

CWC Review Conference Report

The Fifth CWC Review Conference: setting the scene

The Chemical Weapons Convention (CWC) was the second treaty to globally prohibit an entire class of weapons of mass destruction but the first to do so with a system of multilateral verification measures. The CWC was signed in 1993 and entered into force in 1997. Treaties are always shaped by the concerns at the forefront of the minds of the negotiators during the period they were being negotiated, making them creatures of their time. Yet treaties have to operate within constantly evolving contexts – from the scientific and technical to the political – and be able to respond to events. With that in mind, a common feature of treaties dealing with active problems is a review process in order to ensure they stay relevant and up to date in their activities.

Review Conferences provide the opportunity, in the words of the CWC: ‘to undertake reviews of the operation of this Convention. Such reviews shall take into account any relevant scientific and technological developments’. The Fifth five-yearly Review Conference is being held at the World Forum Convention Centre which is situated next door to the headquarters building of the CWC’s institution – the Organization for the Prohibition of Chemical Weapons (OPCW).

Preparations for the Review Conference

A CWC Review Conference is not a stand-alone event, there are many preparations beforehand. Ambassador Henk Cor van der Kwast (Netherlands), nominated as the President-designate, has been actively interacting with delegations. As with earlier Review Conferences, an ‘Open-Ended Working Group for the Preparation of the Fifth Review Conference’ (OEWG-RC), Chaired by Ambassador Lauri Kuusing (Estonia), has been convened and has worked for about a year to examine issues relevant to the Convention. In line with past practice, the OEWG-RC Chair has produced a report to help the Review Conference in its work [WGRC-5/1]. That report notes that during April he distributed a ‘Draft Provisional Text’ based on the discussions within the OEWG-RC for consideration by delegates to the Fifth Review Conference. As usual, there is a substantial document prepared by the Technical Secretariat on the ‘Review of the Operation of the Chemical Weapons Convention since the Fourth Review Conference’ [WGRC-5/S/1]. The Scientific Advisory Board has reported to the Review Conference [RC-5/DG.1], as in previous years, alongside the formal response by the Director-General [RC-5/DG.2]. These plus other official documents from the Review Conference, as well as papers and statements where the presenters have wanted to make them public, are available from the OPCW website at <http://www.opcw.org>.

The Fifth Review Conference will be starting just days after the formal ceremony to mark the opening of the new OPCW Centre for Chemistry and Technology, often referred to as the ‘ChemTech Centre’. The ceremony was led by His Majesty King Willem-Alexander of the Netherlands with Ministerial-level representation from a number of countries – a clear indication of the perceived significance of the new Centre.

Some issues at the Fifth CWC Review Conference

This should be the last Review Conference that has to deal with questions of destruction of stocks of chemical weapons declared by the original state parties as the USA has indicated that its final destruction activities will be completed this year – a position publicly restated by President Biden on Friday.

There are issues relating to Syria which are the subject of strongly-held divergent views for which there are essentially two clusters of perspectives – those that find the evidence for use of chemical weapons in Syria by government forces to be compelling and those that deny such use. The establishment of the Investigation and Identification Team (IIT) via a vote at a special session of the Conference of States Parties (CSP) in June 2018 is a particular source of contention. This has led to a number of votes within later CSPs on budgets as the minority of CWC states parties that remain opposed to the decision to establish the IIT oppose expenditure within the budget on its activities. The majority of states parties consider that the declarations by Syria on its past chemical-weapons-related activities remain incomplete which has led to the removal of certain privileges under the Convention for that country.

The allegations of use of nerve agents known as ‘novichoks’ to target individuals in the UK and in Russia are also subject to divergent views.

While the issues noted above make the headlines, the bulk of the work of the OPCW remains relatively routine – such as programmes of industry inspection, assistance and protection against use or threat of use of chemical weapons, and international cooperation on the peaceful uses of chemistry. Each of these has some differences in emphasis between delegations in relation to at least some aspects and future operations in each would benefit from consensus guidance by the Review Conference. While the controversies are significant, it is these more routine activities the underpin the day-to-day operations within the Convention and it is important that they are not forgotten amidst the controversies.

There are also issues where operational effectiveness may be enhanced by reconsideration of past policy decisions in the light of experience. An example of this would be the tenure policy that prevents staff remaining at the OPCW for more than seven years. When this was introduced it was described as being to prevent the OPCW becoming a career organization. However, a consequence of the tenure policy has been to make retention of certain skill sets more difficult and there have been some suggestions of whether greater flexibility in its implementation may be beneficial.

