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Future of the CWC: Transitioning towards the post-destruction phase

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THE CWC TEN YEARS AHEAD: WHAT IS AT ISSUE?

The CWC at Fifteen

- **CWC of unlimited duration \neq perpetual**
 - *Question*: How can the CWC retain its relevancy for States Parties after destruction of declared CW?
- **Disarmament**
 - **Backward-looking dimension**
 - Destruction of existing stockpiles and weapon-related equipment
 - Destruction or conversion of production installations and other infrastructure
 - **Forward-looking dimension**
 - Prevention of future armament
 - Governance of relevant dual-use technologies
- **Transition phase between the two dimensions**
 - **CW destruction deadlines: 2007 / 2012 missed**
 - **Destruction operations in USA & Russia likely until \pm 2022**
 - **10-year transition phase for OPCW to adapt to future challenges**

What Is 'Success'?

- **Political statements?**
 - Disarmament in action; verification in process
 - Consultation and cooperation
- **Statistics?**
 - Number of States Parties
 - Numbers of verified destroyed CW, production installations and other facilities
 - Annual number of inspections (broken down per type)
 - Rising number of National Authorities
 - Number of States Parties with National Implementation Legislation
 - Etc.
- **However,**
 - Statistics will grow stale as no movement in numbers will occur
 - Against what standards do the proposed numbers achieve their relevancy?
 - Results-Based Budgeting and Results-Based Management?
 - Comparisons with similar types of treaties?
 - ...

Have we ever defined 'Failure'?

- **Never done**
 - Several developments have been viewed as 'setbacks' or 'disappointments'
 - Delays in destruction operations
 - Unmet expectations with national implementation obligations
 - Stagnation of universalisation
 - Cooperation and organisation of technology transfers
 - etc.
 - Yet, firm belief exists that these can and *must* be achieved, given time and provided sufficient resources can be mustered
- **Can we envisage an event or series of events that would irreparably harm the CWC?**

Challenges versus Failure

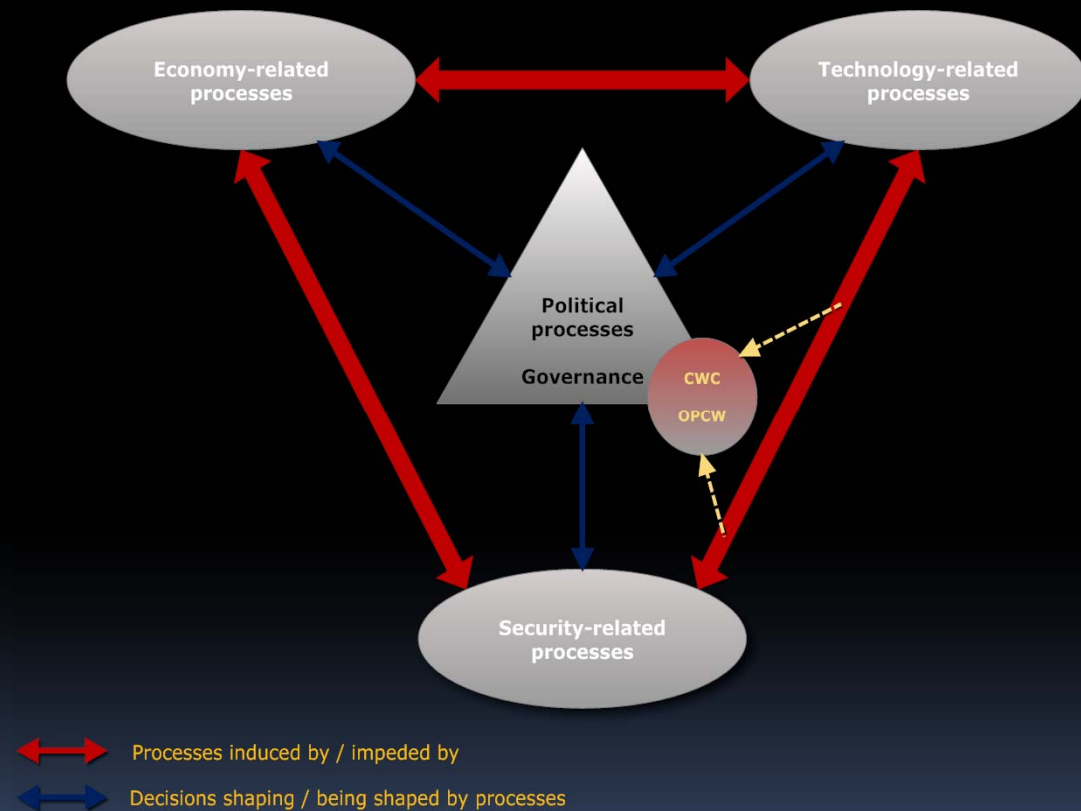
- **We identify challenges**
 - Scientific and technological developments
 - Changes in both products and processes
 - Changes in the international political, social and economic environment in which the CWC functions
 - We rely on political processes informed by reports and recommendations from experts in the diverse areas to adapt our understanding of treaty provisions, with possibility of modifications or treaty amendments if deemed required
- **Would the following constitute a failure of the CWC?**
 - A state develops a new CW programme
 - A novel toxic chemical is allegedly under development in a state party, which does not report the activity to the OPCW as the compound is not listed in the schedules
 - A state uses CW in a domestic or international conflict
 - People are killed as the consequence of the use on non-lethal toxic agent in a terrorist incident
 - A State Party announces its withdrawal from the CWC
 - Violation of the norm is not a failure, but lack of response by the OPCW would be
 - The scenarios are foreseeable and therefore preventable

