move to a biannual financial planning process was conflated with the omnibus budget proposal. They were separate decisions as reported above. Apologies for the slip, *mea culpa*.

This is the fifth 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 on 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>>.

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>>.