



## **VERTIC: A CIVIL SOCIETY PARTNER IN THE IMPLEMENTATION OF THE NUCLEAR, CHEMICAL AND BIOLOGICAL WEAPONS TREATIES**

*The Hague Summer Programme – Disarmament and Non-Proliferation of Weapons of Mass Destruction in a Changing World*

*The Hague*

*Friday, 3 September 2010*

Good morning everyone. My name is Scott Spence. I am the Senior Legal Officer at VERTIC and work primarily in the National Implementation Measures Programme. I'll explain a bit more about VERTIC and its three programmes shortly.

But first I'd like to welcome you to the last day of the Hague Summer Programme on *Disarmament and Non-Proliferation of Weapons of Mass Destruction in a Changing World*. The participants list is impressive, and I am pleased to hear that it has been a productive and enriching week for all, for participants and speakers alike. I have no doubt that this fifth and final day will be no less exciting for all of us.

I am honoured to have the opportunity to speak to you today about the role of civil society in arms control and disarmament and our contributions to the implementation of the nuclear, chemical and biological weapons treaties and our involvement with the respective organisations. I am also delighted to be facilitating today's sessions and to share my experiences as VERTIC staff, and to see old friends going back years.

I'd like to extend a special thanks to the Asser Institute for inviting VERTIC to participate in this summer course. I've had the pleasure to attend lectures here on a variety of topics and to speak about the chemical and biological weapons treaty regimes, particularly the challenges they are facing in the area of national implementation. I'd also like to thank the OPCW, including Michael Luhan and Daniel Feakes, for giving VERTIC the opportunity to be with you here today. I worked in the OPCW Office of the Legal Adviser for several years and it is wonderful to see friends from the Secretariat as students in this course and as speakers in today's sessions. I would be remiss if I didn't thank the CTBTO, BWC Implementation Support Unit and the UNODA for helping to organise this course, as well as the Ministry of Foreign Affairs of the Netherlands and the City of The Hague for their financial support.

On housekeeping: this morning's session includes five speakers. I would suggest that each speaker limit their comments to fifteen minutes, which will enable us to have ten minutes of questions for each speaker as well as a coffee break. There will be a brownbag lunch followed by sessions in the afternoon. I'm delighted to confirm that the new Director-General of the OPCW, Ambassador Ahmet Uzumcu, will be dropping by around 1430 for a brief visit. And we are all invited to the OPCW at the end of the day for a reception to toast a challenging and exciting week.

This morning's topic is the role of stakeholders including industry, scientists, academia and civil society. I'm pleased to be able to give you a first-hand view of an NGO's role in the field of arms control and disarmament while our other speakers will address the role of other stakeholders.

I'll start with VERTIC's mission and then give a brief overview of our three programmes and the work falling within them. I will follow with some remarks on how we partner with international and regional organisations and governments. I will then conclude with some observations on how organisations such as VERTIC's can continue to play a stakeholder role in the WMD treaty regimes.

VERTIC is an independent, not-for-profit non-governmental organization. We support the development, implementation and effectiveness of international agreements and related regional and national initiatives, with a focus in the areas of arms control, disarmament and the environment and especially issues of monitoring, review and verification. VERTIC was founded in 1986 so we'll be celebrating our 25<sup>th</sup> anniversary next year.

We carry out our mission through research and analysis, as well as expert advice and information to governments and other stakeholders. We also provide support through capacity building, training, legislative assistance and cooperation. This requires close engagement with governments, policy-makers and international organizations, as well as with the private sector and technical, academic and non-governmental communities. I'll describe in greater detail how we do this in practice.

VERTIC has three major programmes: arms control and disarmament, national implementation, and the environment. I'll briefly mention the environment programme as it is not directly related to this summer course. It focuses on the effective development, implementation and verification of multilateral environmental agreements; two major projects at the moment concern climate change and illegal logging and major reports on both of these areas have just been released by our Senior Researcher on Environment.

