

CWC Review Conference Report

The closing of the Fifth Review Conference and some reflections

The Fifth Review Conference for the Chemical Weapons Convention concluded its proceedings on Friday 19 May. Despite the considerable efforts during the week to try to achieve consensus on a substantive outcome, the divergences of views on key issues were impossible to overcome and so the Conference adopted a report which reflected that consensus could not be found. Nevertheless, as discussed in the reflections section below, success and failure are not binary opposites and it is possible to identify some positive aspects in the events of this year.

A number of Working Papers were posted to the OPCW website as official Review Conference documents after the Review Conference had concluded, most of which had not been referred to in public statements by the countries that had submitted them. While a number of them could be considered fairly routine, there are some that include significant aspects.

The afternoon plenary

The only proceedings on the final day were in a plenary session convened in the afternoon at 14:00, an hour earlier than such sessions usually convene, with an aim of completing proceedings by 17:00. The Chair of the Review Conference, Ambassador Henk Cor van der Kwast (Netherlands), opened the session before passing the floor to the Chair of the Credentials Committee, Martina Filippiová (Czech Republic), who reported on the results of its work. While the checking of credentials of delegations may seem bureaucratic, it ensures the integrity the legal authority of the Review Conference.

Delegations wishing to make statements had been encouraged by the Bureau to make these under 'Any Other Business' rather than the agenda item for closing statements as this would make management of the proceedings easier. A time limit of three minutes per statement was set with no rights of reply. Many statements included explicit expressions of regret that no consensus could be achieved with references to there being a significant majority in favour of an outcome. Many highlighted the efforts of the Open-Ended Working Group for the Preparation of the Fifth Review Conference (OEWG-RC) as the basis for work during the week and the convergence of views that resulted from that process. Numerous statements suggested there was a common focus on upholding the Convention, with many delegations condemning the use of chemical weapons by anyone, anywhere, under any circumstances; however, some states believed by others to have used chemical weapons in recent years also used this formulation in their statements. In addition to national statements, there were statements made on behalf of multiple states. These included usual groupings such as the European Union and the Group of Latin American and Caribbean States but also a statement given by Ecuador endorsed by 57 states parties from across the geographical regions emphasising the importance of investigations of alleged use of chemical weapons in Syria as well as one given by France endorsed by 71 states parties from across the geographical regions regretting that a consensus document could not be reached and reiterating support for the Convention. In each case, the list of those supporting each statement was read out by a following speaker to keep within time limits.

After the statements, a paragraph-by-paragraph run through of the draft report, which was referred to as a 'factual report' of proceedings, was carried out before it was

adopted. Paragraph 12.2 of the report reads: ‘There was no consensus on the adoption of the final document of the Fifth Review Conference.’

In closing remarks, the OPCW Director-General, Ambassador Fernando Arias, suggested that it was difficult to imagine a Review Conference that was better prepared for than this one through the OEWG-RC. He highlighted that the CWC remained an essential instrument for disarmament and noted that the outcome was not commensurate with the effort put in. Bringing the Review Conference to its end, Ambassador van der Kwast offered thanks to those that had helped bring forward innovative working methods and noted that it had been a decision by states parties to allocate only one week to the Review Conference. The Review Conference closed at 16:09.

Reflections

A conscious effort is taken in writing these daily summaries to report as objectively as possible. However, there are times that this style of reporting does not convey some of the atmosphere of meetings or possible consequences of activities. The following are some personal reflections that do not necessarily represent anyone’s views other than the author’s own.

The global geopolitical context has undoubtedly been the most challenging for any CWC Review Conference thus far. It would have been unreasonable to assume that the Review Conference could have overcome these immense external influences. Yet more was achieved than might be apparent at first glance.

A particular aspect of Review Conferences is that they are carrying out two tasks at the same time – one is to review the operation of the Convention and the other is to negotiate a document that represents that review. There was a substantial set of activities carried out by the OEWG-RC and in many ways this was the true review of the Convention, even if there was no formal document confirming this.

It would be easy to assume that the Review Conference had failed because it could not achieve a substantive consensus document. Why should there be an assumption that failure and success are not binary opposites? Any aspect of failure does not mean complete failure just as conversely, any aspect of success does not mean complete success.

The decision to close substantive discussions on the penultimate day was unprecedented in the Review Conferences previously attended by this author. It is natural to question whether it was appropriate to call a halt to substantive discussions on Thursday afternoon as some delegates felt it hard to justify why the rest of the afternoon and evening of Thursday and the morning of Friday could have been used to try to get closer to consensus even if the end result was likely to have been a forlorn effort. From the perspective of this observer, the recognition on the Thursday of a lack of consensus on the most difficult of the issues was key to the limited success of the whole Conference. Extra time for discussion could have allowed disparate positions to have become further entrenched. It may seem a very poor argument to suggest that a success of a Review Conference should be based upon not making the situation worse, but there were a number of scenarios through which this worsening could easily have happened.

There had been progress on a number of issue clusters, as highlighted by the Chair of the Committee of the Whole on the Thursday: guidelines on NGO attendance, geographical diversity and tenure policy, industry verification, engagement with external stakeholders and contributions to global anti-terrorism efforts. The outcome of the Review Conference opens up the possibility that the consensus that had been achieved in some areas could be locked in and used as a stepping stone to future specific decisions at the Conference of States Parties later this year or perhaps at other opportunities.

Nevertheless, the fundamental challenge to the Convention remains. Expert commentators agree that there has been use of the weapons prohibited by the CWC in recent years. Until the underlying issues around such use have been resolved, there is little prospect of achieving consensus outcomes on strategic documents.

This is the sixth and final report from the Fifth Review Conference for the Chemical Weapons Convention held in The Hague from 15 to 19 May 2023. They are written by Richard Guthrie of CBW Events who is solely responsible for their contents. The reports are available via <http://www.cbw-events.org.uk/cwc-rep.html> which includes a subscription link to receive the reports via email. The author can be contacted via richard@cbw-events.org.uk.