



Image: Thomas Keith Aitken (Second Lieutenant) /Imperial War Museums

Report

**100 years of chemical weapons and the future of the
OPCW**

Monday 15 June 2015 | WP1408

Held in The Hague



Report

100 years of chemical weapons and the future of the OPCW

Monday 15 June 2015 | WP1408

To commemorate the 100th anniversary of the first use of chemical weapons during the First World War, and also to mark 18 years of the Chemical Weapon Convention, this seminar assessed the evolution of the OPCW over the next decade as it nears the completion of its historic task of global chemical disarmament. The dialogue put particular focus on:

- the future of verification in the move from disarmament to non-proliferation
- engagement and international cooperation
- emerging issues for the regime, including potential new States Parties with a chemical weapons stockpile and the challenges posed by non-state actors

It is now 100 years since the first use of chemical weapons, at the Battle of Ypres in 1915, and the subsequent century saw two competing and contradictory trends. One produced the rapid emergence of new and more destructive technology such as nuclear weapons, the industrialisation of old ones such as biological weapons, and the coining of the term “weapons of mass destruction”. The other, starting with the 1925 Geneva Protocols, produced efforts to curb the spread of such weapons, to manage and ameliorate their strategic effects, and where possible to eliminate them.

The Chemical Weapons Convention (CWC) is arguably the most successful of all these efforts. It is approaching universality in membership, with only 4 states (Egypt, Israel, North Korea and South Sudan) remaining outside its membership; its disarmament programme has reached 85% completion; it succeeded in the removal and destruction of Syria’s declared chemical weapons and agents in the middle of a civil war; and in December 2013 the OPCW was awarded the Nobel Peace Prize.

Nonetheless, challenges remain to be overcome or will soon arrive. It is probably not an overstatement to say that the OPCW, and the CWC enterprise, will become significantly different in form and function, as universalisation and 100% destruction approach, and as technological challenges emerge. The main challenges can be grouped under three broad themes: the future of verification; the process of engagement and international cooperation; and the emerging challenges for the OPCW.

The future of verification

Verifying compliance

1. On chemical weapons, as elsewhere, technology moves faster than politics does, making scientific advice to governments a priority. This is also a challenge for the OPCW, as are the globalised and increasingly complex production chains of chemical agents and technology, and the blurred distinction between biological and chemical

agents. For compliance issues, this produces challenges for handling information, collating it, and assessing its significance. Here, capacity-building in States Parties as well as the OPCW is required. There is a duality in verification between the legal mechanisms for judging compliance behaviour, and the scientific method of confirming/falsifying a hypothesis, and both have distinct skill-sets which should be developed.

2. Moreover, the implications of verification and compliance in the information age require further consideration: there is a vast amount of open-source information available to anyone, and the Syrian experience suggests that external experts may have a role to play. How can/should the OPCW make use of compliance information that has been gathered by such individuals? The information may be very helpful, for example, in the identification of facilities that need investigation, but questions remain over attribution and standards of proof. Hence, the OPCW might consider establishing a process to monitor, consider and assess reports from open-source intelligence.

Developing verification capacity

3. The OPCW must take steps to maintain and expand its verification expertise, including broadening the skills base for inspectors: interviewing, forensics and medical expertise can all be developed. The wider process of developing verification expertise in a changing technological and political environment could take the form of an Open-Ended Working Group on verification, with the Director-General as lead on new issues. Evaluating and collating the lessons of the Syrian experience should similarly be a priority; an external review along the lines of the “Wise Men” reports used in the past for the Review Conference is a format worth considering for this.

Engagement and international cooperation

Is the OPCW fit for purpose?

4. The OPCW was unquestionably fit for purpose when established in 1997, but circumstances have changed and the Organisation must adapt. Most states are party to, and are complying with, the CWC, meaning there is a decreasing need and role for destruction and verification. Legal provisions are also inadequate, especially in terms of available sanctions: hence, a need to look again at the CWC. There is, for example, no provision for non-state actors, and a new “protocol” for terrorism/non-State actors might be needed.
5. Article XI also has very broad terms, with no clear definition of what “implementation” means: again, this can be remedied. There should be more assistance to states, and promotion of the peaceful use of chemistry.
6. None of this should detract from the need to reflect and focus on real world issues, such as CW use in Syria, which are high on the international political agenda. But for the OPCW to be effective, organisational issues within it need to be sorted out as a priority. Transparency, from the centre, is a major concern, especially for less developed states.