The Arms Control and Disarmament Programme covers all of the weapons treaties: nuclear, biological and chemical. Our active projects in the nuclear field include the United Kingdom-Norway Initiative on verified dismantlement of nuclear warheads; verified nuclear disarmament; a South Asian strategic stability dialogue; and supporting the Comprehensive Test Ban Treaty's provisional entry into force through communicating the readiness of the CTBTO and the verification regime. The UK-Norway Initiative on verified dismantlement of nuclear warheads has been one of this Programme's biggest projects and the final report was released just two days ago. I would encourage you to take a look

at this excellent report, which can be accessed through our home page. The Initiative was a three-year project to investigate the verification of nuclear warhead dismantlement, and it was the first time a non-nuclear-weapon state partnered with a nuclear-weapon one to examine this issue. The initiative broke important new ground, and set what may yet become a strong precedent for future work. VERTIC has been involved as an independent observer to the Initiative from the project's earliest beginnings in 2007.

VERTIC is also a partner in the Bioweapons Prevention Project and the Chemical Weapons Convention Coalition, as part of VERTIC's Arms Control and Disarmament Programme. The BioWeapons Prevention Project, or BWPP, is a global network of civil society actors dedicated to the permanent elimination of biological weapons and of the possibility of their re-emergence. It was launched in 2003 by a group of non-governmental organizations concerned at the failure of governments to fortify the norm against the weaponization of disease. I am referring here to the collapse of the BWC Protocol negotiations in 2001. The Protocol would have led to, among other things, the establishment of an Organisation for the Prohibition of Biological Weapons. The BWPP, monitors governmental and other activities relevant to the treaties that codify that norm. Its current projects include preparing daily reports of the BWC intersessional meetings, which I believe you have learned about from the head of the Implementation Support Unit for the BWC, Richard Lennane, and a new project, the Bioweapons Monitor, which aims to generate transparency about BWC implementation and compliance, starting with four countries with an advanced biotechnology sector, drawn from different geographic regions. The first Monitor will be launched in December at the BWC Meeting of States Parties in Geneva.

The CWCC is a new initiative with the mission of supporting the aims of the Chemical Weapons Convention and supplementing the efforts of the member states of the OPCW. It was officially established last year at the annual Conference of the States Parties to the CWC. The Coalition intends to focus civil society action on achieving full membership of the CWC, the safe and timely

elimination of all chemical weapons, preventing the misuse of chemicals for hostile purposes, and promoting their peaceful use.

Our third programme, National Implementation Measures, is VERTIC's newest and builds upon an earlier VERTIC project, which was merged with work I had started carrying out as Interpol's Biocriminalization Project Manager. The Programme was developed to assist States in understanding what measures are required at the national level to comply with the prohibitions in a wide range of nuclear, biological and chemical weapons treaties and UN Security Council resolutions and how to implement them. With funding from the governments of Canada, the Netherlands, the United Kingdom, and the United States, we have a staff of four and a consultant assisting with us on our North Africa and Middle East portfolios. One of our staff members is with you now in this course: Yasemin Balci, a Dutch lawyer who recently joined VERTIC as our Programme Assistant.

The Programme has four major tasks: first, we are in the process of preparing comprehensive analyses of the existing legislation in countries around the world for the implementation of the Biological Weapons Convention and the related provisions of UN Security Council Resolution 1540. To date, we have completed 100 surveys. Based on this gap analysis, we provide direct legislative drafting assistance, or other forms of assistance, including remote reviews of draft legislation, legal advice, or information exchanges. Because we are fully funded, we do not charge governments for our services. We have provided direct assistance to at least 15 countries in the last two years alone and we are currently responding to a sharp increase in expressions of interest from States.

In order to carry out this assistance, we have developed an implementation kit – the first of its kind for the Biological Weapons Convention. It consists of fact sheets on the Convention and the establishment of National Authorities in five languages; our Sample Act for national implementation of the Convention in six languages; Regulatory Guidelines to further implement the Convention in five languages; and a legislation survey templates in six languages. I would encourage

you to take a look at the fact sheets and models, which are available on our website's NIM Programme pages.

The NIM Programme team also spends a considerable amount of time engaging in outreach: this includes staff participation in symposia, conferences, and workshops, and, of course, participation in the BWC Meetings of Experts and States Parties.

