Status of the Chemical Weapons Convention after CSP-23 and RevCon-4
Some personal reflections

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Basic outcomes: 23rd CSP

• 23rd Conference of the States Parties (CSP) – 19-20, 29/11/2018
  • 1st time back to back with a Review Conference
  • Main agenda items: adoption of programme of work and budget

• Follow-up to 4th Special Session of the CSP – 26-27/06/2018
  • Adoption of an identification/accountability mechanism for CW use in Syria
    • Time-limited (i.e. duration of Syrian civil war)
    • Mechanism can be reactivated in case of a future war involving CW use
  • Request for Director-General (DG) to submit proposals + budget outline
  • Strengthening & explication of technical assistance to states parties (Article VIII, 38(e))
    • Response to assassination operations with nerve agents in Malaysia and UK
  • Proposals highly contested and adopted by majority voting

• Outcomes of 23rd CSP
  • Sino-Russian proposal ‘Preserving the Integrity of the OPCW’ – Rejected
  • Adoption of DG proposals and budget (majority voting) following defeat of amendments by opponents
  • Several routine agenda items (e.g. DG report CWC implementation; progress CW & ACW elimination; etc.)
  • Major diplomatic blunder by the US → Delayed adoption report; Impact on RevCon
Basic outcomes: 4\textsuperscript{th} RevCon

- **Failure**
  - No final document
  - Chairperson’s report
    - Lists areas of disagreement
      - All under Agenda item 9: ‘Review of the operation of the CWC’
      - Other paragraphs agreed \textit{ad referendum} (i.e. consensus)

- **Consequences**
  - No CWC review of the past 5 years
  - No legally binding obligations for the next 5 years (objectives)
  - Paragraphs agreed \textit{ad referendum} give a sense of direction
  - Does not affect annual programmes or budget (annual CSP decisions)
    - OPCW can continue to function
    - Major difference with context of the Biological and Toxin Weapons Convention (BTWC) where the RevCon is the only decision-making body accepted by all

- **Failure was anticipated**
  - RevCon document has to be adopted by consensus (no majority voting)
  - Almost all controversial paragraphs concern CW use and disarmament in Syria, especially the findings by Fact-Finding Mission and the Declaration Assessment Team
  - References to assassination operations in Malaysia and UK also controversial
  - US diplomatic blunder – resolved for CSP – had unavoidable impact on RevCon
US diplomatic blunder

- **US amendment stating refusal to recognise State of Palestine as a state, and therefore as a CWC state party**
  - Came towards the end of the 2nd day of CSP when draft report was being considered for adoption
  - Many states rejected idea, threatening refusal to adopt report
  - Came out of the blue
    - No indication at start of the meeting
    - Palestine was allowed to vote during the CSP prior to submission of amendment
  - US eventually retreated, allowing adoption of report on 29/11
  - **Note**: Iran’s habitual statement of not-recognising Israel always made at end of meeting, which is noted for the record [*Israel is not a state party*]

- **Impact on RevCon**
  - Concrete indication that consensus on final report would be elusive even before RevCon had started
    - Final RevCon report always “welcomes” new states parties
    - Compromise language “noted with appreciation” the rise of number of states parties → unacceptable to many states, especially Palestine
  - May have removed any constraints on debates concerning CW use in Syria
    - 30 November (final day) = UN Day of Remembrance for all Victims of Chemical Warfare
    - Nobody mentioned it on final day of RevCon
    - Many states, especially from Middle East, used Palestinian issue to avoid responsibility to denounce chemical warfare
A taste of the nature of debates

- Challenges to the investigative / accountability mechanism
  - To some, this amounted to major amendment
  - To some, attribution was a responsibility of the UN Security Council
  - To some, the OPCW is a technical, not a political organisation
    - = rephrasing of 2013 point by DG: "technical, not diplomatic"
    - This referred to need for UN involvement in disarmament of Syria to assess risk and negotiate local truces to be able to secure & evacuate Syria’s CW
  - However,
    - OPCW decision-making bodies have right to determine non-compliance and decide on measures (Articles VIII, IX & XII)
    - Technical Secretariat can identify perpetrators (Verification Annex XI, para. 26)

- Syrian allegation of chemical attack at Aleppo during RevCon
  - Real or staged to entrap the OPCW (and its new investigative responsibilities)
  - Prior announcement of Russian detection units in area (Russian media)
  - Prior announcement of attack by insurgents (Syrian officials)

- Syria & factual reports
  - Original idea: determine CW use & consensus decision to sanction violator
  - Today: integrity of investigative and analytical procedures challenged, which pushes evidence collection and scientific analysis to the limit of current abilities, e.g.
    - Detection of chlorine molecules days after attack against background of natural presence of chorine
    - Biomarkers in humans for exposure to chlorine not yet available
    - Interviews of victims at locations removed from attack site (e.g. neighbouring country)
    - Sample collection by local NGOs in inaccessible areas
  - Challenges to the verification operations of (un)declared CW & installations or to reconstitute past CW-relevant activities
Recalling where science, industry and military art converged
Challenging entrenched positions

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