Challenge-type inspections: continued relevance in multilateral arms control regimes?  
(Doctoral dissertation at the university Vienna, Oct. 2014)  
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ABSTRACT

A qualitative analysis of regime members’ positions regarding the role, characteristics and importance of challenge-type inspections in multilateral arms control regimes is undertaken through a comparative case study of challenge inspections (CIs) and on-site inspections (OSIs) provided for under the Chemical Weapons Convention (CWC) and the Comprehensive Nuclear-Test-Ban Treaty (CTBT), respectively. The policies of regime members with respect to challenge-type inspections is examined in light of regime theory as well as a research model proposed by Rittberger, Zangl and Kruck to study the political system of international organizations.

The main findings clearly highlight that regime members consider challenge-type inspections as integral elements of the CWC and CTBT verification regimes and, although likely to be employed only in exceptional circumstances, represent an adequate and valuable verification mechanism. While challenge-type inspections are by their nature technical fact finding missions to verify compliance concerns, they contain at the same time a highly political dimension and regime members exercise tight control over the inspection process through the Executive Council. In this respect, research findings re-iterate that: that the verification process is inherently political in nature and its success ultimately depends on the political will, confidence and trust exhibited by regime members.

THEORETICAL FRAMEWORK

Regime theory is used as the central theoretical framework for the dissertation. It postulates that increasing interdependence of states triggers mutual interests and serves as a cooperation catalyst - conflicts between states can be curbed by institutionalizing cooperation between them. Given the criticism raised against it by other theories of international relations, its assumptions are contrasted with the central arguments raised by neorealism and constructivism.

RESEARCH METHOD AND TOOLS USED

A deductive research strategy is applied for the dissertation. Based on the theoretical framework built for this dissertation, a mix of three different research methods is applied and resulting data are triangulated for quality control purposes.

- Use of both publicly accessible and commercially available on-line search engines and digital libraries
- Utilization of the United Nations library in Vienna as well as the OIPPO library in Den Haag
- Information obtained as a result of the direct engagement with subject matter experts, delegates and representatives of the organizations researched

ADOPTED RESEARCH FRAMEWORK

Following the clarification of central terms and concepts utilized in the dissertation and an analysis of different international relation theories pertaining to international institutions, the research framework is developed. Two theoretical concepts are operationalized:

1. Stephen D. Krasner’s widely accepted definition of international regimes (“sets of implicit and explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations”) is applied in the context of the CWC and CTBT verification regimes and the respective regime principles, rules and decision making procedures are analyzed.

2. A research model proposed by Rittberger, Zangl and Kruck (2012, p. 72) is used for analyzing the policy making in the OPCW and the Preparatory Commission for the CTBTO on challenge-type inspections. This model suggests assessing policy making in international organizations by looking particularly at three specific dimensions:

   - Input: actors’ demands and support
   - Conversion: decision making processes
   - Output: activities undertaken as a result of decisions made

CENTRAL RESEARCH FINDINGS

Emergence and Role of challenge-type inspections

- Emergence of the challenge-type inspections concept in the mid-1980s during the CWC negotiations as a part of a broader political effort to push for effective verification - central feature: anytime, anywhere, without the right to refusal approach.

- Both CIs and OSIs are by their nature technical fact finding missions to verify compliance concerns, they contain at the same time a highly political dimension and regime members exercise tight control over the entire inspection process through the Executive Council.

- Both mechanisms closely intertwine with consultation & cooperation mechanism for settling compliance concerns. Early expectations on the frequency of use of CWC CIs greatly differed from the actual treaty implementation experience (no CWC CI requested; indicative of a high level of compliance, but also of high political restraint to resort to this type of inspection).

- Challenge-type inspection scenarios may be considerably CIs may be triggered under much broader range of compliance concerns compared to OSIs as a result of the much wider scope of regime norms in the CWC.

Policy Making by regime members

- Considerable differences among CWC Member States’ positions regarding the purpose, scope and activation of the CWC CI mechanism; same divide also on the role of prior consultations & clarification.

- In spite of these divergent positions, unequivocal political support for CWC CI mechanism by all Member States; full readiness for CIs reached as of 2003, since then States Parties requested the Secretariat to continue maintaining a high standard of readiness for CIs.

- Both CIs and OSIs will continue to receive high priority by both organisations in the future (see also respective mid-term strategies/plans)

International Relations Theory Implications

- CIs and OSIs have been perceived to considerable dynamics as a result of changing political interests and priorities of key Member States

- Member States’ policy making on challenge-type inspections largely conform to regime theory related assumptions, but also point out validity of constructivist arguments

- Though different development paths of CWC vs. CTBT verification regimes, both regimes have been successful in their norm setting character

Policy Implications

- States consider challenge inspections as integral tools of the verification methodology.

- Challenge inspections will also in the future be activated only under very rare circumstances and after careful political considerations.

- Preparedness measures may not be limited to the Secretariat as the technical body charged with implementation responsibilities, but Member States incl. NAs bear an important responsibility.

- In view of their strategic importance and complexity, preparations for and execution of challenge-type inspections necessitate an integrated, organisation-wide approach.

- While states will remain central actors in multilateral verification, new actors like NGOs, civil society, industry, new social media and scientific communities may hold an increasing and more influential role in verification.

- Constant reviews of the challenge inspection mechanisms are necessary in order to keep abreast of new developments in science and technology and new emerging actors in verification.

- Research findings re-iterate that verification is inherently political in nature. Its success ultimately depends on the political will, confidence and trust exhibited by its regime members.

Bibliography

