



UNIDIR UNITED NATIONS INSTITUTE
FOR DISARMAMENT RESEARCH

Preparing for Success at the Fifth Review Conference of the Chemical Weapons Convention: A Guide to the Issues

**ALEXANDER GHIONIS, ALEXANDER KELLE &
MARÍA GARZÓN MACEDA**

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ABOUT THE AUTHORS

ALEXANDER GHIONIS is a Research Fellow in Chemical and Biological Security at the Harvard Sussex Program, based in the Science Policy Research Unit, University of Sussex. His research interests relate to the chemical and biological weapons prohibition regimes, particularly the form and function of the Organisation for the Prohibition of Chemical Weapons (OPCW). His doctoral research looked at change and continuity in the OPCW, with particular focus on the organizational cultures of the Technical Secretariat. His current research explores the value of ethical approaches to mitigating concerns around the impact of artificial intelligence on the chemical and biological weapons regimes.

ALEXANDER KELLE is a Senior Researcher at the Berlin Office of the Institute for Peace Research and Security Policy at the University of Hamburg (IFSH), Germany, where he leads the project “Strengthening the Norms Against Chemical and Biological Weapons: Security Policy Frameworks, CBW Terrorism, and the Contestation and Resilience of Prohibition Norms”. He served as a Senior Policy Officer at the Organisation for the Prohibition of Chemical Weapons from February 2013 to December 2019. Prior to this, he taught and conducted research at the universities of Bradford, Belfast and Bath, United Kingdom. Dr Kelle’s research has received funding from the European Union, the British Academy, the MacArthur Foundation, the North Atlantic Treaty Organisation and the German Foundation for Peace Research, among others. He received his PhD in political science from Goethe University Frankfurt.

MARÍA GARZÓN MACEDA is an Associate Researcher for the Weapons of Mass Destruction and Space Security Programmes at the United Nations Institute for Disarmament Research (UNIDIR). Before joining UNIDIR, she was a policy fellow at the European University Institute, where she worked on strengthening participation of the Global South in WMD regimes. She has 10 years of progressive experience at the Argentine Ministry of Foreign Affairs, particularly on the implementation of the Chemical Weapons Convention. She is currently an active participant in several youth and women initiatives in the field of international security and disarmament.

ABBREVIATIONS AND ACRONYMS

CoW	Committee of the Whole
CSP	Conference of the States Parties of the OPCW
CW	Chemical weapons
CWC	Chemical Weapons Convention
GRULAC	Group of Latin American and Caribbean States
ICA	International cooperation and assistance
NGO	Non-governmental organization
OEWG	Open-ended Working Group
OEWG-RC5	OEWG for the Preparation of the Fifth Review Conference
OPCW	Organisation for the Prohibition of Chemical Weapons
RC-5	Fifth CWC Review Conference
SAB	Scientific Advisory Board
WEOG	Group of Western European and Other States

EXECUTIVE SUMMARY

1. Since the entry-into-force of the Chemical Weapons Convention (CWC) in April 1997, a Review Conference has been conducted every five years, beginning in 2003. The Fifth CWC Review Conference (RC-5) is scheduled to take place from 15 to 19 May 2023 in The Hague.
2. Review Conferences provide an important opportunity both to look back at treaty implementation during the concluding five-year period, and to chart the course of the future operation of the CWC. Given the short duration of RC-5 (only one week), opportunity for a detailed discussion during the Review Conference itself will be somewhat limited. Prior preparation will therefore be important.
3. The quinquennial CWC Review Conferences do not take place in isolation. On the one side, in addition to the guidance provided in the Convention itself for conducting Review Conferences, they are embedded in a preparatory process that begins at least one year before the actual event. Key elements of this preparatory phase are:
 - a. the work of the Open-ended Working Group (OEWG) to prepare a Review Conference, which, in the case of RC-5, was established by the Organisation for the Prohibition of Chemical Weapons (OPCW) Executive Council in March 2022;
 - b. the customary report issued by the Scientific Advisory Board (SAB), containing an analysis of relevant developments in science and technology over the past five years and corresponding recommendations for the future operation of the Convention;
 - c. a summary of the operation of the Convention since the previous Review Conference produced by the Technical Secretariat;
 - d. other events in preparation for the Review Conference, which provide opportunities for deliberation among CWC States Parties or a subset thereof; and
 - e. contingency planning by office holders and the Secretariat, to account for any departure from the most effective and efficient conduct of preparations for the Review Conference itself.
4. On the other side, the current global context has the potential to significantly shape the outcome of both the review and the provision of guidance by CWC States Parties for the future operation of the Convention. The context in which RC-5 will take place is characterized by:

- a. a challenging geostrategic environment, which has been negatively influenced by the invasion of Ukraine, with significant ramifications for arms control and disarmament agreements;
 - b. the approaching end of the verified destruction of all declared chemical weapons (CW) stockpiles;
 - c. the continuing salience of the threat of CW use by non-State actors, such as terrorist groups; and
 - d. the ongoing scientific and technological advances of relevance to the Convention, both in chemistry and associated, converging fields.
5. Processes and procedures for Review Conferences are based on the Rules of Procedure for the regular Conference of the States Parties (CSP) sessions, of which Review Conferences are a special case. The programme of work of the Fifth Review Conference can be expected to follow previously established practice, building on the preparatory work of the OEWG and utilizing the Committee of the Whole to work toward a final outcome document.
6. Documents and working papers, mostly produced by CWC States Parties, but also by the Technical Secretariat and the SAB, are part of the review process itself and provide another element for a successful review outcome. The earlier national position papers are put forward, the more time is available to discuss these and find common ground on salient issues.
7. There are several key participants that contribute to the review process and to the Conference itself. The Chairperson is instrumental in guiding the Conference to a successful outcome, as are other elected officials, such as the Chairperson of the OEWG to prepare the Review Conference. The Technical Secretariat and stakeholders from industry, non-governmental organizations and civil society also provide key inputs.
8. As with previous Review Conferences, RC-5 will see some key issues debated by States Parties that will influence the outcome of the event. Most likely these issues will include:
- a. international cooperation and assistance under the Convention;
 - b. allegations of CW use in Syria and elsewhere;
 - c. the future of verification measures following the end of the verified destruction of declared CW stockpiles; and
 - d. organizational matters, such as those related to the new Centre for Chemistry and Technology, the OPCW's tenure policy and gender issues.

9. The outcomes of past Review Conferences have varied over time. Not all have been successful to the point of agreeing on a consensus outcome document providing strategic guidance for the next five years—RC-4 being a case in point. Against this background, this report presents five possible outcome scenarios and briefly discusses their advantages and disadvantages. These are laid out in Table 1 below:

Table 1. *Outcome Scenarios for RC-5*

Outcome 1	The ideal scenario of a substantive, strategically oriented outcome document adopted by consensus.
Outcome 2	A repeat of RC-4 outcome with a chairperson's report containing the major developments in CWC implementation and reflecting deliberations during the review process.
Outcome 3	A variation of the previous scenario with additional RC-5 decisions on bounded issues of strategic importance.
Outcome 4	Adoption of a watered-down outcome document by consensus.
Outcome 5	Adoption of a substantial outcome document by vote.

10. In concluding, the report presents some recommendations for CWC States Parties and other relevant stakeholders. These recommendations, which are elaborated upon in section ten of this report, are not meant to be exhaustive and include the following points:

- a. Start **preparations** for Review Conferences as early as possible, including through the development of **contingency plans** in case the most desired outcomes cannot be achieved.
- b. Provide for the continued existence of **opportunities for deliberation for all States Parties** to build on the work of the OEWG, for example through workshops and events.
- c. Focus on how the **voices of all States Parties** can effectively inform how to strengthen implementation of the Convention. **Hybrid meetings** are a useful tool in this context.
- d. Enhance existing **linkages with industry and civil society** to further strengthen the implementation of the Convention.

- e. Recognise that **international cooperation and assistance** will remain one of the key features of the Convention. Chemical safety and security-related activities could be considered as a focus in this area around which consensus could be built.
- f. Consider the future of the CWC **verification system**, to ensure the OPCW remains the repository of knowledge and expertise for CW and their destruction, and with a view to reviewing and updating the Article VI regime.
- g. Provide strategic guidance and sustainable funding for the new **Centre for Chemistry and Technology**.
- h. Establish a formal process to consider, evaluate and potentially amend the Organisation's **tenure policy**.
- i. Reaffirm commitment to **gender equality** in technical and policy discussions, support initiatives that combat gender stereotypes and promote diversity, and develop assistance with embedded gender perspectives.
- j. Recognize that success at RC-5 may take different forms. While State Parties might find consensus to be elusive, there are **opportunities to develop positive outcomes** that can provide issue-specific collective strategic guidance.

1. INTRODUCTION

The Fifth Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (RC-5) will take place 15–19 May 2023. At this meeting, the Member States of the Organisation for the Prohibition of Chemical Weapons (OPCW)¹ will meet to review the implementation of the Chemical Weapons Convention (CWC) over the last five years and seek to develop a strategic view on its implementation moving forward.

This Fifth Review Conference is a relatively short five-day meeting: there will be little time during the meeting for States Parties to input, digest, and negotiate new substance. A consensus-based outcome will therefore need to be prepared to the greatest extent possible by States Parties before RC-5 begins. The short timeframe heightens the role of those State Party representatives charged with guiding both the preparatory work and the Review Conference itself. In addition, officials from the Technical Secretariat, including the Director-General, will be required to work efficiently to prepare the Conference and help its elected officials move through its agenda.