All treaties prohibiting classes of weapons require action at the national as well as the international level and the importance of national implementation obligations has been the focus of many CWC discussions. There many states parties with incomplete national measures and the changing science and technology context means that every country should be carrying out regular reviews of measures to help keep them effective.

Prospects for outcomes of the Review Conference

In addition to the issues noted above for which there are strong divergences of perspectives, the contemporary geo-political situation has resulted in significant tensions between countries which are likely to influence proceedings in the Review Conference.

A key activity of Review Conferences across the realm of international security is the preparation of a final document to be adopted by consensus. In current circumstances, the prospects for an all-encompassing final agreement are low. This is disappointing to many in this field as the benefits of clear strategic guidance from the Review Conference would be substantial.

Where consensus might be reached, it would be short-sighted not to take up the opportunity to adopt a decision on a particular issue. However, with difficult issues on the table, there may well be delegations which will take the position that nothing is agreed until everything is agreed. While there have been votes in annual sessions of the CSP on substantive matters, past practice for Review Conferences has been to operate on the basis of consensus on substantive matters. In the run-up to the Review Conference, representatives of some states parties have expressed interest in exploring adoption of a final document by voting. While some see benefits of voting on substantive matters at the Review Conference, others see political costs.

This is the first report from the Fifth Review Conference for the Chemical Weapons Convention being held in The Hague from 15 to 19 May 2023. These reports 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.

CWC Review Conference Report

The opening of the Review Conference and the start of the general debate

The Fifth five-yearly Review Conference for the Chemical Weapons Convention (CWC) was opened on Monday morning by Ambassador Vusimuzi Madonsela (South Africa) in his role as the current Chair of the regular session of the Conference of the States Parties (CSP). Ambassador Madonsela presided over the appointment of the Chair/President of the Review Conference itself and Ambassador Henk Cor van der Kwast (Netherlands) was duly elected by acclamation.

In brief opening remarks on taking up his new role, Ambassador van der Kwast expressed aspirations for achieving consensus and for the primary aim of the CWC – the achievement of a world free of chemical weapons.

The opening formalities and procedural decisions at the start of a Review Conference are usually brief and somewhat routine. Key decisions include those on attendance by those that are not states parties. The decisions on attendance by non-signatory states, international bodies and representatives of industry for this Review Conference were adopted without discussion. When the draft decision on attendance by non-governmental organizations (NGOs) was introduced a number of delegations took the floor. The first was Türkiye which suggested there had been an error in process as it had objected to the attendance of one NGO. Germany made a statement on behalf of 52 states parties from across the regional groups which argued that NGOs made important contributions toward a chemical-weapon-free world and that NGO attendance guidelines agreed at the Third Review Conference (2013) were being undermined by a small number of states parties. Russia suggested that there were NGOs that do not contribute to the work under the Convention but cause it harm. Ireland listed the countries in support of the cross-regional statement given by Germany. Iran suggested that any process for selecting which NGOs should be granted attendance had to be in accordance with the rules of procedure. A number of these interventions indicated an interest in revisiting the process for accrediting non-governmental representatives although from different perspectives. Following this discussion, the decision on NGO attendance was adopted by consensus.

Each of the five regional groups can nominate two Vice-Chairs for the Review Conference and four of these groups produced the relevant nominations. The fifth, the Eastern European Group (EEG), was unable to conclude these procedures within the group and had three nominations still in play – Lithuania, North Macedonia and Russia. Each of these candidate countries was given the floor. Lithuania and North Macedonia noted that 18 of the 23 EEG members had been in favour of their nominations and that in the current circumstances the majority of EEG members did not wish to be represented by Russia. Russia indicated that it had put its candidacy forward first and that the EEG was paralysed as a group as so many were members of the EU or NATO. The rules of procedure allow for a secret ballot of all states parties to resolve such situations and such a ballot was held at the end of the day's proceedings with the result expected to be announced during Tuesday.

Opening statements

The OPCW Director-General, Ambassador Fernando Arias, and the United Nations High Representative for Disarmament Affairs, Izumi Nakamitsu, each gave opening statements in person to the Review Conference while UN Secretary-General António Guterres sent a video message.

