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*Chemical weapons disarmament and the future of the OPCW*  
Wilton Park Conference  
18–20 March 2011

# THE CWC BEYOND THE 2012 DESTRUCTION DEADLINE

# 2012 CW destruction deadline

- New phase in life of CWC & OPCW
  - However, transition not as clear-cut as perhaps assumed by negotiators
  - Now: drawn-out process of moving into post-destruction phase of up to a decade expected
  - Also, perhaps not as definitive a transition as sometimes argued (new CW declarations; ACW; ...)
- Transition phase will require careful management of expectations from CWC
  - High risk that destruction delays may procrastinate treaty regime adaptation
  - Challenges to the CWC regime will not stop to evolve
  - Any immobility contributes to future irrelevancy of treaty

# Reviews and amendments

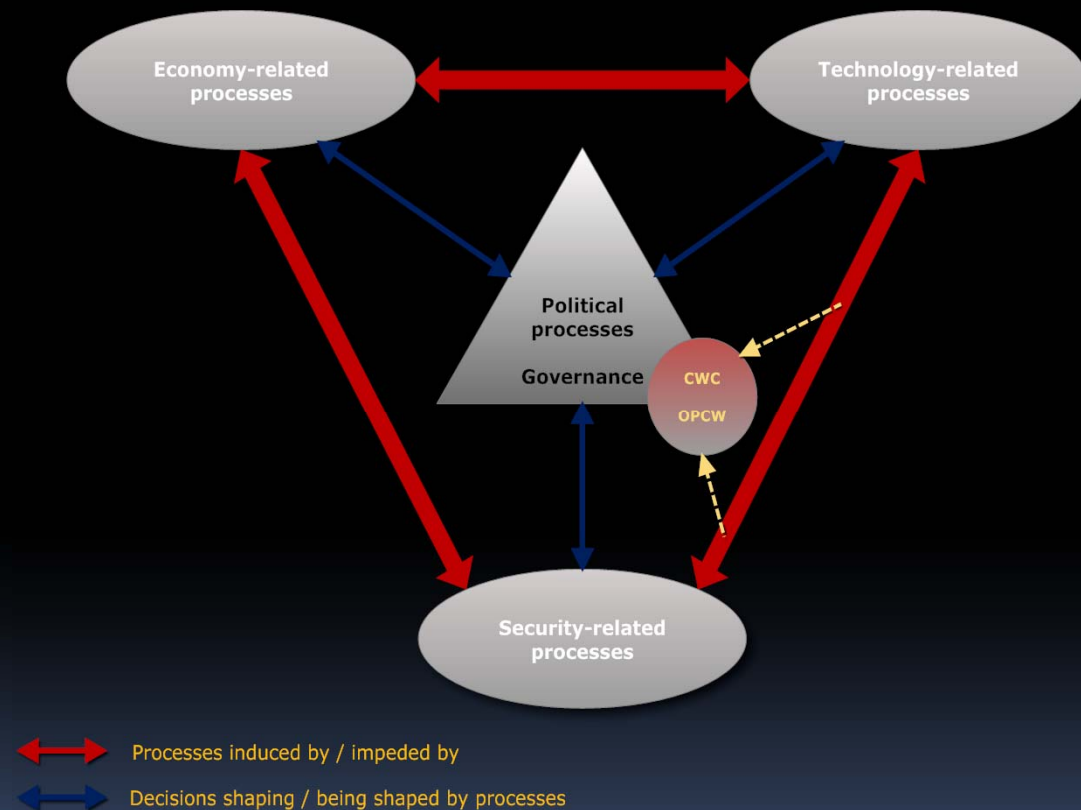
- CWC of *unlimited* duration
  - Means: States Parties do not have to extend its lifespan after a predetermined timeframe
  - However, it does not mean *perpetual*
    - On-going relevancy will depend on ability to adapt to intrinsic and extrinsic challenges to the treaty regime
- Review conferences: limited adaptability
  - Add new common understandings to provisions
  - Allow for reinterpretation of provisions in light of changes
  - Do not amend or redraft the treaty itself
  - Amendments pose their own political and legal challenges

## Reinforcement of short-term thinking

- CWC review processes may promote short-term visions
  - Permanent activity of the CSP (compliance; scientific & technological developments) (Art. VIII, §20)
  - 5-yearly meetings of CSP to review CWC operation, which takes into account scientific & technological developments (Art. VIII, §22)
- Risk of viewing future CWC only in function of its provisions and procedures
  - Reinforces emphasis on short-term perspectives and solutions, and hence risk of long-term evolution by default
  - Risk of stove piping: Ignores developments outside of treaty
- Rotation of diplomatic staff
- Loss of institutional memory

# Foresighting governance of disarmament

- No unified model for governance of weapon control anymore
- New stakeholders and security actors
- Increased role of non-state national & transnational actors
- Declining role of states in shaping developments
- Shifting relative balances of powers (economy, politics, military) and multiple power centres
- Geographical decentralisation of business and industry activities
- South-south trade patterns and impact on technology diffusion
- Etc.



# What do we expect from verification today?

- **Cold war understandings of disarmament, verification & related procedures**
  - Difficulties in dealing with dual-use characteristics of technologies
  - No verification substitutes (e.g., visible & countable delivery systems)
  - Unease with roles of multiple stakeholders in the process
    - State is often more protective of stakeholder interests than the stakeholders
- **Major shifts in *management of uncertainty***
  - Shift away from parity in military arsenals (adequacy) to utility of weapons and hence capability to address challenges & threats (effectiveness)
  - Elimination of uncertainty in verification now primary demand (100% effectiveness)
  - Terrorism: military insignificant quantities form major security threat, but is not being captured by existing treaties
- **Shift away from *focus on weapon* as a problem (disarmament) to *focus on possessor of enabling technologies* (non & counter-proliferation)**
  - Rogue state discourse (no trust) + emphasis on regime change
  - Addressing challenges of terrorist acquisition

# Opening up for wider stakeholder participation

- Registered civil society participation in review conferences :
  - NPT (2010): 300+ delegates / 67 organisations
  - BTWC (2006): 55 delegates / 31 organisations
  - **CWC (2008): 44 delegates / 22 organisations**
    - Yet OPCW has Media Branch to organise greater exposure; neither NPT nor BTWC (in 2006) had an international organisation
    - However, OPCW is geographically isolated ; civil society must come into town
- Purpose of civil society involvement
  - Sustaining and widening institutional legitimacy: conduit for CWC ideas, objectives and results to broader audience and vice versa
  - Intellectual input and cooperation in aspects of implementation
  - Civil society's ability to mobilise constituencies *beyond core stakeholders* to bring in fresh ideas unrestrained by diplomatic practice, *mobilise local communities* worldwide in supporting treaty goals (e.g., ethics & codes), etc.
- Today: initiate process *to solicit ideas* on long-term future CWC / OPCW from wider civil society
  - e.g., journal or magazine similar to *OPCW Synthesis*
  - Today: e-journal (no printing costs; some investment in editorial board & work)
  - No contribution would commit OPCW or SPs

# My long-term vision for the CWC

*CWC/OPCW will primarily undertake the worldwide social shaping of preferences about treaty-relevant technologies and their application*



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