This report is designed to facilitate this process by providing accessible and practical guidance to delegations and other CWC stakeholders. The report begins by outlining the purpose of the Review Conference and the importance of the wider context in shaping expectations for the meeting. It then proceeds to provide insights on past and present practices of preparing for the Review Conference, as well as an overview of the processes and procedures employed in the meeting. The report then turns to proposals and working papers, before looking at the different roles and responsibilities of key actors in the Review Conference. In the penultimate section, the report provides an overview of some of the key issues that may emerge at the Review Conference, before concluding with reflections on possible outcomes and recommendations to CWC States Parties and stakeholders.

¹ Note that the OPCW is comprised of two primary sets of actors: the States Parties to the Chemical Weapons Convention and the Technical Secretariat. State Parties are sometimes referred to as the Member States of the OPCW.

2. THE PURPOSES OF REVIEW CONFERENCES

Article VIII of the CWC obligates States Parties to convene special sessions of the Conference:

[to] undertake reviews of the operation of this Convention. Such reviews shall take into account any relevant scientific and technological developments. At intervals of five years thereafter, unless otherwise decided upon, further sessions of the Conference shall be convened with the same objective. (para. 22)

Review Conferences have become an established practice under the Convention. They provide States Parties with an important opportunity to take stock of the operation of the CWC and to set out a strategic plan for its implementation over the course of the next five years.

Regular opportunities exist to review treaty implementation through annual sessions of the Conference of the States Parties (CSP). In addition, the OPCW and its subsidiary bodies produce several reports during the five-year period between Review Conferences that contain a strong review element.² However, the Review Conference provides a special opportunity to focus on “strategic tasks”.³ At the current juncture, this is perhaps more important than ever because of the challenging context in which the Fifth Review Conference will take place.

² These include the annual reports of the OPCW, the annual report on activities from the Executive Council, the report of the annual CSP sessions, the Scientific Advisory Board’s session reports, and others.

³ Walter Krutzsch and Treasa Dunworth, “Article VIII: The Organization,” in Krutzsch, Myjer and Trapp (eds.), *The Chemical Weapons Convention. A Commentary* (Oxford: OUP, 2014), pp. 235–296, quote on p.268.

3. THE IMPORTANCE OF CONTEXT

The CWC Review Conferences do not operate in a vacuum. The wider context can have a significant bearing on what is possible at the Review Conference. Unfortunately, the current geostrategic context is a challenging environment for arms control, disarmament and non-proliferation regimes. This difficult geopolitical environment could compound long-standing difficulties arising from the re-emergence and use of chemical weapons in Syria, and elsewhere, since 2013. This had a comparatively small impact on RC-3 in April 2013,⁴ but was one of the main reasons for the failure to agree a consensus final document at RC-4 in November 2018.⁵

Beyond such geostrategic issues, three other contextual factors will have a bearing on the Review Conference. First, the impending end of a long-standing OPCW activity—verifying the destruction of declared stockpiles of chemical weapons—may require rebalancing the priorities of the OPCW. This demands further attention from States Parties.

Second, the threat posed by chemical terrorism and non-State actors using chemical weapons remains salient.⁶ Successive Review Conferences have recognized the threat of chemical terrorism and States Parties will need to consider how to further strengthen the OPCW's contribution to global anti-terror efforts through national implementation and assistance and protection activities.

Third, chemistry continues to advance and converge with other fields. This could result in the identification of new chemical warfare agents, as well as new means of manufacturing chemicals.⁷ The intent-based definition of chemical weapons contained in Article II of the CWC ensures that the scope of the prohibition remains comprehensive. Nonetheless, it will be important for States Parties to review advances in science and technology and any implications for the CWC. It will also be useful to explore technological opportunities to strengthen implementation, for example, through new ideas and tools for verification, or technologically enhanced means of capacity-building.

⁴ OPCW, "Report of the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention", document RC-3/3 dated 19 April 2013, see especially paras. 9.18 and 9.19, https://www.opcw.org/sites/default/files/documents/CSP/RC-3/en/rc303_e.pdf.

⁵ See, for example, Richard Guthrie, "The Closure of the Review Conference and Some Reflections", *CWC Review Conference Report*, no. 11, 20 December 2018. <https://cbw-events.org.uk/CWCRC-4-11.pdf>.

⁶ Although the word 'terrorism' does not appear in the text of the Convention, the events of 11 September 2001 in the United States of America prompted the establishment of the Open-Ended Working Group on Terrorism (OEWG-T), through a decision taken at the Executive Council during its 27th Session in December 2001. At RC-1 in 2003, States Parties recognized that the implementation of the Convention could make an important contribution to the global fight against terrorism. See "Political Declaration of the First Review Conference", document RC-1/3 dated 9 May 2003, p. 2, https://www.opcw.org/sites/default/files/documents/CSP/RC-1/en/RC-1_3-EN.pdf.

⁷ Spiez Laboratory, "Spiez CONVERGENCE Report on the Fifth Conference", (Spiez Laboratory, 2022), <https://www.research-collection.ethz.ch/bitstream/handle/20.500.11850/582482/1/SpiezConvergenceReport-2022.pdf>.

4. PREPARING FOR REVIEW CONFERENCES

Review Conferences under the CWC are not isolated events. Rather, they are embedded in preparatory processes that include the work of the Open-ended Working Group (OEWG) to prepare the Review Conference, the OPCW's Scientific Advisory Board (SAB), the work of the Technical Secretariat, and a series of events both inside and outside of the OPCW. Such initiatives help to prepare States Parties to look 'over the horizon' and to find common ground ahead of the opening of the Review Conference.

OPEN-ENDED WORKING GROUP OF THE FIFTH REVIEW CONFERENCE

The OEWG plays an important role ahead of the Review Conference in facilitating discussion among States Parties, catalysing the development of positions, and setting the tone of what might come by holding a series of meetings, each one dedicated to a particular aspect of the Convention. Input into these sessions comes predominantly from States Parties and the Technical Secretariat, with additional contributions from industry and civil society at dedicated sessions.

However, the Bureau of the OEWG is not tasked with forging consensus. The Chair submits a report to the Review Conference which can provide an overview of where agreement and disagreement may lie, and the substance of such divergence. The hope is that the report from the OEWG may also provide some draft language that the Review Conference may be able to take as a starting point to produce a final declaration and outcome document. This is, though, not always the case. Where areas of significant divergence exist, it is possible that these will spill over into the Review Conference itself, where they may or may not be resolved. For example, at RC-4 in 2018, certain issues remained insurmountable, and States Parties were unable to agree a consensus outcome document. Correspondingly, the Chair of the Review Conference issued a substantial report of proceedings.

States Parties established the Open-ended Working Group for the Preparation of the Fifth Review Conference (OEWG-RC5) at the ninety-ninth session of the Executive Council in March 2022.⁸ This OEWG-RC5 is chaired by Lauri Kuusing of Estonia.⁹ The approach has been described by the Chair as seeking to be "transparent, inclusive, and predictable".¹⁰ Indeed,

⁸ OPCW, "Annotated Provisional Agenda for the 100th Session of the Executive Council 5–8 July 2022", document EC100/INF.1/Rev.1 dated 1 July 2022,

<https://www.opcw.org/sites/default/files/documents/2022/07/ec100inf01r1%28e%29.pdf>.

⁹ Ibid.

¹⁰ OPCW, 'Report by H.E. Ambassador Lauri Kuusing of Estonia Chairperson of the Open-Ended Working Group for the Preparation of the Fifth Review Conference to the Conference of the States Parties at its Twenty-Seventh Session', document C-27/WP.1 dated 30 November 2022, p.1,

<https://www.opcw.org/sites/default/files/documents/2022/12/c27wp01%28e%29.pdf>.

meetings were held in a hybrid format to ensure national authorities, experts, and non-Hague-based representatives could attend. The OEWG-RC5 has worked thematically, rather than on an article-by-article basis as on previous occasions. It has split its work into two phases, with the first running from 7 June to 14 December 2022, meeting at least 11 times, during which additional consultations were held with States Parties in June and October to gather feedback on how the OEWG was proceeding.

The meetings through 2022 have focused on verification, international cooperation and assistance, universality, engagement with external stakeholders, governance, and further cross-cutting issues such as science and technology of relevance to the Convention. The second phase, running from January to April 2023, focuses on consideration of the first OEWG Chairperson's draft report, additional position papers and proposals submitted by States Parties, and the results of a survey completed by State Parties. The revised OEWG report will be submitted to the RC-5 Chairperson thereafter.¹¹

SAB REPORT ON DEVELOPMENTS IN SCIENCE AND TECHNOLOGY

The SAB is independent of States Parties and their delegations and reports to the Director-General. It is composed of 25 State-nominated experts. The SAB produces a report which is submitted to the Director-General in direct support of the requirement that the Conference consider science and technology relevant to the Convention.¹² The report is composed of two key elements: the report proper, containing the scientific data, discussions and implications of the work that the SAB has undertaken; and a set of recommendations and observations that the SAB considers to be important for the review of the operation of the Convention and its future implementation, based on the report.¹³

Both elements, but in particular the recommendations, provide States Parties with scientific perspectives that can be used to inform political positions by assisting them in better understanding how advances in science and technology may interact with their national positions and policy approaches.

Following a series of in-person and online meetings due to the Covid-19 pandemic, the SAB finalized its RC-5 report over the autumn of 2022 and provided specific inputs to the OEWG-RC5. The final report is expected to be published in February 2023 and will be followed by a response from the Director-General.