The Director-General noted that the contemporary global security context is ‘notably different’ from that at the entry into force of the Convention in 1997. He described the ban against the use of chemical weapons embodied in the Convention as ‘permanent and incontestable’ and noted that the CWC has nearly universal membership. He informed the Conference that, as of 30 April, 99.82 per cent of all declared chemical weapons had been destroyed with the remainder due to be completed in the coming months. He noted that the Declaration Assessment Team (DAT) was still working to resolve issues in relation to Syria and said that the Syrian authorities were still refusing a visa for the DAT lead technical expert. He highlighted that three reports relating to five cases had been published by the Investigation and Identification Team (IIT) and that each had concluded that there were ‘reasonable grounds’ to believe government forces had used chemical weapons in Syria. He welcomed the inauguration of the new ChemTech Centre highlighting that it would significantly enhance the operational and capacity-building capabilities of the OPCW, noting with thanks the financial contributions from 57 countries, the EU, and from other donors.

The High Representative summarized chemical weapons in the following terms: ‘From Flanders Fields to the Iran-Iraq war and, more recently, the streets of Syria, these repugnant weapons have caused nothing but pain and misery’. She implored states parties to cooperate to restore the norm against the use of chemical weapons, show leadership in upholding the ‘hard-won gains’ of the CWC, and demonstrate that impunity in the use of the chemical weapons will not be tolerated.

The Secretary-General declared: ‘In the name of the victims of these attacks — and as a deterrent to future chemical warfare — those responsible for any use must be identified and held accountable for their crimes’. He expressed his ‘full support for the integrity, professionalism, impartiality, objectivity, and independence’ of the OPCW Technical Secretariat.

The Review Conference also heard from the Chair of the Executive Council, Ambassador Lucian Fătu (Romania), reporting on that body’s preparations for the Review Conference and from the Chair of the ‘Open-Ended Working Group for the Preparation of the Fifth Review Conference’ (OEWG-RC), Ambassador Lauri Kuusing (Estonia), reporting on the preparations by the Working Group. Both of these reports will be issued as statements alongside other statements and documents from the Conference via the OPCW website at <http://www.opcw.org>.

The start of the general debate

The general debate offers the chance for delegations to make statements to outline their positions on any aspect of the Convention or activities within it. As with previous practice, this was started with ‘high-level statements’ (essentially those made by visiting dignitaries above the rank of ambassador) followed by statements on behalf of groups of states and then national statements. Many statements had already been submitted in writing and posted to the OPCW website. In such cases, delegations were encouraged to provide highlights from their statements rather than read them in full. High-level statements were delivered by Iraq, Iran, Russia, Venezuela, Germany, the UK, the USA and Italy. Group statements were given by the African Group (delivered by Ghana), the Members of the Non-Aligned Movement that are States Parties to the CWC and China (delivered by Azerbaijan), the Group of Latin American and Caribbean States (GRULAC, delivered by Chile) and the EU (delivered from the nameplate of Sweden as the current holder of the rotating EU Presidency). National statements were delivered by China, Norway, Liechtenstein, Brazil, Cuba, India, Japan, Canada, Australia, Austria, Guatemala, Ukraine, Mexico, Costa Rica, Spain, Pakistan, State of Palestine and Poland. With the general debate continuing into Tuesday, it is perhaps premature to come to any immediate conclusions relating to any predominant themes.

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CWC Review Conference Report

The general debate concludes and Friends of the Chair are appointed

Tuesday, the second day of the Fifth CWC Review Conference, started with an announcement by the Chair, Ambassador Henk Cor van der Kwast (Netherlands), of four 'Friends of the Chair' to assist the process of reaching agreement on issues that remain challenging. The allocation of topics is: 'Organisational Governance' facilitated by Ambassador Lauri Kuusing (Estonia); 'Industry Verification' by Ambassador Frances-Galatia Lanitau Williams (Cyprus); 'Addressing the threat from chemical weapons use' by Ambassador Susannah Gordon (New Zealand); and 'Attendance and participation of non-governmental organisations' by Ambassador Andrés Terán (Ecuador). Each of these had initial meetings with interested delegates during the day. There were no apparent breakthroughs, but this is in line with previous experience – this form of activity in multilateral meetings usually takes a few rounds of facilitation for progress to be evident.

