Prospects for CWC Universality

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Harvard Sussex Program
Open Forum
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The Harvard Sussex Program

- Academic NGO based at University of Sussex in the UK and Harvard University in the US
- Led by Professors Matthew Meselson (US) and Julian Perry Robinson (UK)
- Established in 1990 building on two decades of earlier collaboration
- CWC RevCon related publications
THE CBW CONVENTION
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IS THE OPCW IMPLEMENTING THE CWC DUTIES?

Julian Perry Robinson, Harvard

The CWC Tenth Anniversary celebrations last year raised expectations of a world free of chemical weapons. Thanks to the OPCW - its Member States, its policy organs and its Technical Secretariat - that world is moving closer. There are, however, some issues that remain to be addressed satisfactorily. If the CWC is to fulfill the duties which it has undertaken, the Convention needs to be taken more seriously by all states, including the big powers.

The CWC Convention is clearly the major tool at our disposal to ensure that chemical weapons do not become a threat to the world. The Convention has very broad terms of reference, which include not only the destruction of existing chemical weapons, but also a comprehensive ban on the development, production, acquisition, and retention of such weapons - an objective which is stated clearly in Article I of the Convention. This broad scope is necessary to ensure that the Convention meets its objectives.

The Convention is based on a number of principles, which are designed to ensure that it is effective in fulfilling its objectives. These principles include:

- Non-proliferation: The Convention is designed to prevent the spread of chemical weapons to states that do not have a need for them. This is achieved through a number of mechanisms, including the verification process and the requirement for states to provide detailed information about their chemical weapons stocks.
- Transparency: The Convention requires states to provide detailed information about their chemical weapons stocks, in order to ensure that the Convention is transparent and effective.
- Compliance: The Convention is designed to ensure that states comply with its provisions, and that non-compliance is dealt with appropriately.

The Convention is also based on a number of key principles, which are designed to ensure that it is effective in fulfilling its objectives. These principles include:

- Non-use: The Convention is designed to prevent the use of chemical weapons, and to ensure that they are not used as a weapon of war.
- Non-transfer: The Convention is designed to prevent the transfer of chemical weapons to other states, and to ensure that they are not used as a weapon of war.
- Non-develop: The Convention is designed to prevent the development of chemical weapons, and to ensure that they are not used as a weapon of war.

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http://www.armscontrol.org/act/2008_03/Feakes.asp
Why Does Universality Matter?

- Strengthens norm against CW by demonstrating its acceptance in different political, cultural, religious, economic and legal settings
- Contributes to CWC becoming accepted as a part of international criminal law
- “Weakest link” argument – possible safe havens or trans-shipment points for terrorists or proliferation networks
The Chemical Weapons Convention has won support at an unprecedented rate for a multilateral arms control agreement. Membership jumped rapidly after the treaty entered into force in 1997 and after the convention’s first review conference in 2003.
“Hold-out” States

Signatory States:
1. Bahamas
2. Dominican Republic
3. Guinea-Bissau
4. Israel
5. Myanmar

Non-signatory States:
1. Angola
2. Egypt
3. Iraq
4. Lebanon
5. North Korea
6. Somalia
7. Syria
Angola, Bahamas, Dominican Republic and Guinea-Bissau

- Fairly small countries, no history of CW possession, no serious external security threats and small chemical industries

- But reasons for not joining:
  - Mainly logistical and resource constraints
  - Other priorities (HIV/AIDS, desertification and drought, poverty, debt etc)

- All fully support CWC and will likely join with the necessary encouragement and assistance
Iraq

- Special case given previous history of CW use, UN verification, invasion and fruitless WMD search
- Presidential Council endorsement in November 2007
- Participation in OPCW meetings and OPCW training for Iraqis
- Only remaining step appears to be deposit of accession instrument in New York
Lebanon, Myanmar and Somalia

- Disparate group but share serious internal political tensions
  - Lebanon at an advanced stage but political problems have slowed accession
  - Myanmar had been on track but efforts now seem to have paused
  - Lack of functioning government in Somalia and current humanitarian crisis
Egypt, Israel and Syria (1)

- Middle East is most serious obstacle to CWC universality, appears unfavourable to any form of arms control
- But CWC most needed in Middle East
  - Suspected CW possession by Egypt, Israel and Syria
  - Past history of use in Yemen (1960s) and Iran and Iraq (1980s)
  - Existing tensions
- Region most likely to witness CW use
Egypt, Israel and Syria (2)

- Main obstacle is linkage of CW with NW
  - Arab League position
  - Israeli deterrence posture
  - CW are “hostage” to NW

- OPCW attempts to “de-couple” CW and NW

- All three have become more engaged since 2003, and Egypt and Israel have kept the door open for a “constructive dialogue”
North Korea

- Also suspected of CW possession
- No response to any OPCW overtures
- International focus on Six-Party Talks and nuclear disablement
- CW could be addressed separately
  - Example of South Korea’s CW disarmament
  - UNSCR 1718 requires NK to abandon “all other existing WMD programmes”
  - “Libya model”
Future Approach

- “Tailored” strategies for each holdout state
- Need for higher level of political engagement, especially for Middle East and North Korea
- Use of all tools by states parties including linkages to trade
- Consideration of Schedule 3 transfers ban
- Enhancement of OPCW programmes under Articles X and XI
NGO Contribution

- Possibility of an NGO universality campaign
  - Links in non-states parties
  - NGO “bottom-up” approach can complement state and OPCW “top-down” approach
  - NGOs skilled at awareness-raising and outreach

- Would require more equitable relationship between NGOs and the OPCW
  - Ongoing process (follow-up to Academic Forum)
  - Improved access to OPCW and to OPCW information
  - Encouraged by positive words from DG and some states parties
Second RevCon and Beyond

- Commend and renew Action Plan
- Targeted pressure and assistance for
  - Angola, Bahamas, Dominican Rep., Guinea-Bissau, Iraq, Lebanon, Myanmar and Somalia
- Further isolation of Middle East and NK:
  - Increased suspicions about possession of “illegal and immoral” weapons
  - Erosion of Arab League “linkage” policy
  - High-level negotiations for a stage-managed, reciprocal process modelled on Libya’s accession
- Emphasise link between universality and national implementation and overlap with UNSCR 1540
Thank You

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www.cwc2008.org

http://www.sussex.ac.uk/Units/spru/hsp/index.html