¹¹ Ibid.

¹² As outlined in Article VIII, para. 22 of the Convention.

¹³ OPCW, "Report of the Scientific Advisory Board on Developments in Sciences and Technology for the Fourth Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention", document RC-4/DG.1 dated 30 April 2018, p. 1, https://www.opcw.org/sites/default/files/documents/CSP/RC-4/en/rc4dg01_e_.pdf.

SECRETARIAT'S REVIEW OF IMPLEMENTATION OF THE CONVENTION

To facilitate States Parties' deliberations before and during a Review Conference, the Secretariat is tasked with preparing a document reviewing the implementation of the CWC since the previous Review Conference.

In the past, this document was submitted to the OEWG with a view to contributing substantially to the preparatory process.¹⁴ Given the changed format of the OEWG-RC5 sessions, which includes various presentations provided by the Secretariat, this document will be issued at a later point in time ahead of RC-5.

OTHER EXTERNAL EVENTS

Preparations have also been undertaken outside the OPCW in other forums. The value of such external events is twofold: they bring together experts and national policymakers in spaces to reflect and deliberate; and they can also feed into processes of developing the substance of issues before the Review Conference begins. For example, the Pugwash Conferences on Science and World Affairs' Study Group on Chemical and Biological Weapons used to hold a regular workshop series that examined and reviewed progress in the Convention.¹⁵ In the case of RC-5, and as in the past, Wilton Park has organized closed meetings for technical and policy discussions in view of the Conference.¹⁶ Moreover, ambassadorial retreats may also be organized to facilitate preparatory efforts.

CONTINGENCY PLANNING

Ahead of RC-5, office holders (and those assumed to be elected), in cooperation with the Secretariat, may find benefit in mapping out the possible procedural hurdles and challenges to progress on substantive issues on the agenda. Developing strategies, procedural pathways, and opportunities for additional consultations can help to ease and guide delegations toward positive outcomes.

A central question in this regard concerns the outcome of RC-5, where a substantive report, providing strategic guidance and adopted by consensus, may be seen as the ideal scenario. However, diverging views among States Parties may make consensus or the formulation of a single outcome document impossible. This may be due to some States Parties challenging the legality or legitimacy of decisions taken by vote in previous Conferences of States Parties.

¹⁴ OPCW, "Note by the Technical Secretariat: Review of the Operation of the Chemical Weapons Convention Since the Third Review Conference", document WGR-4/S/1 dated 29 May 2018, par. 1.1, https://www.opcw.org/sites/default/files/documents/CSP/RC-4/en/wgrc4s01_e.pdf.

¹⁵ See, for example, a list of Pugwash Conferences addressing chemical and biological weapons, <https://pugwash.org/category/chemical-and-biological-weapons/>.

¹⁶ See Wilton Park, "The Future of the Chemical Weapons Convention and the 2013 Review Conference", 2012, <https://www.wiltonpark.org.uk/event/wp1178/>.

If the substance and outcomes of those decisions provide content that shapes or underpins text in any outcome document of the Review Conference expected to be adopted by consensus, this could lead to sustained opposition by these same States Parties. Alternatively, a small number of States Parties may question the value of any outcome for the OPCW which is not consensual. Clearly then, undertaking some contingency planning, including through the provision of the good offices of the Director-General, to allow for alternative RC-5 outcomes that deviate from the ideal would be of value.

5. PROCESSES AND PROCEDURES

AGENDA OR PROGRAMMES OF WORK FOR THE PREVIOUS REVIEW CONFERENCES

CWC Review Conferences have varied in length but typically follow a set agenda. Table 2 below shows what we may expect a typical agenda to look like, reflecting on the preceding Review Conferences.

Table 2. *Typical Agenda for CWC Review Conferences*

Agenda Item 1	Opening of the Review Conference The Chair of the preceding CSP opens the Conference. ¹⁷
Agenda Item 2	Election of the Chairperson
Agenda Item 3	Election of the Vice-Chairpersons and other officers
Agenda Item 4	Adoption of the Agenda Provisional agendas are circulated ahead of the Review Conference, and the General Committee will normally make a recommendation to adopt the agenda. ¹⁸
Agenda Item 5	Organization of work and establishment of subsidiary bodies This usually involves appointing members of the Credentials Committee.
Agenda Item 6	Opening Statement by the Director-General of the OPCW Other high-ranking United Nations or State Party officials may also make a statement.
Agenda Item 7	Report of the Chairperson of the Executive Council on the preparations for the Review Conference
Agenda Item 8	General Debate Following the plenary debate, additional statements may be made by those participating as decided and listed under agenda item 1.
Agenda Item 9	Review of the Operation of the Chemical Weapons Convention Under this agenda item, the Chair of the Review Conference and the Chair of the SAB will verbally report to the Conference on their respective work and submitted reports. ¹⁹

¹⁷ The outcome document, under this agenda item, will detail participating State Parties, signatory and non-signatory observer status States and relevant decisions for the inclusion of international organizations, and representatives from industry, scientific and non-governmental organization communities.

¹⁸ The outcome document will list the adopted agenda under Agenda Item 4.

¹⁹ This review has sub-items (a–d); sub-item c which relates to destruction activities was undertaken in a classified mode at RC-4 and RC-3. Much of the substance of Agenda Item 9 will have been discussed at the OEWG-RC.

Agenda Item 10	Reports of subsidiary bodies The Committee of the Whole, the General Committee, and the Credentials Committee reports are sent back to the Conference.
Agenda Item 11	Any other business
Agenda Item 12	Adoption of the final documents of the Review Conference
Agenda Item 13	Closure

COMMITTEE OF THE WHOLE

The Committee of the Whole (CoW) is the main committee of the Review Conference. Its Chair is elected by the Conference. The CoW seeks to facilitate discussion and consultation on issues of substance that may require more detailed and focused work before they can be appropriately considered and decided upon by the Conference.

The role of the CoW has varied in past Review Conferences but in general terms the CoW prepares and drafts the outcome document of the Review Conference in parallel with proceedings, and reports back to the plenary on its progress. To do this, the CoW usually takes the report of the OEWG as a starting point for discussion. However, other inputs are accepted from States Parties (or groups of States Parties) during this process, especially if there remains divergence on substantive issues. In such circumstances the process can become rather congested, and progress can be slowed as more inputs are received. In the past, the appointment of additional officers as facilitators for difficult issue areas helped to structure work and find common ground.²⁰ Such facilitators could be important as RC-5 will run for only five days.

RULES OF PROCEDURE

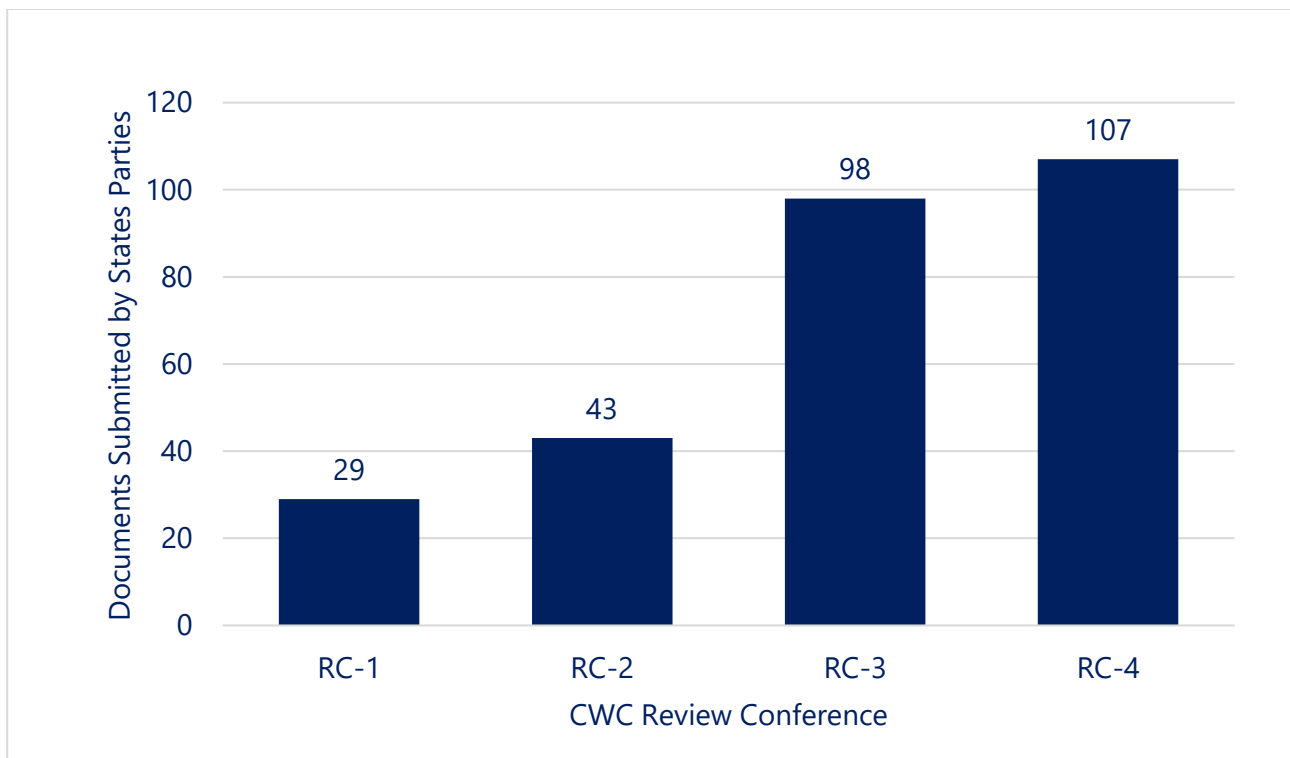
The Rules of Procedure of the Conference of the States Parties form the basis for the conduct of Review Conferences, including on issues related to voting. Recourse to voting, as practiced during recent CSP sessions, is a legitimate decision-making method if consensus is elusive. However, voting has not been employed in previous Review Conferences and some States are reticent to vote in this setting. Indeed, at RC-4, in which consensus could not be reached on a final outcome document, voting was not used. Instead, the Chairperson issued a substantial report in lieu of a consensus outcome document.