The results of the secret ballot on Monday afternoon for the Vice-Chairs from the Eastern European Group were given during the morning – Lithuania 91, North Macedonia 86, Russia 45.

At the end of the day, the Chair announced changes to the timings for plenary sessions on Wednesday to allow for extra working time – 09.30-12.30, 14.00-17.00 and 18.30-21.30. He also announced that an informal group for the preparation of the report (to which regional groups would nominate participants) would be convened by the Chair of the Committee of the Whole, Ambassador José Antonio Zabalgoitia (Mexico). The additional methods of working reflect that one of the challenges for this Review Conference is having only five working days in which to complete its activities.

Tuesday speakers in the general debate

The general debate took up the majority of plenary time during Tuesday. Statements by states parties were given by: Türkiye, Finland, South Africa, Switzerland, Romania, Syria, Qatar, Ethiopia, Chile, New Zealand, Denmark, Estonia, Singapore, Argentina, Croatia, France, United Arab Emirates, Slovenia, Philippines, Czech Republic, Lao PDR, Algeria, Republic of Korea, Jamaica, Colombia, Ireland, Kenya, Morocco, Samoa, Latvia, Nigeria, Malta, Niger, Ecuador, Angola, Paraguay, Malaysia, Bahrain, Saudi Arabia, Bangladesh, Bolivia and Kazakhstan. These were followed by one signatory state, Israel, and one non-signatory state, South Sudan. Rights of reply were exercised by Syria, State of Palestine and Russia. These were followed by statements by international bodies: the Association of Southeast Asian Nations (ASEAN, delivered by Malaysia), the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction (delivered by Japan), the UN Security Council Committee established pursuant to resolution 1540 (2004) and the North Atlantic Treaty Organization. For scheduling reasons, this section also included the statement by the Chair of the OPCW Advisory Board on Education and Outreach (ABEO) on the activities of the Board. Statements were given by the International Union of Pure and Applied Chemistry (IUPAC) and the International Chemical Trade Association (ICTA) before the general debate was rounded off by ten themed statements from NGOs coordinated by the CWC Coalition.

General debate themes

Roughly seven and a half hours of plenary time have been spent on this agenda item. The analysis here draws on statements made on Monday and on Tuesday. With so many

statements delivered, it is impossible for any thematic analysis to be comprehensive. There is a focus here on themes that may be the subject of discussion or contention in the coming days.

Condemnation of use of chemical weapons – A large number of interventions included condemnation of the use of chemical weapons anywhere, by anyone and under any circumstances. This formulation was also used by Syria, a country that has been accused of using chemical weapons in recent times. A significant majority of states parties referring to these allegations indicated a belief that they were true and a considerable number of delegations called for those responsible for the use of chemical weapons to be held accountable.

Syria and the OPCW – There were numerous calls for Syria to cooperate with declaration and investigation processes under the Convention with many statements including references to the the Investigation and Identification Team (IIT) conclusions that there were ‘reasonable grounds’ to believe government forces had used chemical weapons in Syria. There were explicit calls that Russia should cease shielding Syria. Syria argued that it had fulfilled all its obligations under the Convention and described the IIT as illegal. Russia suggested it was absurd to be described as protecting Syria.

Other allegations of use – The incidents in which Sergei and Yulia Skripal and Alexei Navalny were taken ill were raised a number of times with specific allegations that it was Russia that was responsible. A number of delegations recalled a set of questions posed to Russia by 45 states parties in 2020 using the provisions to seek clarifications under CWC Article IX to which there have been no substantive answers. Russia described the Skripal/Navalny allegations as ‘unsubstantiated’ and suggested it was lack of cooperation by Western countries that left the cases unresolved.

Destruction of declared chemical weapons – There were many statements welcoming the impending completion of destruction of the last declared chemical weapons and recognition that this would move the Convention into what some have called the ‘post-destruction phase’. There were calls for the OPCW to ensure it maintained the capacity to respond to new declarations of chemical weapons to be destroyed on accession of additional states parties.

Staffing issues – There were a number of expressions of support for greater flexibility under the tenure policy to aid skills retention in the Technical Secretariat. The questions of gender balance and geographical representation of staff within the Technical Secretariat were raised many times. Comments made indicate that these issues have generated much firmer positions than at previous Review Conferences.

