Book Notes: The Chemical Weapons Convention: Implementation, Challenges, And Opportunities, Ramesh Thakur and Ere Haru (eds)

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BY JACK KIM

In the collection of essays within Chemical Weapons Convention, the editors bring together the past, present, and future of this Convention. In the “Introduction,” Ramesh Thakur gives a brief overview of the history and mechanics of the Convention and its implementing body, the Organization for the Prevention of Chemical Weapons (OPCW).

Ralf Trapp, in “The Chemical Weapons Convention—multilateral instrument with a future,” describes in further depth the mechanics of the Convention. He argues that although the Convention was constructed under a Cold War state-centric framework, it can still work to battle new threats.

In “The first review conference of the Chemical Weapons Convention: A drafter’s perspective,” Robert J. Mathews assesses the first review conference. He argues that although there were shortcomings, the review conference proved its worth as a point of direction.

Masahiko Asada, in “The challenge inspection system of the Chemical Weapons Convention: Problems and prospects,” looks at one of the most salient points of the Convention, the challenge inspection system—the chief weakness being it has never been invoked. He proposes that a new type of inspections regime be integrated, similar to the Additional Protocol implemented by the International Atomic Energy Agency.

Fatza Patel King’s essay, “Implementing the Chemical Weapons Convention: A comparative case study of the legislation of Australia and France,” looks at how Australia and France have by and large successfully implemented the required domestic legislative reforms.

In “Chemical weapons destruction and public involvement,” Margaret E. Kosal describes how public opinion has delayed the scheduled destruction of chemical weapons stockpiles, especially in the United States. She argues that there should be greater public participation in the decision making process.
Keith Wilson, in “Standing the test of time—efforts to achieve universality of the CWC,” discusses whether universality of the Convention can be achieved. Despite a few countries unwilling to join the Convention for political reasons, he is optimistic that universality can be achieved in the future.

Finally, in the “Conclusion: Seize the moment,” Ere Haru briefly goes into other areas not covered by the book, such as the organization of the OPCW and the functioning and management of the Technical Secretariat. In the future, he states that the Convention must be able to deal with future international security issues, especially international terrorism.


BY CATHERINE NOWAK

David Kennedy’s Of War and Law is a provocative examination of the evolving role law plays in shaping armed conflict. He argues that war law has turned away from its traditional emphasis on rules and formalism, in favour of creating a political and ethical vocabulary for conflict. This vocabulary is then used to explain, and ultimately legitimize, conflict and violence. Therefore, law is no longer just an external, ex-post judge of military behaviour. It has evolved to shape the institutional, logistical, and physical landscape of war both before and during the conflict. Kennedy warns that this reliance on law has eroded personal decision making and responsibility amongst soldiers and politicians alike. Justifying violence exclusively through law limits a more robust appreciation of the other considerations of conflict. He concludes that in this new landscape, one must strive to understand both the roles and limitations of law.

The first chapter examines war as a legal institution. Kennedy argues that law now manages the relationship between war and peace by creating the necessary institutional pathways through which war is made (and resisted). The second chapter chronicles the rise of humanitarianism and legal realism as important theoretical frameworks relating to modern warfare. At first glance these two frameworks appear