

# VERIFICATION RESEARCH, TRAINING AND INFORMATION CENTRE

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## **The Fourth Annual WMD Summer Programme: Disarmament and Non-Proliferation of Weapons of Mass Destruction in a Changing World 1 – 6 September 2013**

### **Friday, September 6: Multi stakeholder approaches to WMD diplomacy & current challenges 'Engaging academia and civil society in WMD disarmament and non-proliferation'<sup>1</sup>**

Good afternoon ladies and gentlemen.

I spoke to you this morning regarding the UN Secretary-General's mechanism for investigation of alleged use of chemical and biological weapons. I would now like to say a few words on the role of civil society in the field of CBRN weapons, particularly the work of academics and non-governmental organisations (NGOs).

Civil society possesses a wealth of technical information and expertise relating to CBRN weapons non-proliferation, disarmament and verification. NGOs conduct independent research and inform the international community accordingly. For example, to go back to this morning's topic, namely the investigation of alleged use of chemical weapons in Syria, the NGOs Middle East Watch and Physicians for Human Rights conducted research on the alleged, and subsequently confirmed, chemical weapons use against the Kurdish population in Halabja, Iraq in 1992.<sup>2</sup>

I also mentioned the possibility of a criminal investigation being carried out by the Prosecutor of the International Criminal Court this morning. The Court's Prosecutor is explicitly allowed to consider information gathered by NGOs. According to the Court's Rules of Procedure and Evidence, the Prosecutor "may seek additional information from States, organs of the United Nations, intergovernmental *and non-governmental organizations*" to decide whether to initiate an investigation.<sup>3</sup>

A significant advantage of civil society research on WMD issues is the longstanding nature of many of the academics and NGO experts in this field. These experts tend to follow these issues over many years and they usefully serve as an institutional memory of various policies, proposals, initiatives and general subject matter knowledge that informs their research and their outreach with the WMD community. In comparison, while diplomats are required to get up to speed quickly with WMD issues when they are assigned portfolios in this area, they are then regularly rotated through to other posts, perhaps progressing to more senior posts on WMD issues after many years spent working on disparate issues. While such experiences usefully develop a diplomat's expertise in bilateral and multilateral diplomacy, amongst many other skills, they need to get up to speed quickly with WMD issues to perform their role. For officials from developing States, in particular, government resources to support such knowledge acquisition may be lacking. We know that many government officials, from all over the world, stock expert NGO publications on their bookshelves and electronically for quick reference on a topical issue.

States try to tap into the knowledge of NGOs in different ways. Some States regularly liaise informally with civil society on international security topics, updating them on policy developments and changes in their national regulatory framework through meetings, publications and increasingly through social media. In the WMD field, such dialogue is often initiated by the Ministry of Foreign Affairs or by other government departments with a specific role in biological, chemical or radiological/nuclear security, such as the host agency for a National Authority. Such exchanges help to foster a culture of transparency in the States' activities. Where this outreach occurs with relevant industry groups, this helps to promote a culture of compliance with new national measures by improving awareness and understanding of the legal and political context of the regulatory environment and of the security consequences of breaches. Ideally, of course, such stakeholder groups will also be given a meaningful role in the development of such legislation and other measures, such as through consultation processes.

Certain States have gone a step further and legislated for a mandatory, on-going role for civil society in the oversight of WMD regulatory frameworks. For example, membership of the South African Council for the Non-Proliferation of Weapons of Mass Destruction, established under Section 4 of the Non-Proliferation of Weapons of Mass Destruction Act,<sup>4</sup> includes representatives of chemical, biological and space (aerospace) and nuclear industries and, by practice, a civil society representative pursuant to the "such other members as the Minister may deem necessary" clause. The Council's general function is to "protect the interests, carry out the responsibilities and fulfil the obligations of the Republic [of South Africa] with regard to non-proliferation"<sup>5</sup> and it has specific authority concerning the development, monitoring and enforcement of national implementation measures for international conventions concerning WMD non-proliferation.

Another example is the New Zealand Public Advisory Committee on Disarmament and Arms Control (PACDAC) which was established under Section 16 of the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act.<sup>6</sup> Chaired by the Minister for Disarmament and Arms Control, the committee consists of eight additional members appointed by the Minister of Foreign Affairs and Trade, who in practice have all been drawn from civil society. The current membership includes four NGO experts, including a VERTIC staff member, two academics and a former military officer and senior defence official. PACDAC's functions, as specified in Section 17 of the Act, are more advisory in nature than those of the South African Council for the Non-Proliferation of Weapons of Mass Destruction.

