

In the view of this author, two important questions connected to the consideration of how to maintain and strengthen the regime include:

1. Whether the development and use of a new set of incapacitants might undermine the treaty's prohibitions; and
2. The response to allegations of 'use of chemical weapons' that may be brought to the attention of the Technical Secretariat by a State Party may be more transparent in the reporting mechanism for raising awareness in the public domain on the dangers of such weapons.

This set of issues requires continuous serious consideration and consultation within appropriate political and technical fora, as well as at the margins of meetings. Such a process would also help to reinforce the importance of the object and purpose of the treaty in general.

The Review Conference should ideally consider and adopt a set of decisions that are balanced in terms of

scope, focus and operational utility. Finally, taken in their entirety, the decisions should indicate a broader vision for how the regime should operate in coming years.

- 1 *The author is a senior researcher at SIPRI. The views expressed are the author's and do not necessarily reflect those of SIPRI. See 'Note by the Director-General, report of the advisory panel on future priorities of the Organisation for the Prohibition of Chemical Weapons', OPCW doc. S/951/2011, 25 July 2011, paras. 115-118, p. 28.
- 3 See 'Note by the Director-General, report of the advisory panel on future priorities of the Organisation for the Prohibition of Chemical Weapons', OPCW doc. S/951/2011, 25 July 2011, para. 52, p. 13.
- 4 See 'Note by the Director-General, report of the advisory panel on future priorities of the Organisation for the Prohibition of Chemical Weapons', OPCW doc. S/951/2011, 25 July 2011, para. 11, p. 13.
- 5 'Note by the Director-General, report of the advisory panel on future priorities of the Organisation for the Prohibition of Chemical Weapons', OPCW doc. S/951/2011, 25 July 2011, para. 11, p. 5.
- 6 'Note by the Director-General, report of the advisory panel on future priorities of the Organisation for the Prohibition of Chemical Weapons', OPCW doc. S/951/2011, 25 July 2011, para. 11, p. 5.

Future Governance of the CWC

By Jean Pascal Zanders¹

The Chemical Weapons Convention (CWC) is a *disarmament treaty*. It calls for the total elimination of all chemical weapons (CW) and related equipment and installations. It thereby removes the weaponry from military doctrine: never under any circumstances can a party to the CWC rearm itself with CW, which includes during time of war, use or threats of use of CW by another state, or purposes such as deterrence. From this it follows that 'disarmament' has two dimensions: a backward-looking and a forward-looking one. On the eve of the Third Review Conference, the original expectation had been that first dimension – weapon elimination – would have been achieved by April 2012 and that the Organisation for the Prohibition of Chemical Weapons (OPCW) could shift most of its resources to the second dimension, the prevention of future armament.

In the light of the emphasis given to weapon elimination since entry into force, the strict destruction deadlines came to imply a rather swift shift to other implementation dimensions in 2012. However, a variety of political-technical and fiscal issues in the United States and Russia have pushed final destruction operations back for another decade at least. While one could view this as a major setback affecting the CWC's integrity, it also offers opportunities for designing a gradual transition to armament prevention. This transition will have to exceed mere budget reallocations and changes in staffing levels and

inspector profiles in the Technical Secretariat of the OPCW. Indeed, scientific advances, the ways in which industrial production and scientific research have evolved, the advancement of developing countries to industrial status since the CWC's negotiation, and the emergence of a competitive, polycentric global system instead of the bi- and multipolar world orders of the past decades all point to the need for a more sophisticated governance model.

The OPCW in a changing global system

The CWC governs interstate relationships. The OPCW is purely intergovernmental. Three major sets of processes permanently shape the context in which CWC must function: science and technology, economy and trade, and security (see chart). The interactions in each of those domains are increasingly transnational and driven by economic actors other than states. In addition, they mutually influence each other and thereby push each other forward. Thus, for example, progress in science and technological innovation yield new products and processes, which can be commercialised and marketed. Market demands, in turn, steer investments in research and development activities. Security concerns evolve with the deployment of new types of weaponry and increased access to them and their underlying technologies as a consequence of the natural diffusion of innovation, the arms trade and other proliferation dynamics. Threats require

countermeasures, which generate their own market demands and so on.