²⁰ At RC-4, the Chair of the CoW, Marcin Czepelak of Poland, appointed eight facilitators to undertake informal consultations. Despite this, however, divisions remained intractable, although the amount of time given to the CoW to undertake its work had been less than in previous years, being a consequence of the shortened amount of time given to the Review Conference.

6. DOCUMENTS AND WORKING PAPERS

There is precedent for States Parties to submit additional documents to the Review Conference beside their national statement. These have been variously labelled as ‘working papers’ (notably at RC-4) or as ‘national papers’, both of which differ from the ‘national statement’ submitted during the General Debate plenary.²¹ Figure 1 below shows the number of documents submitted by States Parties, as available on the public-facing website of the OPCW.

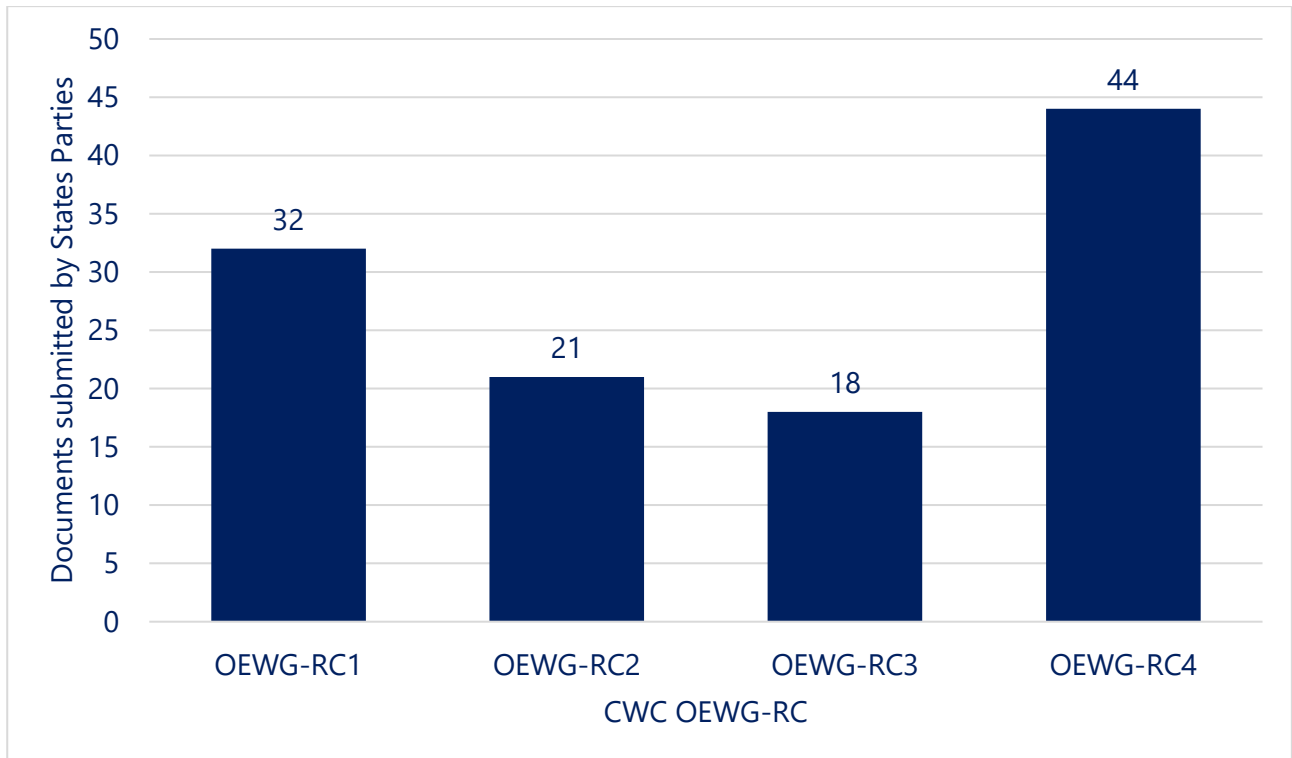
Figure 1. Documents Submitted by States Parties to Previous CWC Review Conferences



A State Party may also submit working papers, comments, or statements for consideration by States Parties during the preparatory deliberations. Figure 2 below shows the number of submissions received by the relevant OEWG ahead of the corresponding Review Conference. Submissions were high in RC-1 compared to RC-2 and RC-3 due, in part, to there being various unresolved issues following the entry-into-force of the CWC in 1997. Submissions increased for RC-4, as relatively novel contexts juxtaposed the narrower focus on destruction of the preceding ten years, with several submissions on consultations, cooperation and fact-finding; assistance and protection; and industrial verification, among others.

²¹ To differentiate, one must look at the title of the document as listed on the OPCW website to distinguish the nature of the statement, as well as the document code.

Figure 2. Documents Submitted by States Parties to Previous OEWGs



7. PARTICIPANTS AND POSITIONS

APPOINTMENT OF THE CHAIRPERSON AND KEY PERSONNEL

For equitable geographical distribution, the position of Chair of the Review Conference is rotated between the five Regional Groups specified in Article VIII, para. 23: Africa, Asia, Eastern Europe, Latin America and the Caribbean (GRULAC), and Western Europe and Others (WEOG). As such, the designated Chair for RC-5 is Henk Cor van der Kwast of the Netherlands, from the WEOG.

There are other important roles that play a part in ensuring a Review Conference reaches a successful outcome. These include, for example, the Chairs of the Committee of the Whole, Credentials Committee, and the OEWG for preparations of Review Conferences. However, as Table 3 below demonstrates, there are sometimes variations in the number of appointees in particular roles. Similarly, other bodies have been important contributors to a Review Conference, for example the OEWG on Future Priorities that submitted a report to RC-4.

Table 3. *Key personnel in CWC Review Conferences*

	Positions/Roles	Name	State Party	Regional Group
RC-1 ²²	Chair of RC	Nourreddine Djoudi	Algeria	Africa
	Chair of OEWG-RC1	Alberto Davèrède	Argentina	GRULAC
	Chair of CoW	Marc Vogelaar	Netherlands	WEOG
	CoW, Chair of 'Friends of the Chair'	Dato' Noor Farida Ariffin	Malaysia	Asia
	Chair of Credentials Committee	Maria Dulce Silva Barros	Brazil	GRULAC
	Chair of EC at the time	Lionel Fernando	Sri Lanka	Asia
RC-2 ²³	Opening Chair (Chair of CSP-12)	Abuelgasim Abdelwahid Shiekh Idris	Sudan	Africa
	Chair of RC	Waleed Ben Abdel Karim El Khereiji	Saudi Arabia	Asia

²² OPCW, "Committee of the Whole Report to the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention", document RC-1/CoW.1 dated 9 May 2003; OPCW, "Report of the First Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention", document RC-1/5 dated 9 April 2003.

²³ OPCW, "Committee of the Whole Report to the Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention", document RC-2/CoW.1 dated 18 April 2008; OPCW, "Report of the Second Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention", document RC-2/4 dated 18 April 2008.

PREPARING FOR SUCCESS AT THE FIFTH REVIEW CONFERENCE OF THE CWC

	Chair of OEWG-RC2	Lyn Parker	UK	WEOG
	Chair of CoW	Benchaâ Dani	Algeria	Africa
	CoW facilitation chairs	Maarten Lak	Netherlands	WEOG
		Jorge Lomónaco Tonda	Mexico	GRULAC
		Abuelgasim Abdelwahid Shiekh Idris	Sudan	Africa
		Luiz Felipe de Macedo Soares	Brazil	GRULAC
		Werner Burkart	Germany	WEOG
		Martin Strub	Switzerland	WEOG
	Chair of Credentials Committee	Wolfgang Paul	Austria	WEOG
Chair of EC at the time	Romeo A. Arguelles	Philippines	Asia	
RC-3²⁴	Opening Chair (Chair of CSP-17)	Peter Goosen	South Africa	Africa
	Chair of RC	Krzysztof Paturej	Poland	Eastern Europe
	Chair of OEWG-RC3	Nassima Baghli	Algeria	Africa
	Chair of CoW	Sa'ad Abdul Majeed Ibrahim Al-Ali	Iraq	Asia
	CoW facilitation chairs	Allan Wagner Tizón	Peru	GRULAC
		Peter Goosen	South Africa	Africa
	Chair of Credentials Committee	Mohamed Karim Ben Bécher	Tunisia	Africa
	Chair of EC at the time	Bhaswati Mukherjee	India	Asia
RC-4²⁵	Opening Chair (Chair of CSP-23)	Yun-young Lee	Republic of Korea	Asia
	Chair of RC-4	Agustín Vásquez Gómez	El Salvador	GRULAC
	Chair of OEWG-RC4	I Gusti Agung Wesaka Puja	Indonesia	Asia

²⁴ OPCW, "Committee of the Whole Report to the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention", document RC-3/CoW.1 dated 19 April 2013; OPCW, "Report of the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention", document RC-3/3* dated 19 April 2013.