How does VERTIC contribute to WMD non-proliferation and disarmament diplomacy? Let me give you a few specific examples from just this year alone. In February, we participated in a national workshop in Colombia covering national implementation of the BWC and the establishment of a National Authority. We were pleased to hear during the BWC Meeting of Experts in Geneva in mid-August that this has resulted in increased efforts by Colombia to establish a National Authority, including an executive decree to this purpose.

We also worked with a State to draft two bills, one for national implementation of the CWC and one for the BWC, in their national language. We co-operated with another State to review draft bills for the CWC and BWC, again, in their national language.

In April, we co-organized a joint CWC-BWC universality workshop in Angola, in conjunction with the OPCW, the BWC Implementation Support Unit (ISU) and the British embassy in Luanda. The Angolan Minister of Foreign Affairs opened this workshop, and the ambassadors of the BWC depositary states

(Russia, the US and the UK) made statements encouraging Angola's adherence to the Convention. VERTIC also facilitated the participation of lusophone (Portuguese-language speaking) experts from the Portuguese Ministry of Defence and a Brazilian NGO at this event, as we appreciate the value of States engaging in WMD diplomacy processes being able to speak with experts in their national language. This can't occur so easily in fora like the United Nations, for example, where States can only communicate through the six UN languages (Arabic, Chinese, English, French, Russian and Spanish). This workshop in Angola is a good example of direct cooperation among an NGO, an international organisation and individual States.

We also work through regional organizations. VERTIC is a listed expert in the EU Council decision establishing the current EU Action in support of the BWC.<sup>7</sup> This EU Action supports the BWC through projects on universality and national implementation; confidence in compliance; and strengthening international cooperation and encouraging international discussion on the future of the BWC. In particular, VERTIC is co-operating with the EU Action on universality and national implementation projects. For example, VERTIC is a member of the EU Action working group which is drafting a BWC National Implementation Guide, which draws on and complements VERTIC's own legislative implementation guidance materials. We will shortly be participating in EU Action missions to countries, along with the BWC ISU and other experts, to provide assistance with BWC accession/ratification, legislative implementation, and establishing national focal points.

We have also co-operated with the Organization for Security and Co-operation in Europe (OSCE) on the adoption of National Action Plans to implement UN Security Council Resolution 1540.

We are the lead organization on an EU CBRN Centres of Excellence project, focussing on CBRN legislation in five Southeast Asian countries. Our project partners are the German export control agency BAFA and the United Nations Office on Drugs and Crime (UNODC). This is another excellent example of cooperation among an NGO, government agency and intergovernmental organisation.

VERTIC's other research programme focuses on monitoring and verification of international agreements. That programme has some notable achievements to date, including facilitating the convening of the UK-Norway initiative on nuclear warhead dismantlement verification in 2007. This project conducted useful research on two key strands: developing an information barrier device (to protect proliferation sensitive information during warhead dismantlement); and examining managed access procedures that would give sufficient confidence in a warhead dismantlement process while successfully shrouding sensitive technology. VERTIC staff were involved in all aspects of the project, including observation of the exercises and writing background papers.<sup>8</sup>

I look forward to a robust discussion of this topic and to any questions that you may have. Thank you.

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<sup>1</sup> Angela Woodward, Programme Director and Yasemin Balci, Legal Officer.

<sup>2</sup> Jezz Littlewood, 'Investigating allegations of CBW use: reviving the UN Secretary-General's mechanism', *Compliance Chronicles No 3*, December 2006, p 15.

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<sup>3</sup> Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002), 2187 UNTS 3, Article 53 (1); Rules of Procedure and Evidence of the International Criminal Court, ICC-ASP/1/3, at 10, and Corr. 1 (2002), UN Doc PCNICC/2000/1/Add.1 (2000), Rule 104, italics added.

<sup>4</sup> Non-Proliferation of Weapons of Mass Destruction Act, No. 87 of 1993.

<sup>5</sup> Non-Proliferation of Weapons of Mass Destruction Act, No. 87 of 1993, Section 6 (1).

<sup>6</sup> New Zealand Nuclear Free Zone, Disarmament and Arms Control Act, No. 86 of 1987.

<sup>7</sup> Council Decision 2012/421/CFSP of 23 July 2012 in support of the Biological and Toxin Weapons Convention (BTWC), in the framework of the EU Strategy against Proliferation of Weapons of Mass Destruction [2012] OJ L196/61-66, Annex, 2.2.3.

<sup>8</sup> David Cliff, Hassan Elbahtimy, Andreas Persbo, 'Verified Warhead Dismantlement: Past, present, future', [\*Verification Matters\* no. 9](#), September 2010.