Capacity-building activities – There are capacity-building issues relating to promotion of peaceful uses of chemistry, protection against threat of use of chemical weapons and for broader questions of effective implementation of the provisions of the Convention. There were many references to activities such as the twinning of laboratories that had produced tangible enhanced capacities together with calls to do more. There were expressions of thanks that briefings in preparation for the Review Conference had been held in Brussels as a number of countries have representatives to the OPCW based there. Ambassador van der Kwast thanked delegates who had travelled from Brussels to attend the Review Conference. The capacity-building potentials of the new ChemTech Centre were widely welcomed, alongside a few concerns raised that financial provisions for the Centre should not draw funds away from other capacity-building activities.

Financial issues – There were calls for timely payments of assessed contributions in order to underpin the stability of the OPCW and suggestions that the Programme for Africa should be funded from the regular budget in order to ensure its sustainability.

NGO accreditation – There were many expressions of support for non-governmental organizations and a number of calls for revising the processes by which NGOs are accredited to make them more transparent and non-discriminatory.

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CWC Review Conference Report

The Committee of the Whole and additional informal consultations

The third day of the Fifth Review Conference for the Chemical Weapons Convention saw a morning plenary session on operation of the CWC before moving to meetings held behind closed doors. At the end of the morning, the Committee of the Whole (CoW) was convened for the first time and adjourned shortly after. Much of the afternoon was taken up with informal consultations/facilitations with the Friends of the Chair and within the informal group for the preparation of the report being steered by the Chair of the CoW, Ambassador José Antonio Zabalgaitia (Mexico). The CoW met during the evening and then, after a break, into the night. While the plenary sessions are open to everyone registered for the Review Conference, the informal meetings and the CoW are only accessible to delegates from states parties.

The morning plenary

The plenary session on Wednesday morning was focused on the agenda item dealing with the operation of the CWC which has a number of subtopics.

The session started with the Chair of the Scientific Advisory Board introducing its report to the Review Conference which included 45 recommendations clustered within a number of themes which included advice on technology convergence and advice on science and technology relevant to verification, for example.

Destruction issues – the US provided an update to its destruction activities which it indicated were on schedule to be completed before 30 September. The country provides a written report prior to each Review Conference which is a snapshot on progress and more up to date information is now available via the destruction agency websites. Japan provided a briefing on activities to destroy chemical weapons abandoned in China during the Second World War and highlighted that considerable resources were allocated to the task. China argued that there had been a lack of attention by Japan on this issue and expressed frustration that the task was still not complete 26 years after the CWC had entered into force. Both noted that the Executive Council had agreed to a new destruction plan at its 101st session. Germany noted that chemical munitions from the two world wars were still being found from time to time.

Universality – A number of points were raised in discussion under this sub-item. The near-universal membership of the CWC was commended but there was recognition that more that could be done to bring the remaining four countries into membership of the Convention – the Democratic People's Republic of Korea, Egypt, Israel and South Sudan. It was highlighted that two of these countries had sent delegations to the Review Conference and that this might be taken as a positive sign. Interventions noted that the existence of any country outside of the Convention that might be capable of possessing chemical weapons would constitute a potential threat to the CWC. Israel has signed but not ratified the Convention and a question was raised as to whether it was appropriate for a country to remain in this status for so long.

Enhancing international cooperation and assistance – This sub-item included discussion on issues relating to CWC Article X on assistance and protection against chemical threats and Article XI on cooperation and assistance for peaceful uses. As with other treaties controlling weapons of mass destruction, there is a balance between measures to prohibit hostile activities and those to promote peaceful purposes. There were claims that economic sanctions were in breach of these CWC provisions. Ukraine

expressed appreciation for the Article X assistance it had received and noted there were toxic challenges in that country from residues of conventional explosives in the ongoing military action. The recent inauguration of the ChemTech Centre was commented on by a number of delegations which welcomed the opportunities the new Centre would bring. Canada outlined some of the capacity-building activities carried out by the 31 members of the Global Partnership. Yemen noted the value of exchanges of good practices.

Staffing issues – while there was a specific sub-item on organizational governance that included staffing issues for the Technical Secretariat, there were a points raised under other sub-items that are more convenient to report together. The use of non-permanent personnel for inspections, known as Special Service Agreement (SSA) posts, was suggested to be not optimum. There were references to the need for training for staff although the costs of recruitment, training and knowledge management when staff cannot be retained were not explored. It was suggested that the OPCW could join the UN Joint Staff Pension Fund. There were indications that a working group on some of the staffing issues might be a way forward.

