

Performance to date

Initially the OPCW appeared to be a model multilateral verification organization. The organization was readily established, a new, purpose-built headquarters building was constructed and occupied and the necessary staff recruited. Several states declared CW stockpiles and the organization began verifying their destruction, while also gearing up for industry inspections. However within a few years the organization began to experience both managerial and financial difficulties. In April 2002 the first Director-General, José Bustani of Brazil, was dismissed; he was replaced in July 2002 by Rogelio Pfirter of Argentina. In 2000-2001 the OPCW faced a financial crisis that had been brewing since entry into force. This was partly due to poor financial governance and management and delayed reimbursement of verification costs by certain states parties. Many of these immediate difficulties have now been remedied.

Although some of the organisation's failings could be attributed to its leadership, the treaty's governing bodies, the Executive Council and the Conference of States Parties, as well as states parties individually, were also responsible. The first Review Conference for the CWC, held in April/May 2003, six years after the treaty's entry into force, provided an opportunity to rectify the problems.³⁰

Given the novelty and complexity of the convention's verification goals, it is not surprising that there were teething problems and that implementation had to confront some harsh realities. One is the inherent difficulty of establishing, from scratch, a verification organization for a type of weapon that had previously been largely unregulated by international law. A second has been the differing and evolving views of states parties on the priorities for the convention. A third reality has been the inability or unwillingness of states parties to carry out in full their obligations under the convention, in terms of declaring and destroying their chemical weapons, declaring, and co-operating in the monitoring of, their peaceful chemical industry and in providing unstinting political, technical and financial support to the OPCW.

Finally, there have been major changes in the way the global chemical industry is organised since the convention was negotiated. While many large-scale single product facilities remain in developed countries, many have moved to developing countries where costs are cheaper. At the same time there has been a trend in the industrialized countries towards smaller facilities able to switch production between various products at short notice to meet the demand of more complex markets. Such flexible facilities also, unfortunately, make it easier to switch to the production of CW or CW precursors.

The verification balance askew

One casualty of these realities has been the balance struck in the convention between the resources and effort devoted to verifying the declaration and destruction of existing CW stockpiles and that devoted to verifying that new CW and CW capabilities do not emerge.

The convention provides for verification of the declarations of CW stockpiles by CW possessor states, of the transportation where necessary of such stockpiles to secured sites and of the retention

³⁰ For a comprehensive report on the OPCW's difficulties and suggested remedies that was prepared for the first review conference see 'Getting verification right: proposals for enhancing implementation of the Chemical Weapons Convention', VERTIC, London, 2002.