



Dr Jean Pascal Zanders
EU Institute for Security Studies

The OPCW in Transition

32nd Workshop of the Pugwash Study Group on the Implementation of the CBW Conventions

Noordwijk, 30 April – 1 May 2011



THE CWC IN TRANSITION: A ROLE FOR CIVIL SOCIETY?

2012 CW destruction deadline

§ New phase in life of CWC & OPCW

- ú However, transition not as clear-cut as perhaps assumed by negotiators
- ú Now: drawn-out process of moving into post-destruction phase of up to a decade expected
- ú Also, perhaps not as definitive a transition as sometimes argued (new CW declarations; ACW; ...)

§ Transition phase will require careful management of expectations from CWC

- ú High risk that destruction delays may procrastinate treaty regime adaptation
- ú Challenges to the CWC regime will not stop to evolve
- ú Any immobility contributes to future irrelevancy of treaty

Reviews and amendments

§ CWC of *unlimited* duration

- ú Means: States Parties do not have to extend its lifespan after a predetermined timeframe
- ú 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

- ú Add new common understandings to provisions
- ú Allow for reinterpretation of provisions in light of changes
- ú Do not amend or redraft the treaty itself

- ú Amendments pose their own political and legal challenges

Reinforcement of short-term thinking

§ CWC review processes may promote short-term visions

- ú Permanent activity of the CSP (compliance; scientific & technological developments) (Art. VIII, §20)
- ú 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

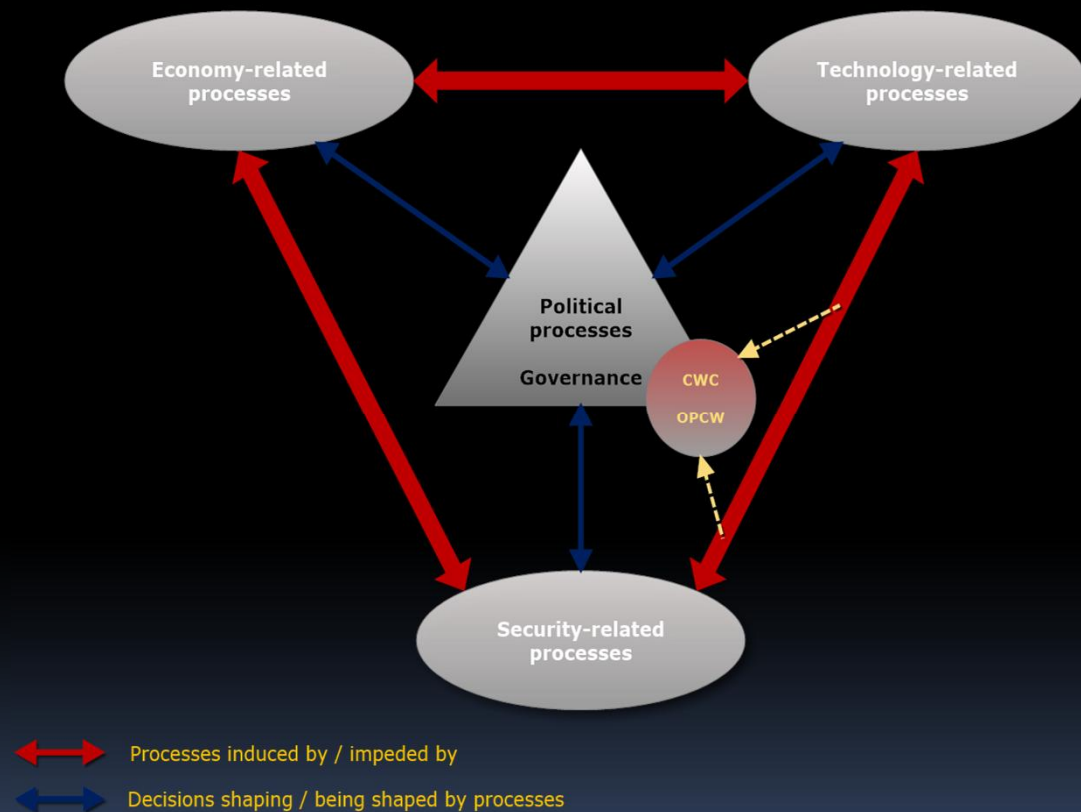
- ú Reinforces emphasis on short-term perspectives and solutions, and hence risk of long-term evolution by default
- ú Risk of stove piping: Ignores developments outside of treaty

§ 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.



Divergence governance model BTWC – CWC?

§ Presently, CWC seems welded to inter-governmental governance model

- ú Parties claim exclusive ownership
- ú Reluctance to have civil-society involvement in activities (EC, CSP, RevCon)
 - Great sensitivity to criticism, controversy

§ BTWC appears to be evolving towards shared-responsibility governance model

- ú Seems to have begun following trends of new disarmament negotiations based on coalition approach (APLM; Cluster munitions)
 - Division of responsibility between norm reinforcement (states parties) and concrete implementation (stakeholders, civil society)
 - Intersessional meetings are part of an on-going process (cf. APLM)
- ú Impact of the intersessional process
 - Many types of stakeholders actively involved
 - Significant information exchanges, assessed to be of far greater relevancy than CBMs in many areas
 - Emergence of new common understandings (e.g., Article X)

§ PrepCom to BTWC 7th RevCon:

- ú Proposal by PrepCom Chair to have civil society participate in committee meetings as default ('red light')
- ú All state parties, particularly NAM and West, recognised profound role of civil society
- ú However, also recognition of need for private deliberations & amendment procedural rules needed
- ú Compromise: civil society can be invited to attend committee meetings ('green light') → **Precedent**

Opening up for wider stakeholder participation

§ Registered civil society participation in review conferences :

- ú NPT (2010): 300+ delegates / 67 organisations
- ú BTWC (2006): 55 delegates / 31 organisations
- ú 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

- ú Sustaining and widening institutional legitimacy: conduit for CWC ideas, objectives and results to broader audience and vice versa
- ú Intellectual input and cooperation in aspects of implementation
- ú 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

- ú e.g., journal or magazine similar to *OPCW Synthesis*
- ú Today: e-journal (no printing costs; some investment in editorial board & work)
- ú No contribution would commit OPCW or SPs