²⁵ OPCW, "Statement by the Chairperson of the Committee of the Whole H.E. Ambassador Marcin Czepelak of Poland at the Fourth Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention", document RC-4/CoW.2 dated 28 November 2018; OPCW, "Chairperson's Report of the Proceedings of the Fourth Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention", document RC-4/3/Rev.1 dated 30 November 2018.

	Co-Chair of OEWG-Future Priorities	Sabine Nölke	Canada	WEOG
	Co-Chair of OEWG-Future Priorities	Bruce Koloane	South Africa	Africa
	Chair of CoW	Marcin Czepelak	Poland	Eastern Europe
	CoW facilitation chairs	Matthew EK Neuhaus	Australia	WEOG
		Sabine Nölke	Canada	WEOG
		María Teresa Infante	Chile	GRULAC
		I Gusti Agung Wesaka Puja	Indonesia	Asia
		Hiroshi Inomata	Japan	Asia
		Abdelouahab Bellouki	Morocco	Africa
		Shujjat Ali Athore	Pakistan	Asia
Bruce Koloane	South Africa	Africa		
Chair of Credentials Committee	Sheikh Mohammed Belal	Bangladesh	Asia	
Chair of EC at the time	Jana Reinišová	Czechia	Eastern Europe	
RC-5²⁶	Opening Chair (Chair of CSP-27)	Vusimuzi Philemon Madonsela	South Africa	Africa
	Designated Chair of RC	Henk Cor van der Kwast	Netherlands	WEOG
	Chair of OEWG-RC5	Lauri Kuusing	Estonia	Eastern Europe
	Designated Chair of CoW	José Antonio Zabalgoitia Trejo	Mexico	GRULAC
	Designated Chair of Credentials Committee	Martina Filippiova	Czech Republic	Eastern Europe
	Chair of EC at the time	Ziad M.D. Al Atiyah	Saudi Arabia	Asia

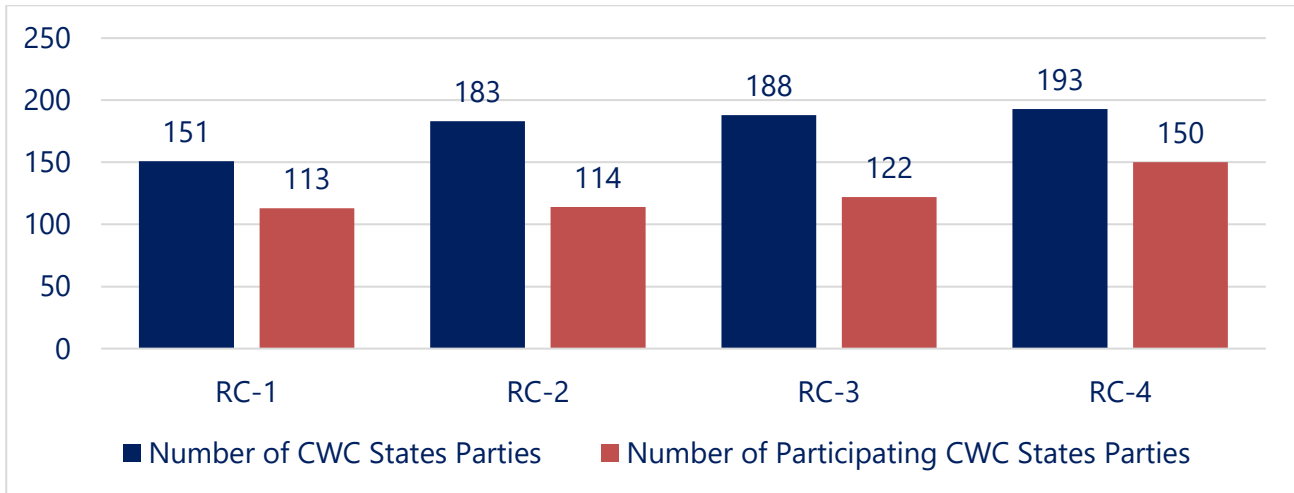
DELEGATES

Unlike delegates at the seat of other international non-proliferation, arms control, and disarmament forums in Geneva or New York, most delegations in The Hague face the additional challenge of responsibility for bilateral relations with The Netherlands or the international courts residing at The Hague. Furthermore, some States Parties have

²⁶ Role assignments for RC-5 designated officers have not been confirmed at the time of writing and are based on information obtained informally by the authors.

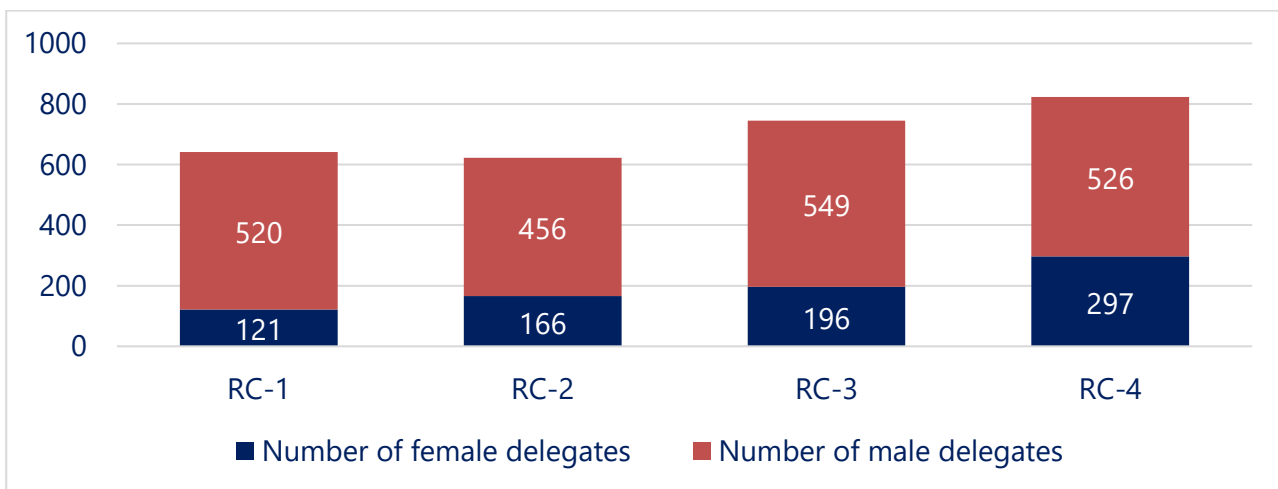
delegations only in Brussels, but not in The Hague; only very few States Parties, such as for example the United States of America and Germany, have dedicated OPCW ambassadors with supporting staff. Thus, ensuring the informed participation of States Parties can be challenging. As Figure 3 below indicates, it is also clear that not all CWC States Parties participate in CWC Review Conference.

Figure 3. Total Participation Rate of States Parties at Past CWC Review Conferences



There’s a persistent gender gap among diplomats accredited to CWC meetings. Although the proportion of women delegates attending CWC Conferences has improved since the Convention entered into force, women still tend to make up roughly only one third of the governmental participants at CWC Review Conferences (see Figure 4 below).²⁷ Moreover, nearly a fourth of all delegations participating in RC-4 were comprised exclusively of men.

Figure 4. Gender Balance of Delegates at Past CWC Review Conferences



²⁷ Renata H. Dalaqua, “The road ahead for the Chemical Weapons Convention: disarmament, diversity and equality,” May 2022, <https://blogs.fcdo.gov.uk/ukinnl/2022/05/13/guest-blog-by-renata-h-dalaqua-the-road-ahead-for-the-chemical-weapons-convention-disarmament-diversity-and-equality/>.

REGIONAL GROUPINGS

Regional groups play an important role in the Convention. As noted above, five regional groups are specified in Article VIII, para. 23: Africa, Asia, Eastern Europe, Latin America and the Caribbean (GRULAC), and Western Europe and Others (WEOG). They play a critical political role in ensuring equitable geographic representation, including in the appointment of key personnel to the OPCW's policymaking organs. Accordingly, at the Review Conferences, key positions rotate across different regional groups (see Table 3 above).

Apart from the African Group, CWC regional groups have historically not submitted joint statements to the Review Conference. Joint statements are more commonly delivered on behalf of, for example, the European Union, the African Union, or the Non-Aligned Movement. Cross-regional statements are also often submitted in relation to a specific issue or agenda item.

TECHNICAL SECRETARIAT

The substantive input of the Technical Secretariat is most evident in the preparatory stages of the Review Conference, during which it submits a review of the implementation of the Convention.²⁸ The Secretariat also contributes to the meetings of the OEWG-RCs. During the first half of the programme of work of the current OEWG-RC5, the Technical Secretariat submitted papers and provided 15 presentations to States Parties, covering issues including verification, non-routine missions, international cooperation and assistance, contributions to global anti-terrorism efforts, external engagement, and organizational governance.

In addition, the Secretariat plays a crucial logistical role in supporting the convening of both preparatory OEWG meetings and the Conference itself, disseminating documents, compiling and drafting outcome documents, and supporting procedural aspects, such as voting, if it were to take place at a Review Conference.

