

CWC and OPCW: Future Course and Challenges*

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Summary

In the last few years, the Chemical Weapons Convention (CWC) originally designed to eliminate chemical weapons, has paid attention also towards economic and technological developments and assistance and protection against chemical weapons with the help of international cooperation and assistance.

* This is an abridged version of the paper presented in the Open Forum of the Chemical Weapons Convention Coalition at the Third Review Conference of the Chemical Weapons Convention, at the Organisation for Prohibition of Chemical Weapons in The Hague on April 12, 2013

The Third Review Conference of the Chemical Weapons Convention (CWC) was held from 8 to 19 April 2013 in The Hague. At this conference, member states as well as representatives of the Non-Governmental Organisations from across the world took stock of the functioning of the Convention in the last five years. Considered a model treaty, the CWC was designed to be a universal non-discriminatory, multilateral, disarmament treaty aimed at eliminating chemical weapons. While the real objective of the treaty was the elimination of chemical weapons and achieving chemical disarmament, it also paid attention to other aspects like economic and technological developments and assistance and protection against chemical weapons using the process now known as international cooperation and assistance. These provisions combined with different schedules of chemicals and the verification architecture made the CWC a unique tool for comprehensive security.

Destruction of Chemical Weapons:

While the hitherto utility of the CWC is beyond doubt, its future or for that matter the future of the Organisation for Prohibition of Chemical Weapons (OPCW) will depend on how fundamental objectives of the Convention are handled. The CWC is primarily a chemical disarmament treaty; other desired activities are secondary and dependent objectives of the treaty. If the very basic element of the treaty is compromised, it may send a wrong signal. Majority of the countries from around the world have destroyed their chemical weapons stockpile, but some others have not. Even the revised deadline has been missed. According to the OPCW figure of 28/02/2013, 55,939 metric tonnes of the world's declared stockpile of 71,196 metric tonnes of

chemical agent have been verifiably destroyed. It means only 78.57% of the declared stockpiles have been destroyed. Similarly, as of February 28, 2013, 3.95 of the 8.67 million chemical munitions and containers or only 45.56% of those covered by the CWC have been verifiably destroyed.

The CWC and OPCW have greatly contributed to norm building against chemical weapons. This norm building will be affected if the destruction plan by great powers is seen to be relegated to the background. On the very first day of the third review conference, the United Nations (UN) Secretary General stated, “as long as chemical weapons exist, so, too, does the risk of their use — by accident or design. There are no right hands for the wrong weapons”.¹ The OPCW is right in asserting in its statements that the process of destroying chemical weapons needs to be given the highest priority. An understanding on destruction of existing chemical stockpile has been arrived at. Hopefully, countries that have not destroyed their chemical weapons stockpiles yet would do it sooner; any failure to do so will raise a big question mark on the legitimacy of the CWC. In that scenario, the CWC will not be considered as disarmament but an arms control treaty. A CWC without complete elimination will plunge the entire global security regime into severe crisis. Non-weapon countries will lose faith in the international arrangements and treaties.

Moreover, the CWC has a post-destruction plan. The non-compliance with the destruction plan may have an impact on that plan. The best option for the future of the CWC and the OPCW is to adhere to what UN Secretary General mentioned; eliminate the entire stockpile before the next Review Conference and fully implement other obligations of the treaty. Only if that is achieved the CWC and OPCW have a future

in the twenty first century. In this regard, all the member countries may also have to take extra efforts in promoting universality so that the suspected or existing chemical stockpiles of non-member countries are also brought under the destruction plan.

Adapting to New Security Challenges

The OPCW will also have to address new security challenges. Now the treaty should build on its experience of the twenty first century. 9/11 has redefined the role of non state actors as sources of threats in the global security discourse. Interestingly, the CWC has the provisions to deal with many of the security issues that dominate the current security discourse, especially with reference to the Weapons of Mass Destruction (WMD). The most significant are security and safety aspects. Article X of the treaty has provision for ‘a databank containing freely available information concerning various means of protection against chemical weapons as well as such information as may be provided by States Parties.’ Article X has mechanisms for handling chemical terrorism and safety, multilaterally through an international organization. The OPCW and its technical secretariat may share its experience in this respect towards fighting other WMD threats. The international community is already in the process of setting up a databank to help nuclear forensics. One of the hindrances is locating the right agency for this purpose. The OPCW experience could be useful for them to deciding whether an international, regional or more specialized organization is best suited for the job.