Between the folds of the foreseeable

- **Confluence of trends**
 - Presently trend analyses are mostly linear, allowing for certain unexpected, but as yet unknown developments
 - How to identify the confluence of otherwise independent trends and assess their impact (role as trigger for failure)?
 - e.g., 22 April 1915: meeting of science, industry and military doctrine
- **Failure by routine**
 - Routine inspections to see what?
 - Set procedures
 - Set facilities based on Schedules
 - Where is the danger of systemic anomaly blindness or confirmation bias?
 - Latest developments in science and technology
 - Do we really expect threats to come from terrorists or criminals?
 - Governments usually create the pull factors [demand] for weapon programmes
 - For CW, the industry would follow only if there is a government request
 - How to sense indicators and assess their relative importance?
- **The OPCW: a security institution or a bureaucracy?**
 - Can the OPCW be reduced following results-based budgeting and management criteria?
 - Are there crisis situations foreseeable for which the OPCW needs redundancy capacity? If so, where?

The post-proliferation governance challenge

- No unified model for governance of weapon control anymore
- States do not drive the processes anymore; they can steer in a limited way
- 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.



After CW destruction

- **Centrality of industry activities: production, consumption & trade**
 - **Article XI:** technology transfers, scientific exchanges, & other development cooperation
 - **Article VI:** transfers of toxic chemicals and their verification
 - **Article VIII:** CSP tasked with '*international cooperation for peaceful purposes in the field of chemical activities*' → enables deployment of future activities by OPCW
- **Prevention of armament: a challenge**
 - **Verification:**
 - Post-destruction: further reduction of inspectors envisaged
 - Increased emphasis on transfer monitoring (Art. VI):
 - Is the current monitoring system adequate to capture the volumes of transfers of toxic chemicals?
 - Quid the General Purpose Criterion (vs. scheduled chemicals subject of reporting)?
 - Quid the other (dual-use) technologies mentioned in the definition of CW?
 - Who verifies State Party reports?
 - **Options:**
 - Modification of reporting requirements and upgrading of monitoring system
 - Recruitment of more inspectors with proficiency in chemical industry?
 - Rebalancing functional division between OPCW and States Party responsibilities?
 - Enhanced verification responsibilities for States Parties
 - Greater lateral interaction among National authorities relating to transfer monitoring
 - Reporting to OPCW + auditing process of national reports

Meeting the unexpected: Some initial thoughts

- **Expansion from CW focus to chemical safety & security**
 - Addresses concerns of terrorism, crime or industrial accidents
 - Brings in industry and associated constituencies as partners
 - Adds new layer of information exchanges, and hence transparency and assurance
 - New dimensions of cooperation benefit societies otherwise unconcerned by CW
- **Understanding impact of science and technology developments**
 - Upgrading role and impact of the Scientific Advisory Board (SAB)
 - Broadening of partnerships in assessing SAB recommendations
 - Multidisciplinary input
 - Communication of challenges to CWC to scientific communities & public
- **Reaching out to other civil society constituencies**
 - Independent intellectual input on future governance issues to OPCW
 - Ability to engage in longer-term analysis of issues and emerging challenges
 - However, also need to develop constructive relationships between civil society actors and CWC National Authorities in most countries
 - States will remain primary stakeholders
 - How to universalise civil society contribution to the widening and deepening of the CWC regime?
 - Many state parties view civil society contribution as an instrument to further Western interests
 - Several states view civil society actors as a challenge to government authority and exclusive decision-making authority in security matters

Vision of future mission

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

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