INDUSTRY ENGAGEMENT

Engagement between the OPCW and industry has a long history, going back to the negotiations and the work of the Preparatory Commission (1993–1997). Indeed, industrial associations and bodies have fed into the deliberations of various OEWG-RCs, providing perspectives and recommendations on issues relating, in particular, to industry verification. However, there appears to be no formal statement made on behalf of industry from RC-1 to RC-3. This changed, following an initiative of the then OPCW Director-General, Ahmet

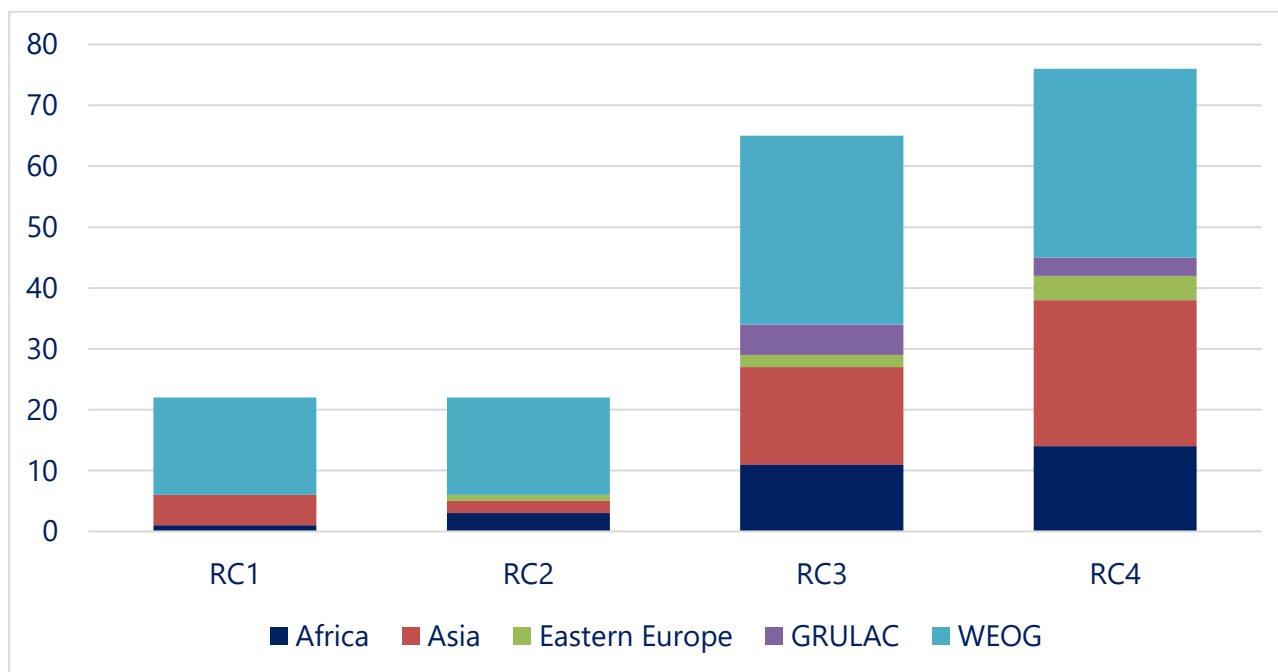
²⁸ See, for example, OPCW, "Note by the Technical Secretariat: Review of the Operation of the Chemical Weapons Convention Since the Third Review Conference", document WGRC-4/S/1 dated 29 May 2018, https://www.opcw.org/sites/default/files/documents/CSP/RC-4/en/wgrc4s01_e_.pdf.

Üzümcü, to reinvigorate OPCW cooperation with the chemical industry. This resulted in regular exchanges between industry and the OPCW and the first statement at RC-4 delivered by the International Council of Chemical Associations. Since then, the OPCW has also established closer relations with the International Chemical Trade Association, following an exchange of letters in 2020.²⁹

NON-GOVERNMENTAL ORGANIZATIONS AND CIVIL SOCIETY

Civil society also has a long history of engaging with the OPCW to strengthen the Convention and the norms it embodies. As seen in Figure 5 below, the number of NGOs accredited to Review Conferences has increased over time. In the CWC context, civil society is composed of a range of entities, including victims' associations, community organizations focused on the destruction of chemical weapons, scholars, and scientists, among others. The interests and expertise of non-governmental organizations (NGOs) vary, something reflected in the diversity of presentations during a civil society engagement session of the OEWG-RC5 in 2022. In acknowledgment of the work of civil society, the Chemical Weapons Convention Coalition was awarded the 2022 'OPCW–The Hague Award', recognizing the significant role it has played in advancing the goals of the CWC.³⁰

Figure 5. Number of Accredited NGOs at Past CWC Review Conferences by Regional Group



²⁹ See OPCW, "Note by the Director-General, Engaging the Chemical Industry Associations", document C-27/DG.14 dated 20 October 2022, <https://www.opcw.org/sites/default/files/documents/2022/12/c27dg14%28e%29.pdf>.

³⁰ OPCW, "The OPCW–The Hague Award Announced: First Responders Training Centres and Civil Society Representatives Honoured", 25 November 2022, <https://www.opcw.org/media-centre/news/2022/11/opcw-hague-award-announced-first-responders-training-centres-and-civil>.

NGO participation has however become a difficult issue and concerns have been expressed that NGO access to Conferences is being obstructed by the vetoing of individual organizations by a very small number of States Parties in the General Committee, in a process that lacks transparency and that could undermine broader efforts to strengthen the norms against chemical weapons.³¹

³¹ See, for example, Richard Guthrie, "The first day: the opening of the general debate", *CWC CSP-24 Report*, Number 2, 26 November 2019. <https://cbw-events.org.uk/CSP-24-02.pdf>

8. KEY ISSUES

INTERNATIONAL COOPERATION AND ASSISTANCE

International cooperation and assistance (ICA) is broad in scope under the Convention, including facilitating the exchange of technology, materials, equipment and scientific knowledge, and technical information for peaceful purposes. Various efforts have been taken to strengthen the implementation of Articles VII, X and XI in support of ICA, for example through increased capacity-building in OPCW's Africa Programme. However, several States Parties continue to view these efforts to be inadequate and, in some cases, consider themselves victims of discriminatory practices, particularly on the matter of export controls, as implemented by some CWC States Parties. This has led to ICA being a recurring source of contention at Review Conferences.³²

However, even with the end of destruction of declared CW stockpiles approaching, the permanence of the general obligations in Article I, the repeated CW use in Syria and elsewhere, and the emergence of the non-State actor threat all suggest that the CWC will continue to be a security treaty. The pursuit of ICA activities and programmes at the OPCW is taking place in this wider context. Thus, while in the past ICA programmes and activities were sometimes seen to provide "a mechanism to ensure the long-term engagement of States Parties that are politically committed to the Organisation, but for which the security benefits of the Convention are less immediate",³³ that number of States Parties may be shrinking due to the emergence of non-State actors as a threat in the context of chemical terrorism. This has led to the increasing prominence of chemical safety- and security-related activities as part of the OPCW's ICA programme. Given its heightened salience, this topic may emerge as a focal point at RC-5 around which a consensual view on the future of the OPCW's ICA programme could be built.

ALLEGATIONS OF CW USE IN SYRIA AND OPCW RESPONSES

For the first 15 years of the OPCW's operation, the use of CW did not constitute a major concern, including during the first two CWC Review Conferences in 2003 and 2008. This changed significantly over the last decade, beginning with the first reports of CW use in Syria in late 2012. Since then, more than 300 instances of CW use have been reported in that

³² See for example Richard Guthrie, "The Second Chemical Weapons Convention Review Conference", The CBW Conventions Bulletin, Issue No. 79, June 2008, pg. 3, <https://www.cbw-events.org.uk/CBWCB79-cover.pdf>.

³³ OPCW, "Note by the Technical Secretariat: the OPCW in 2025: Ensuring a World Free of Chemical Weapons," document S/1252/2015 dated 6 March 2015, par. 26, https://www.opcw.org/sites/default/files/documents/S_series/2015/en/s-1252-2015_e.pdf.

country.³⁴ The OPCW has assessed several of these alleged CW use cases and concluded that CW use has or is likely to have occurred in at least 20 cases.³⁵

However, instead of CWC States Parties triggering a challenge inspection or an investigation of alleged use—both tools foreseen in the CWC—the OPCW and its Director-General have created new mechanisms to shed light on the Syrian CW programme and investigate CW use allegations. Of the declaration issues identified in the process, 20 remain outstanding since early 2021.³⁶ This situation has prompted the CSP to suspend some of the rights of the Syrian Arab Republic under the Convention.³⁷

Work of the OPCW has resulted in several reports confirming the use of CW in Syria. Some of these reports were taken up by the OPCW–UN Joint Investigative Mechanism, established under Security Council resolution 2235 (2015).³⁸ Based on its mandate, the Mechanism attributed responsibility to the Syrian government in four cases of CW use and to the so-called Islamic State in Iraq and the Levant, also known as Daesh, in three instances.³⁹

Following the failure of the Security Council to extend the Mechanism’s mandate, and the use of a novel nerve agent to poison a former Russian spy on the territory of the United Kingdom,⁴⁰ the OPCW adopted a decision by vote on “Addressing the Threat from Chemical Weapons Use” at a special session of the CSP in June 2018.⁴¹ This provided the basis for the creation of the Investigation and Identification Team within the OPCW Technical Secretariat.⁴²

³⁴ Tobias Schneider and Theresa Lütkefend, *Nowhere to Hide: The Logic of Chemical Weapons Use in Syria*, (Berlin: GPPi, 2019), https://www.gppi.net/media/GPPi_Schneider_Luetkefend_2019_Nowhere_to_Hide_Web.pdf.