Moreover, a multitude of new security challenges are driving a network of global security relationships. Countries are integrating traditional instruments and at times procedures. New mechanisms are being evolved. These mechanisms are

leading to new alignments—institutional and otherwise. There is more security interdependence and interconnectedness to handle emerging security challenges of the twenty first century. In case of the WMD and Chemical weapon threat, closer cooperation and interactions with different international organizations specialising on different security areas are coming together. The UNSC Resolution 1540 and its committee have emerged as an important agency for the task. A number of international organisations like Interpol and IAEA tend to participate in the OPCW meetings. Despite being relatively young, OPCW is an effective organisation. Now OPCW too has its institutional memory which it may share for an effective international engagement in the security realm.

After the destruction of the stockpile, the OPCW may focus more on implementation of international cooperation. As discussed, the Secretariat has the mandate under article XI and in fact it has been undertaking some cooperation activities at the international level right since 1997. It has worked to promote international cooperation in sponsoring chemical research, guaranteeing legal assistance, developing and improving laboratory capacity, specialised internships and training in CWC implementation and chemical safety management. A large number of member states have demanded implementation of article XI in the Third Review Conference as well. In future, OPCW may organise more result oriented meetings of member countries and their chemical industry associations, non-governmental organisations, regional and international institutions for national capacity building for the research, development, storage, production, and safe use of chemicals for peaceful purposes.

The future of the CWC and the OPCW will greatly depend also on how member

countries resolve some other divisive issues that tend to surface quite frequently. Of these, three are of critical and contemporary importance: Syria, Middle East as a WMD Free zone, and the fear of resurfacing. First, the Syrian case; as discussed, a new kind of problem is being witnessed in Syria. A section of the international community fears that the state might use chemical weapons against its citizens. Syria, a non-member, has asked the UN to investigate the allegation. The OPCW, along with World Health Organisation, has been given the fact-finding responsibility. Some member countries indicate the legal conundrum, and a few member countries want a non-member country like Syria to be kept out of discussions inside the OPCW but many others think otherwise. Apart from resolving the legal issue as raised for taking action on the UN request, member countries may have to bring in Syria in the CWC fold under the universality campaign. This raises the second divisive issue of Middle East as a WMD Free zone. This is a complex issue, but its resolution will help in the universalisation of the treaty. The third is the debate on the use of the phrase—non-proliferation or resurfacing. Non-proliferation is a phrase predominant in the nuclear realm to describe a pre-disarmament situation and is generally understood as a step towards or build up for disarmament. The use of the phrase for a post-disarmament situation seems to have confused some member states. Some other non-divisive phrases like resurfacing may solve the problem.

So, the future of the CWC and the OPCW could hinge on how member states address the principal objectives of the Convention and other priority areas. Agreement on the elimination of chemical weapons built the treaty and the failure or even the trust deficit may adversely affect its future. In addition, all that has been achieved so far might be lost in such scenario. After completing the task of disarmament, the OPCW as an

institution will certainly be required to fulfill other provisions of the CWC. The OPCW may assist member countries in addressing new security challenges. Destruction of chemical weapons requires a time frame under the Convention but international cooperation and trade in chemicals may continue forever, so the need for OPCW as a coordinating body. The consensus approach in the OPCW functioning is preferred for the health of the treaty and the OPCW.

Endnotes:

- ¹ United Nations (2013), Secretary general's Statement, Press Release, Secretary-General, SG/SM/14968, DC/3432, Available Online at <http://www.un.org/News/Press/docs/2013/sgsm14968.doc.htm>, Accessed 25 May 2013.