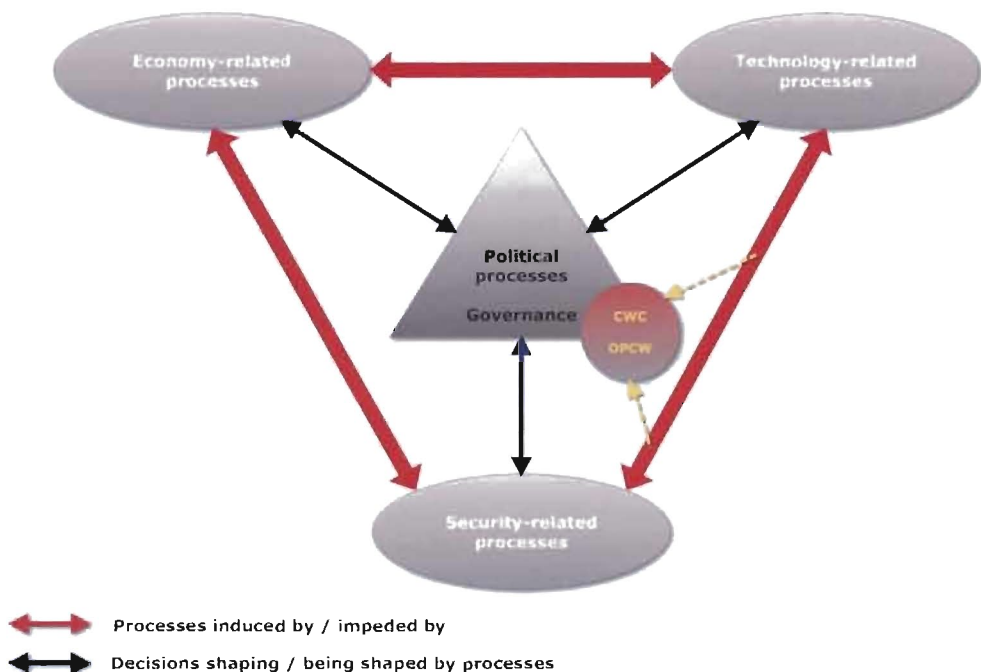
In the post-Cold War era, states are less able and, for reasons of economic competitiveness, less inclined to impose a security imperative on trade. They do not control the processes as much as they previously could during much of the 20th century. At best they can steer them, for example, through the development of non-proliferation policies and other types of regulations establishing basic standards for the quality and integrity of products and processes (including international trade), and use fiscal policies to steer innovation and investments in socially preferred directions. If governments undergo these processes, then the opportunities for the CWC to have an impact on them is arguably even more remote. Discussions internal to the OPCW respond to challenges thrown up by technology- and security-related processes. The quality of their outcome over time, will determine the Convention's enduring relevancy.

Why will the processes sketched out below have a more pronounced impact on the CWC in future? The answer is the implementation of Articles VI and XI: the organisation of the trade in toxic chemicals for non-prohibited purposes and international cooperation in the peaceful application of chemistry. Much of the debate thus far has evolved in the nexus between promotion and regulation. Few people will argue that the Convention is well equipped for the verification of the trade in chemicals, a matter that requires operationalisation of the general purpose criterion and new reporting and monitoring tools. In addition, a different type of verification staff and inspectors will be required. The current tendency, reinforced by the global fiscal crisis, is to cut costs, making it in the short run less probable that people currently overseeing CW destruction operations will be replaced by verification staff with

expertise more in line with future treaty demands. If this disposition were to persist, then the OPCW will have to investigate and develop alternatives to assure its members of compliance. Presently, two major strategies appear viable.