Malaysia introduced a paper with 59 state party sponsors on gender equality, diversity and the CWC, indicating that use of chemical weapons may impact men, women and children differently and that this warrants further attention. Benefits of diversity within decision-making were highlighted and implications of the under-representation of women in science, technology, engineering and mathematics (STEM) noted.

Informal meetings and the Committee of the Whole

Once the plenary had finished in the morning, there was a short meeting of the CoW before breaking for lunch. During the afternoon there were a variety of small meetings in side rooms, some focused on particular issues, some looking at broader questions. While the four topics of the previously announced Friends of the Chair were still being discussed, additional informal facilitations were taking place on issues such as counter-terrorism and engagement with outside bodies. Some of these were taking place in parallel which was difficult for small delegations (and for observers outside) to keep track. There was greater progress on a number of these issues than a number of delegates had earlier felt likely.

The CoW convened in the evening and met for roughly three hours before taking a break to return at 23:00 in order to try to have a text to deliver to a plenary session on Thursday.

At the time of the CoW taking its break, the industry verification and NGO attendance issues seemed to have workable solutions, at least in terms of what could be put into a Review Conference report. Issues around geographical representation in the staffing of the Technical Secretariat under organisational governance also seemed to getting resolved but there was some slightly contradictory information on this so there might be some outstanding challenges. There were also informal consultations on how matters relating to Syria should appear in the report of the meeting – perhaps the most challenging of all of the subjects under consideration.

With only five working days, this Review Conference is the shortest that there has been for this Convention. This has significantly compressed the time available for making any attempts to reach a consensus outcome. There are some positive benefits to this as negotiations are subject to ‘Parkinson’s Law’ – work expands to fill the time available. This means that a shorter negotiating time can help focus minds. However, some of the issues being dealt with are complex and it is possible that capitals will struggle to keep up with delegations – a practical reason to have a text on Thursday to give time for capitals to consider it.

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CWC Review Conference Report

Consensus confounded

The efforts to achieve consensus at Fifth Review Conference for the Chemical Weapons Convention were crushed under the weight of the magnitude of the task.

The morning started with a return to issues that remained in play after the overnight discussions and continued with the of the Friends of the Chair and the informal group for the preparation of the report being steered by the Chair of the Committee of the Whole (CoW), Ambassador José Antonio Zabalgoitia (Mexico). This informal group became known by some delegates as the ‘calf’ – a smaller creature spawned by a cow.

The morning plenary meetings

There morning session included two brief plenary meetings. The first was a quick update on progress. The Chair of the Review Conference, Ambassador Henk Cor van der Kwast (Netherlands), noted that there was ‘a lot of work going on’. In his role as Chair of the General Committee he gave a brief procedural report about the latter’s activities.

The second started with a brief update on procedure and the interactions that had taken place between the Chairs, the Vice-Chairs and the regional groups to allow delegates to understand the processes being followed. There was then an oral report from the Chair of the CoW who indicated that there had been progress on the following issue clusters: guidelines on NGO attendance, geographical diversity and tenure policy, industry verification, engagement with external stakeholders and contributions to global anti-terrorism efforts. He noted that there would be a focus on the cluster on threat of use of chemical weapons in the informal group during the rest of the morning and described himself as ‘reasonably optimistic’ that agreement could be reached on some of the key paragraphs. It is the cluster on threats which contains the language relating to Syria – the most challenging of all of the subjects under consideration.

The afternoon meetings of the CoW and the plenary

Immediately after lunch, the CoW was convened behind closed doors in the main meeting room to take the procedural steps to forward the text resulting from the informal group to the plenary. Immediately following this, the plenary received an oral report from the Chair of the CoW who informed delegates that there were still ‘outstanding issues’ on which ‘fundamental divergence of views’ continue to exist and so it had been impossible to reach consensus.

The Chair of the Conference announced that the plenary would reconvene on Friday afternoon to adopt the report of the Conference which would reflect that no consensus could be found. The plenary was then adjourned.

The atmosphere in the room was one of surprise at the suddenness of the end of the process. Some delegates wandered around the room speculating whether anything could be done to retrieve the situation but it was clear that the challenges were too great.

Please note there will be an additional report in this series which will cover the last day of the Review Conference and will be posted to the website below.

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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.