³⁵ Most recently the OPCW’s investigation and Identification Team issued its third report concerning the CW attack in Douma on 7 April 2018, concluding that the Syrian Arab Air Force dropped two cylinders from a helicopter dispersing chlorine as a weapon; see OPCW document S/2125/2023, dated 27 January 2023, <https://www.opcw.org/iit>.

³⁶ See OPCW, “OPCW Director-General’s Opening Statement to CSP-27”, 28 Nov 2022, <https://www.youtube.com/watch?v=AGb2Kpb7WU>.

³⁷ OPCW, “Decision: Addressing the Possession and Use of Chemical Weapons by the Syrian Arab Republic”, document C-25/DEC.9 dated 21 April 2021, <https://www.opcw.org/sites/default/files/documents/2021/04/c25dec09%28e%29.pdf>.

³⁸ Security Council, document S/RES/2235(2015) dated 7 August 2015, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/248/88/PDF/N1524888.pdf>.

³⁹ The Mechanism reports are annexed to letters from the United Nations Secretary-General to the President of the Security Council, documents S/2016/738 dated 24 August 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/269/75/PDF/N1626975.pdf>, S/2016/888 dated 21 October 2017, <https://daccess-ods.un.org/tmp/7806311.24973297.html>, and S/2017/904 dated 26 October 2017, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/349/30/PDF/N1734930.pdf>.

⁴⁰ Alexander Kelle, *Adding Novichok Nerve Agents to the CWC Annex on Chemicals*, (Geneva: UNIDIR, 27 June 2022), <https://unidir.org/publication/adding-novichok-nerve-agents-cwc-annex-chemicals-technical-fix-and-its-implications>.

⁴¹ OPCW, “Decision: Addressing the Threat from Chemical Weapons Use”, document C-SS-4/DEC.3 dated 27 June 2018, https://www.opcw.org/sites/default/files/documents/CSP/C-SS-4/en/css4dec3_e.doc.pdf.

⁴² OPCW, “Work of the Investigation and Identification Team Established by Decision C-SS-4/DEC.3”, document EC-91/S/3 dated 28 June 2019, <https://www.opcw.org/sites/default/files/documents/2019/07/ec91s03%28e%29.pdf>.

The 2018 CSP decision, along with the work of the Team, have been controversial with a small minority of States Parties led by the Syrian Arab Republic and the Russian Federation challenging the legality of the Team's mandate and work. The resulting polarization among States Parties can be expected to feature prominently during RC-5 and, if RC-4 in 2018 is any guide, may turn out to be a major obstacle for reaching a consensual outcome document.⁴³

THE CWC VERIFICATION REGIME AFTER THE END OF THE DESTRUCTION OF DECLARED CHEMICAL WEAPONS

The CWC's elaborate and robust verification system, which the OPCW implements jointly with its Member States, represents a cornerstone of the Treaty's implementation. The verification of the destruction of all declared CW stockpiles is expected to end in September 2023 with the United States of America concluding its destruction programme.

However, the OPCW verification infrastructure will require continued attention by States Parties, including at RC-5. There are several reasons for this. First, the industry verification regime complements the CW part of the routine verification system,⁴⁴ which addresses activities not prohibited by States Parties at declarable facilities or plant sites.⁴⁵ Industry inspections seek to confirm the absence of prohibited activities through a review of States Parties' submission of initial and annual declarations, and data monitoring and on-site verification of facilities through the OPCW.

In 2011, the OPCW Executive Council agreed on a set of policy guidelines for determining annual Article VI inspections. Based on these guidelines, the number of inspections grew to 241 in 2014, and remained at this level until 2019.⁴⁶ The policy guidelines contain criteria for selecting Article VI inspection targets which are based on the information provided by States Parties, equitable geographical distribution, and a certain ratio between initial and subsequent inspections. After following the guidelines set in 2011 for more than a decade, it now seems that this practice will reach a 'tipping point' from which some of the criteria can no longer be met. Thus, the practice so far to adapt the algorithm for selecting industry

⁴³ To date, the Investigation and Identification Team has identified the Syrian armed forces as perpetrators in five cases of CW use in Syria. The three reports and additional information on the Team are available at <https://www.opcw.org/iit>.

⁴⁴ CWC Article VI regulates the permitted uses of toxic chemicals.

⁴⁵ These provisions are contained in CWC Article VI and Parts VI to IX of the Verification Annex; see Mirko Sossai, "Article VI: Activities not Prohibited under the Convention", in Krutzsch, Myjer and Trapp (eds), *The Chemical Weapons Convention. A Commentary* (Oxford: OUP, 2014), pp. 173–194.

⁴⁶ OPCW, "Report of the OPCW on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction in 2019", document C-25/4 dated 20 April 2021, [https://www.opcw.org/sites/default/files/documents/2021/04/c2504\(e\).pdf](https://www.opcw.org/sites/default/files/documents/2021/04/c2504(e).pdf).

sites for inspections will no longer suffice. Instead, a revision of the industry inspection regime seems inevitable. Ideally, a process to this effect would be set in motion at RC-5.

Second, even though all declared CW stockpiles will have been destroyed by September 2023, this will not solve all CW-related issues. For one, there are still doubts about the completeness of the Syrian CW declaration. Further, the destruction of abandoned CW by Japan on the territory of China continues. In addition, old CW continue to resurface regularly on the battlefields of the First World War and elsewhere, and sea-dumped CW may gain in salience. Last, but not least, four States remain outside the Convention, one or more of which may join as a CW possessor State. For all these reasons it is essential that the OPCW retains the knowledge and expertise to verify CW and their potential uses, as well as knowledge of methods for their destruction in a variety of scenarios.

ORGANIZATIONAL MATTERS

The Centre for Chemistry and Technology

The new Centre for Chemistry and Technology (ChemTech Centre) will be inaugurated on 12 May 2023, three days before RC-5. The Centre will contain the already existing OPCW Laboratory and Equipment Store and add a state-of-the-art training facility. According to the Technical Secretariat, the Centre lends itself to a set of new activities and programmes in a variety of issue areas, such as enhancement of the OPCW Laboratory capabilities, inspectors' routine and non-routine mission readiness and training, international cooperation and assistance, and knowledge management and scientific cooperation. Several of these activities would require additional funding.⁴⁷

Building the Centre has been accomplished with voluntary contributions by States Parties only. However, States Parties will need to move the discourse on to considering to what extent this is sustainable for the Centre's operation and which new programmes and activities should be funded through the OPCW's regular budget. An expansion of roles, infrastructure, and capabilities will likely require focused discussions on programmatic and budgetary aspects. While the Review Conference is not the setting to discuss these more granular components, sensitizing States Parties to the need for them to have clear, facilitated and decisive discussions on this issue will be important. Thus, RC-5 will be an important moment for States Parties to set out a vision of how they will sustainably and effectively allow the Centre to reach its full potential.

⁴⁷ Participant observation by one of the authors at a side event conducted by the Technical Secretariat on the margins of the 27th Session of the CSP on 29 November 2022.

The Tenure Policy

There has been a growing sense among some States Parties that the OPCW tenure policy may benefit from review and potential modification. This is particularly important in light of ad hoc measures to correct for knowledge and expertise deficits; the reputational cost that the strict implementation of the policy has on the ability to hire new staff; and amidst a wider discussion that is unfolding about the tasks and structure of the Technical Secretariat as routine disarmament activities decline.

The current annual turnover rate averaged over the last few years is 27 per cent.⁴⁸ This is due to both normal tenuring out of staff as well as early separations. This represents double what States Parties considered to be an appropriate level in their deliberations and subsequent decisions on tenure in 1999 and 2003. The Director-General noted in his statement that he hoped “this will be considered comprehensively by all States Parties” and indeed the OEWG has received input on the issue from States Parties, the Technical Secretariat, and civil society.⁴⁹

While RC-5 is unlikely to decide on changes to the tenure policy, it is possible that States Parties may seek to continue to build a common understanding that tenure and human resources are a strategic issue. States Parties may find benefit in advancing this discussion with a view to establishing a formal process to allow States Parties to consider and evaluate potential ways to mitigate the negative effects of the current tenure policy.

Gender

Gender issues received more attention at RC-4 than at earlier Review Conferences.⁵⁰ Given the wider discussion around its importance in other non-proliferation, arms control and disarmament forums, gender will likely emerge as a topic of discussion during RC-5.

Notably, the Technical Secretariat has been actively supporting equality and equal participation in the workplace.⁵¹ In addition, the Technical Secretariat has been active in promoting gender equality in chemistry, for example through the Women in Chemistry programme.⁵² However, State Party delegations and key roles, such as those of

⁴⁸ OPCW, “Opening Statement by the Director-General to the Conference of the States Parties at its Twenty-Seventh Session”, document C-27/DG.16 dated 28 November 2022, para. 21,

<https://www.opcw.org/sites/default/files/documents/2022/12/c27dg16%28e%29.pdf>.

⁴⁹ Ibid.

⁵⁰ Richard Guthrie, “CWC Review Conference Report: The Third Day of the Conference: the General Debate Concludes”, CBW Events, 26 November 2018, <https://www.cbw-events.org.uk/CWCRC-4-01-11.pdf>.

⁵¹ OPCW, “International Gender Champions Initiative: Supporting Equality and Diversity in the Workplace”, <https://www.opcw.org/supporting-equality-and-diversity-workplace>.

