

CWC Review Conference Report

The second day of the Conference of States Parties: voting and suspension

The second day of the twenty-third session of the Conference of States Parties (CSP) of the Chemical Weapons Convention (CWC) had been expected to be the final day. The CSP was able to agree a budget (albeit on contested votes), but was not able to agree a final report and so the Conference was suspended to a date yet to be decided, but which will be before the Review Conference finishes. The day was long with full use made of morning, afternoon and evening sessions, the last of which continued after interpretation had finished. Concerns were raised that if the CSP was facing difficulties adopting a report, such difficulties would continue into the Review Conference itself.

The day began with an expectation that it would start with voting on the matters for which consensus had not been reached on Monday. However, after some discussion on procedure, it was agreed that other agenda items would be taken before commencement of voting as some delegations wanted to ensure the full 24 hours had elapsed from when votes had been requested.

Aside from the votes and the work on the final report, the day included the report of the Credentials Committee, a presentation from the United States on the destruction of its remaining chemical weapons, and a statement by Burundi on behalf of a number of states parties under 'any other business' which reflected many of the perspectives highlighted earlier by those opposed to the June decision and reported in the previous daily report.

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 owing to questions of who was legally able to be in the room.

The voting rules and process

Article VIII, paragraph 18 of the text of the CWC includes the following: 'The Conference shall take decisions on questions of procedure by a simple majority of the members present and voting. Decisions on matters of substance should be taken as far as possible by consensus. If consensus is not attainable when an issue comes up for decision, the Chairman shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference before the end of this period. If consensus is not possible at the end of 24 hours, the Conference shall take the decision by a two-thirds majority of members present and voting unless specified otherwise in this Convention'. The same words are included in the CSP Rules of Procedure as Rule 69 with 'Chairman' replaced by 'presiding officer'. All votes taken on Tuesday were considered to be on matters of substance. Under rule 76, any amendments to a proposal must be voted on before the proposal itself.

Votes were carried out by roll call, so that each vote took some time. For example the first vote, on the China-Russia draft decision titled 'Preserving the Integrity of the Organisation for the Prohibition of Chemical Weapons', took 25 minutes. Each vote was taken in alphabetical order starting at a random point in the list of states parties such that the first vote started with Denmark and the second with Spain and so on.

Voting results

The vote on the China-Russia draft decision was 30 in favour and 82 against, and thus was not adopted. Explanations of vote (EoVs) were given by Belarus, Viet Nam, Iran, Kazakhstan, India, Venezuela and Algeria, all of whom had voted in favour.

The three amendments to the draft budgetary documents put forward by Iran and Russia were defeated 29-85, 27-86 and 27-86. The voting then moved on to the draft Programme and Budget which was passed 99-27, meeting the requirement for support of two-thirds present and voting. The next vote was on the 2016 cash surplus which was passed 97-25, again meeting the two-thirds present and voting requirement. There was a moment of levity during the vote on the special fund for cybersecurity, etc: the vote was underway when Iran questioned whether this decision could be adopted by consensus. This was put to the Conference by the Chair and the decision was duly adopted by consensus to a loud round of applause. The draft decision to establish a special fund for IT infrastructure to support the implementation of the June decision was then adopted on a vote of 94-26, again meeting the requirement for support of two-thirds present and voting. The scale of assessments was then adopted by consensus.

At various points through this process, EoVs were given by Russia, China, Peru, Bangladesh, Brazil, Iran, Algeria, Indonesia, Syria, Viet Nam, Guatemala, Thailand, India, Singapore, Sudan, Chile and Cuba. Most made reference to a desire for consensus. Some made reference to national policies for zero-growth budgets in international organizations which forced their votes. Many raised concerns about 'politicization' of the CWC. Russia suggested it might unilaterally reduce its 2019 assessed payments by the amount it would have received if the 2016 cash surplus had been returned to states parties.

Actions to adopt a final report and suspension of the CSP

The CSP had just started to go through the draft report of the meeting when the US suggested an amendment to the second sub-paragraph which lists the states parties that participated in the CSP. The amendment was to insert a footnote saying: 'Some States Parties do not legally recognise the "State of Palestine" as a state and therefore do not recognise it as a State Party to the Chemical Weapons Convention'. This prompted a flurry of responses from 27 other delegations before the Chair decided to pause the meeting for consultations. Only 3 of these 27 delegations expressed any form of support for the US position. Most indicated such a footnote would prevent them agreeing adoption of the report. Many noted that the State of Palestine had participated in the voting and so any suggestion that the delegations presence was invalid raised doubts about the validity of the voting results. Some expressed that this was another sign of politicization of the CWC.

The Chair suggested that if a report could not be adopted, the draft should be preserved as a 'Chair's text' as had been done in CSP-13 [document C-13/5, dated 5 December 2008]. Discussion continued in an unstructured way with many interventions stressing the need for some form of report. It was eventually agreed that the CSP should be suspended, but practical considerations meant that a specific date to resume could not be immediately identified. Interpretation ceased at 22.45, and a few minutes before the suspension of the CSP at 23.17, the Chair-designate of the Fourth Review Conference, Ambassador Agustín Vásquez Gómez (El Salvador), noted that the Review Conference would face similar challenges as those in the CSP and that it would be to the benefit of both Conferences if a solution could be found in order to adopt a report from the CSP.

As ever, delegates looked to see if there were any precedents to the current situation that may help guide activities. There has not been an earlier regular session of the CSP that has been immediately followed by another meeting which has kept CSP delegates in The Hague and thus no possibilities for earlier regular sessions to suspend their meetings.

This is the third report from the Fourth Review Conference of the Chemical Weapons Convention being held in The Hague 21-30 November 2018, preceded by the 23rd Session of the Conference of States Parties. These reports are prepared for the CWC Coalition, a global network of non-governmental groups with CWC interests, and are available at <<<http://www.cbw-events.org.uk/cwc-rep.html>>>. The author, Richard Guthrie of CBW Events, can be contacted via <<richard@cbw-events.org.uk>>.