First, the CWC verification system functions on both the international and national levels represented by the Technical Secretariat and the National Authorities respectively. Although each level has its own sets of tasks and instruments, they are interconnected and mutually reinforcing. If the Technical Secretariat will have reduced capacity, then it naturally follows that a greater burden of the monitoring of CWC-relevant trade and other forms of technology transfers will fall on the National Authority. This modification will require different reporting modalities as well as different communication patterns, perhaps with a greater emphasis on interactions between the National Authorities of the trading partners. However, the question is whether all National Authorities will have the capacity to assume such new responsibilities effectively. While implementation assistance programmes could address expertise, limited personnel and financial resources within certain States Parties could prove a far greater obstacle. Furthermore, the current transfer control mechanisms of the CWC (Article VI and corresponding passages in the Verification Annex) may have to be upgraded if States Parties are to assume greater responsibility for compliance oversight. A thorough cost-benefit analysis of both options – reconfiguration of the Technical Secretariat or re-calibration of the division of labour between the Technical Secretariat and the National Authorities – may be required in the short run.

Second, the OPCW forges dense links with stakeholders in industry, the scientific community and other civil society constituencies, as well as international organisations



(e.g., World Trade Organisation, the World Customs Organisation, etc.) to create a future governance model consisting of multiple layers of interconnected networks. It works horizontally (e.g., between states, professional associations, international organisations) and vertically between different actor levels based on the common interest expressed through the core norm in the CWC. Such interaction, which would enable the OPCW to systematically acquire and absorb input from broader society as to the CWC's future direction, may offer practical and cost-effective governance models to promote and oversee trade and technology transfers for legitimate purposes.

Both strategies are not mutually exclusive. Quite on the contrary, they can be integrated in different ways.

Future goal

A key consideration is that while the CWC as a legal instrument is of unlimited duration, as a human construct it is not perpetual. If the States Parties just focus on the

norm, but fail to update the processes by which they – together or individually – can have a high degree of confidence in its implementation and application, then the treaty will inevitably become obsolete or irrelevant. The Convention exerts effects on different levels, including security, domestic politics, international cooperation, trade, development, and so on. Each level has states parties expressing specific domestic or international interests. Each level also has different sets of stakeholders. If the OPCW will undertake the task of worldwide social shaping of preferences about treaty-relevant technologies and their application, then it must harness the capacities of all partners concerned in shaping its own future.

1 Dr Jean Pascal Zanders is Senior Research Fellow responsible for disarmament and non-proliferation questions at the European Institute for Security Studies. The views expressed in this contribution are personal and do not reflect an EU position.

Cooperation between OPCW and IUPAC – A Natural Partnership in a Chemical World

By Leiv K. Sydnes¹

OPCW and the International Union of Pure and Applied Chemistry (IUPAC) have been collaborating for more than a decade. Their cooperation has mainly focused on developments in chemistry and the relevance of chemical technology to the Chemical Weapons Convention (CWC). Other topics have been added to the agenda as well.

The first formal contact between the two organisations was in 2001 when IUPAC was invited to take on the responsibility for working out a technical report on the impact of scientific developments on the Chemical Weapons Convention (CWC) in preparation of the First Review Conference held in The Hague in April and May 2003. The invitation was welcomed by IUPAC because IUPAC, was (and still is) an independent, non-governmental, international organisation devoted to chemistry and the chemical sciences and their applications in both research and industry.

IUPAC accepted the offer and an international group of specialists, covering relevant fields of chemistry, chemical engineering, and industrial chemistry, was appointed to do the work. Through a workshop in Bergen, Norway, the backbone of a report evaluating the scientific and technological advances that had taken place since

1993 and what might have an impact on the implementation of the CWC, was worked out, and through subsequent electronic communication the report requested by OPCW was finalised and delivered on time. The document was widely distributed within OPCW and among the members of the Scientific Advisory Board (SAB). It was also published in *Pure and Applied Chemistry*, IUPAC's own scientific journal, and as a final element in the dissemination, the report was presented at the Open Forum during the First Review Conference of the CWC on 1 May 2003. Based on a number of reactions IUPAC was left with the impression that the document was found useful and fulfilled its purpose. For instance, in several plenary sessions delegates referred to scientific and technical issues and it was quite rewarding to hear Ambassador Pricilla Jana from South Africa expressing satisfaction with the "report of IUPAC on the impact of scientific developments on the Chemical Weapons Convention".

Within OPCW the IUPAC report was studied more thoroughly than expected and it did not take long before a project proposal outside the technical field emerged. The idea was basically put forward by the then Director-General, Ambassador Rogelio Pfrter, who in a letter to the SAB noted that "OPCW needs to clearly establish what it



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