⁵² See OPCW, “Capacity Building: Women in Chemistry”, <https://www.opcw.org/resources/capacity-building/international-cooperation-programmes/women-chemistry>. See also OPCW and UNICRI, “Compendium of Best Practices on the Engagement and Advancement of Women in Chemical Safety and Security”, October 2022,

Chairpersons, have overwhelmingly been filled by men.⁵³ This is compounded by the gendered language used in the CWC and other relevant documents, given that some languages (such as English, French and Spanish) use only male pronouns and possessive adjectives. The issue is also faced in other forums and, though attempts have been made to amend this to recognize the equality between men and women, no progress has been achieved so far.⁵⁴

In reaffirming their commitment to gender equality at RC-5, States Parties could acknowledge how diversity improves the impact of their work and efforts to enhance CWC implementation. They could support initiatives to combat gender stereotypes and ensure men and women can participate equally in technical and policy discussions. For example, States Parties could seek to achieve gender balance in their national delegations and speakers. Moreover, they could support activities directed to women in science and technology, for instance utilizing the new ChemTech Centre to offer capacity-building that could help improve diversity in the field. States Parties could also apply a gender perspective to certain agenda items. For example, the use of chemical weapons will have gendered consequences. As a result gender is important to consider in the provision of any medical response to a chemical attack.⁵⁵

<https://www.opcw.org/sites/default/files/documents/2022/11/Compendium%20of%20best%20practices%20on%20the%20engagement%20and%20advancement%20of%20women%20in%20chemical%20safety%20and%20security.pdf>.

⁵³ UNIDIR, "Factsheet: Gender and Chemical Weapons", 16 November 2021, <https://unidir.org/publication/factsheet-gender-and-chemical-weapons>.

⁵⁴ See UNOG, "Conference on Disarmament Discusses New Proposal to Reflect the Equitable Participation of Women and Men in the Conference", 24 May 2022, <https://www.unogeneva.org/en/news-media/meeting-summary/2022/05/la-conference-du-desarmement-discute-dun-projet-de-decision-sur>.

⁵⁵ Renata Hessmann Dalaqua, James Revill, Alastair Hay, and Nancy Connell, "Missing Links: Understanding Sex- and Gender-Related Impacts of Chemical and Biological Weapons", UNIDIR, Geneva, 2019, <https://doi.org/10.37559/WMD/19/gen1>.

9. POTENTIAL OUTCOMES

Past CWC Review Conference outcomes have not been consistent. In principle, the RC-5 outcome could vary along two dimensions: achieving an outcome by consensus or not, and packaging the outcome in one or more documents. This section lays out five possible outcome scenarios, with a brief discussion of their advantages and disadvantages. This listing is not intended to be comprehensive, but rather an illustrative set of the most likely outcomes based on the authors' judgements.

POTENTIAL OUTCOME 1: A SUBSTANTIVE OUTCOME DOCUMENT ADOPTED BY CONSENSUS

Ideally, RC-5 would result in a substantive outcome document adopted by consensus that provides strategic guidance for the implementation of the CWC over the coming five years. However, this outcome would require a fundamental shift in the opposing positions held by some State Parties on salient and divisive issues, the most significant of which relate to the identification and attribution of CW use. This outcome would require a renewed sense of cooperation and vision in which all State Parties agreed upon substantive language in both the review and forward-looking sections of the outcome document. This seems unlikely in the current geopolitical context.

POTENTIAL OUTCOME 2: CHAIRPERSON'S REPORT

In this scenario, consensus cannot be reached on a substantive outcome document and instead the Chair of the Review Conference produces a summary report of the Conference. This may be the most likely outcome in the current geopolitical context. It was the outcome at RC-4 and, since then, other disarmament and arms control treaties have struggled to find consensus on substantive outcome documents. The main advantage of this outcome would be that it allows much of the substantive discussion on several CWC implementation areas to be captured. While far from ideal, such an outcome would be preferable to not having deliberations during the review process documented at all.

The main disadvantage of a Chairperson's report is that it would not create a renewed sense of purpose and coherent strategic vision. Given the RC-4 outcome, the OPCW is still being formally guided by the last consensual substantive outcome document produced at RC-3 in 2013. Repeating the RC-4 outcome at RC-5 would leave the OPCW without a strong strategic vision until at least 2028, a period of 15 years. The impact of this may become more acute as the OPCW rebalances its priorities following the completion of CW destruction activities.

POTENTIAL OUTCOME 3: CHAIRPERSON'S REPORT PLUS RC-5 DECISIONS

If a Chairperson's report is a likely outcome in the current context, States Parties may wish to bolster this outcome by embedding it within a wider package of RC-5 outcome documents, for example in the form of one or more Review Conference decisions. In this scenario, States Parties may wish to reflect on the work undertaken under the auspices of OEWG-RC5 and to identify bounded areas where consensus, or near-consensus, exists. Isolating these from those issues that generate significant disagreement may allow scope for the drafting of decisions that have a strategic view and outline ways forward on a particular subject, for example on national implementation, gender, the Centre for Chemistry and Technology, universality, or non-State actors and chemical terrorism.

Such draft decisions could be submitted to RC-5 for adoption. Once adopted, decisions could be recognized in a Chairperson's report, intended to be a forward-looking outcome document. These decisions could provide strategic guidance for States Parties, the OPCW policymaking organs, and the Secretariat after the Review Conference. While there appears to be no precedent for this, it does provide a concrete way for States Parties to work together to establish 'issue safe-spaces' to deliver outcomes that reflect traditional concepts of success. Achieving this would require preparatory work in the OEWG-RC5 and fine-tuning of proposals in the CoW during RC-5.

POTENTIAL OUTCOME 4: INSUBSTANTIAL OUTCOME DOCUMENT BY CONSENSUS

This outcome would likely require a significant weakening of the report language used to provide detail and outline positions on salient issues, including on the use of CW and associated investigations.

To achieve such an outcome, the Conference would be required to agree upon much weakened language for both the backward-looking review of the last five years and a forward-looking strategic vision for continued implementation. This would likely require States Parties to step back from strongly held positions, seeking a 'lowest common denominator' agreement. As such, the potential for this outcome rests on calculated trade-offs between maintaining principled positions and making compromises in the pursuit of achieving a consensus, regardless of what the character of that consensus is. This may be unacceptable for a number of States Parties.

POTENTIAL OUTCOME 5: A SUBSTANTIVE OUTCOME DOCUMENT BY VOTING

There is no precedent for voting on an outcome document in CWC Review Conferences. While having a substantive outcome document may be traditionally seen as a success, voting in practice in this context may result in unintended consequences. An adopted-by-vote substantive outcome document would contain significant areas of disagreement, embedding them in a strategic vision that will be contested by those States Parties that voted against the document or abstained because they disagree with the majority view or feel unrepresented. If a vote is held on the RC-5 outcome document, two-thirds of States Parties present and voting would be required to vote in favour to ensure its adoption. However, the potential to exacerbate existing tensions and divisions would be very high.

10. RECOMMENDATIONS

Across its different sections, this report has pointed to the following key recommendations for States Parties and relevant stakeholders to make the most out of the opportunity to advance the CW prohibition regime at the upcoming fifth Review Conference. It is not intended to be a comprehensive listing and States Parties may wish to consider developing positions and proposals on other issues of strategic importance for the future implementation of the Convention.

1. Preparations for Review Conferences are best started **as early as possible**. This applies both for States Parties in their internal deliberations and external consultations, and for those tasked with guiding the Review Conference. As part of this, office holders and the Technical Secretariat should **draft contingency plans** by mapping out the possible procedural issues and substantive challenges that might arise.
2. Due to the limited time available for RC-5, it is crucial to ensure **opportunities for deliberation continue to exist for all States Parties** to build on the work of the OEWG and to discuss the substance of the Review Conference in the weeks ahead. Ongoing and new formats, such as ambassadorial retreats, could be organized both within and outside of the OPCW.
3. As States Parties consider how to strengthen implementation of the Convention in light of new and evolving priorities, considerations of how the **voices of all States Parties** can effectively inform this process require focus. One aspect that States Parties and the Secretariat may wish to reflect on is the benefit of a **hybrid model for meetings**. This could broaden the participation of State Party representatives and national experts.
4. Enhancing existing **linkages with industry and civil society** could further strengthen the implementation of the Convention in line with the strategic vision of States Parties.
5. **International cooperation and assistance** will remain one of the key features of the Convention. Given the emergence of chemical terrorism by non-State actors, activities and programmes in the area of chemical safety and security could be considered as a focal point around which to build consensus.
6. With the approaching end of the verification of CW destruction activities, State Parties should chart the course for the **future of the CWC verification system**. This will require maintaining the OPCW as the repository of knowledge and expertise for CW and their destruction. Equally important, industry verification will require attention and States Parties should set a process in motion at RC-5 to review and update the Article VI regime.

7. States Parties should provide strategic guidance for the new **Centre for Chemistry and Technology** that can inform efforts to sustainably and effectively fund and deliver its programmes and activities.
8. States Parties should consider establishing a formal process at RC-5 to consider, evaluate and potentially to amend the Organisation's **tenure policy**.
9. Reaffirm commitment to **gender equality** in technical and policy discussions, support initiatives that combat gender stereotypes and promote diversity, and develop assistance with embedded gender perspectives.
10. Success at RC-5 may take different forms. While States Parties might find consensus to be elusive, there are opportunities to **develop positive outcomes** that could provide issue-specific collective strategic guidance.

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