VERTIC has always recognized the importance of partnering with intergovernmental organisations; international, regional and subregional organizations; governments; industry; scientists; academia and other members of civil society. Indeed, VERTIC is in communication on a weekly basis with several governments, including our funders and the G8 Global Partnership group of States; the OPCW, IAEA, BWC Implementation Support Unit and UNODA; the UN Security Council's 1540 Committee and its experts; the International Committee of the Red Cross; and the European Union and its constituent components including the Council and the Commission. Our ties with other civil society members are necessarily strong and co-ordinated through the Bioweapons Prevention Programme and the newer Coalition for the CWC.

Our partnering with governments includes speaking at events that they organise, advising them on how to improve their national implementing legislation for the BWC and CWC and working with their national champions to raise awareness within their ministries of these Conventions. We work with Governments to draft new legislation and liaise with them until its final adoption. We also liaise regularly with the IAEA, OPCW, BWC ISU, UNODA and 1540 Committee to inform them of our work with governments on national implementing legislation under the NIM Programme and to co-ordinate assistance activities and follow-up. This spirit of co-operation extends to the ICRC, the G8 Global Partnership and the EU as we all seek to avoid duplication while ensuring that efforts to promote the non-proliferation of nuclear, chemical and biological weapons are strengthened.

You may be asking yourselves: why is VERTIC carrying out all of these activities that are normally carried out by intergovernmental organisations, such as the OPCW and IAEA? Ambassador Maarten Lak observed in his Clingendael paper *Governance in the international security arena: A role for non-state stakeholders as co-providers of security* that “Security is a global public good. State-level actors are generally doubtful and at least ambiguous towards any role of non-state stakeholders in security. However, states which are called upon to provide security, both to their citizens nationally and for the wider international community, have to connect with non-state actors”. He later adds that “Governmental policymakers and those implementing policies may benefit by viewing [non-state security stakeholders] as partners” and concludes by noting, that organisations such as VERTIC “...have a vital importance in certain areas for an internationally functioning regime: by pressurizing governments, by providing and channelling impetus for a more effective implementation of regime rules and by building legitimacy for these rules in the wider national and international community”. Ambassador Lak observed in the paper that VERTIC has played a role in providing support and technical assistance for outreach to BWC States Parties and thereby *supplemented* the role of the BWC Implementation Support Unit in order to help the BWC to function.

One of the reasons for this novel and complex way of implementing an arms control and disarmament treaty has already been explored by Richard Lennane during earlier sessions on the BWC, namely, the absence of an Organisation for the Prohibition of Biological Weapons. This lack of an international secretariat is being filled by the co-ordinating role of the Implementation Support Unit, the legislative assistance programme from VERTIC, the outreach and research activities being carried out by the Bioweapons Prevention Project mentioned above and the numerous other projects being undertaken by a number of civil society actors in the areas of codes of conduct, education for scientists on the BWC; laboratory training and skills development by laboratories, universities and governments; and training on law enforcement and public health co-operation and disease surveillance, to name a few. As the ISU rightly states:

implementation of the BWC has become a network activity in which civil society actors play a major, and I would argue, indispensable, role.

There are strengths and weaknesses to this network approach. The strengths are that civil society action can be nimble and certainly more affordable than a large secretariat. Due to funder requirements, our actions are increasingly goal-oriented and time-bound—we work to achieve certain results within a specified period. Many of us have worked and been trained in government or in the treaty organisations and therefore have a deep understanding of the treaties, issues, and the people involved in their implementation.

Nevertheless, there are several weaknesses in this network approach: funding cycles for civil society can be unpredictable and the loss or shrinkage of an important civil society actor can disrupt new assistance activities, delay crucial follow-up, and curtail information and outreach exchanges and activities. Additionally, some governments may simply be unwilling to work with civil society actors for historical or political reasons. This can be particularly problematic for the BWC where many capacity-building and assistance activities are carried out by organisations such as VERTIC.

VERTIC is confident, however, that the nuclear, biological and chemical weapons communities – and by this I mean intergovernmental organisations; international, regional and subregional organisations; and governments – are becoming increasingly comfortable and familiar with the elevated level of involvement of civil society actors in the implementation of the WMD treaty regimes. This comes with the responsibility, however, for us to be highly competent and effective, discrete and professional, and aware of the limits of what we can reasonably accomplish with States.

I would like to thank you for your attention, and I'd be happy to take any questions that you might have.

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