What about external relations?

7. The OPCW’s relationship with the UN has been historically difficult at times, but recent changes of senior personnel may bring different perspectives. The OPCW should still be the ultimate authority on chemical weapons, and hence the EC can be more decisive. It is the only “watchdog” on CW and therefore should be more proactive and provide more visible leadership and decision-making on CW issues at/with the UN. A clearer division of labour, with the EC leading on technical issues, and the UNSC on political ones, is possible. The OPCW and UN can and should examine how to enhance their cooperation on verified cases of CW use.
8. Instructions from capitals are important: diplomats in The Hague do not necessarily have the relevant skills or experience on CW and therefore are not always best placed to comment or advise on technical issues. The Technical Secretariat needs to work

more closely with other organisations such as WHO, Interpol, ICRC, and regional organisations, which are not all the same and operate differently on things like legal issues. Therefore greater understanding and knowledge are needed.

International engagement

9. More OPCW briefings are needed for regional groups, industry, academia, research institutions, and civil society. This should take place through a dedicated OPCW platform, for specific thematic discussions and with like-minded states. States also need better outreach to these organisations, but will need to be aware of the risk of politicising issues, especially where there is potential to affect economies and influence markets (e.g. national chemical industries/companies gaining competitive advantage). Nonetheless, states are well-placed to lead on advice for legitimate use of chemicals, sharing information within the Australia Group (best practice), and taking forward safety and security.

Emerging challenges

10. Emerging challenges for the OPCW and its work include the incorporation of new States Parties, the threats from non-state actors, and the changing technological environment. It should be noted that these are not entirely discrete topics, and the division between them is to some extent artificial or at least blurred.

New States Parties

11. Two of the most recent accessions to the CWC, Libya and Syria, both joined in unexpected ways and unanticipated circumstances: the OPCW should try to draw lessons from this experience. It is quite possible that one or more of the current non-member states may also join in circumstances that have not been foreseen and which may require a certain amount of agility on the Organisation's part: the handling of the Syria issue in particular is likely to be an indicator for new States Parties. Precedents were set there that should be discussed when considering future membership.

Non-state actors

12. Although the term non-state actor is often taken to refer to terrorist groups, it is in fact wider in its coverage; criminals (organised or informal) and black marketeers, for example, present challenges of their own for chemical weapons non-proliferation. They are also, especially as destruction of stockpiles by States Parties approaches completion, likely to become more significant in future. Although it is generally agreed that a State Party which supported a non-state actor that used chemical weapons would be in violation of the CWC, the role for, and mandate of, the OPCW in addressing non-state actors itself is not always clear. It may be that, in the absence of a mandate or capabilities to take action against such actors, the OPCW is not the appropriate framework for what is, essentially, a counter-terrorist operation. Where action can be taken, there could be lessons to learn from other fields, such as action against the drugs trade: there may therefore be merit in the OPCW cooperating with other institutions here.

Changing technological environment

13. As mentioned above in a different context, there is a tension here between the evolution of the scientific and technological world and the current configuration of the CWC and OPCW. The Organisation needs more capabilities to stay ahead of advances in science, and the schedules need updating to reflect likely trends over the next ten years (it can be argued that the schedules themselves are inflexible, and if this is the case it will need attention). It will be important for the TS capabilities to continue to grow, beyond the CWC schedules. Moreover, the scheduled chemicals are not the only chemicals that are open to misuse, and there is a challenge in preventing the use of commercial chemicals as weapons. This is a dual-use issue, of course, and it does need to be accepted that this unavoidably means that the threat cannot be reduced down to zero.

Conclusion: planning for 2025

The OPCW will be in a very different place by 2025. Its internal goals on destruction will be different, and its external setting will continue to evolve. The challenges can be managed and resolved, but this will require creative thinking, and a willingness to start the process now, if the Organisation is to be fit for purpose a decade hence.

Mark Smith

Wilton Park | September 2015

Wilton Park reports are brief summaries of the main points and conclusions of a conference. The reports reflect rapporteurs' personal interpretations of the proceedings – as such they do not constitute any institutional policy of Wilton Park nor do they necessarily represent the views of the rapporteur.

Should you wish to read other Wilton Park reports, or participate in upcoming Wilton Park conferences, please consult our website www.wiltonpark.org.uk

To receive our e-newsletter and latest updates on conferences subscribe to <https://www.wiltonpark.org.uk/newsletter/>