

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>>.