Defining a beneficial space for NGO-UN system organization interaction on chemical safety and security: a framework analysis

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Abbreviations and acronyms

BTWC	Biological and Toxin Weapons Convention
BWPP	BioWeapons Prevention Project
CBM	Confidence-building Measure
CBW	Chemical, Biological, Chemical
CNS	Center for Nonproliferation Studies
CSP	Conference of the States Parties
CW	Chemical Warfare/Chemical Weapon
CWC	Chemical Weapons Convention
CWS	Chemical Warfare Service
ECOSOC	Economic and Social Council [UN]
FRS	Foundation pour la Recherche Stratégique [Foundation for Strategic Research]
HSFK	Hessische Stiftung Friedens- und Konfliktforschung [Hessian Foundation for Peace and Conflict Studies]
HSP	Harvard-Sussex Program
IAEA	International Atomic Energy Agency
ICRC	International Committee of the Red Cross
IDUM	International Dialogue on Underwater Munitions
IISS	International Institute for Strategic Studies
IGO	Intergovernmental Organization
INGO	International Nongovernmental Organization
ISU	Implementation Support Unit
KPI	Key Performance Indicator
NBC	Nuclear, Biological, Chemical
NGO	Non-governmental Organization
NLW	Non-lethal Weapons
NPT	Non-Proliferation Treaty
ODVCW	Organisation for Defending Victims of Chemical Weapons
OPCW	Organisation for the Prohibition of Chemical Weapons
PRIF	Peace Research Institute in Frankfurt
SAB	Scientific Advisory Board
SCWVS	Society for Chemical Weapons Victims Support
S&T	Science and Technology
SIPRI	Stockholm International Peace Research Institute
UN	United Nations
UNODA	United Nations Office for Disarmament Affairs
UNOG	United Nations Office at Geneva
WMD	Weapons of Mass Destruction

Abstract

A framework analysis is developed in order to define a beneficial space for NGO-UN system organization interaction on chemical safety and security. It is informed by a more general consideration of existing literature on transparency and accountability in science and politics. This includes a review of the various actors who possess or utilize relevant information, and how they should ideally interact with the broader international community. Capacities and mandates of NGOs and UN-system organizations are compared. The analysis is also informed by recent and current activity to maintain and strengthen nuclear safety and security, and biological safety and security, respectively. Political and technical sensitivities (including institutional) are then considered within the chemical safety and security context. Chemical safety and security measures can influence evaluations of the deterrent value of the 1993 Chemical Weapons Convention (CWC) and how to optimize the structure of the treaty's routine chemical industry verification. Such measures also affect the more general interaction between states on chemical health and safety, and emergency response.

The working paper concludes by presenting options for utilizing a defined 'space' to permit (or strengthen) mutually beneficial interaction that is both process- and results-oriented. For example, analyses produced within such a context could include a further consideration of whether defined objectives to strengthen and maintain chemical safety and security have been met (e.g., through the implementation of key performance indictors (KPI) or equivalent). They could also include assessments on whether the scope and level of intrusiveness of routine chemical industry verification under the CWC are effective or possess sufficient deterrent value (via, *inter alia*, a further consideration of risk factors and frequency of inspection algorithms *and their relevance to the broader arms control verification literature*). Such analyses, if properly validated and taking into proper account confidentiality policies and other sensitivities, can strengthen the perceived and actual relevance of treaty regimes. This can be achieved partly by presenting to the broader international community (including industry and research communities) the existence of practical or operational-level activity and by presenting a sufficient context by which to assess their effectiveness.

I. Introduction

A variety of regulatory and other treaty-based regimes promote, support or mandate chemical safety and security.[1] Similarities, differences and synergies exist between this activity and that carried out on nuclear safety and security, and biological safety and security, respectively. Nuclear, biological and chemical (NBC) safety and security are also relevant to and inform the mandates of the principal international legal instruments against NBC weapons: the 1968 Non-Proliferation Treaty (NPT), the 1972 Biological and Toxin Weapons Convention (BTWC) and the CWC. The institutional support mechanisms for these treaty regimes differ in capacity and focus. For example, two of the treaties are supported by standing international bodies: the International Atomic Energy Agency (IAEA) and the Organisation for the Prohibition of Chemical Weapons (OPCW).[2] In addition, efforts to ensure that materials, technology, equipment and intangible technologies are not misused for NBC weapon purposes are distinct according to weapon type.

II. NGOs in the UN context

Various principles inform transparency and accountability in science and politics which, in turn, influence or define the interaction between officials, the public and non-governmental organizations (NGOs).[3] In a literal sense, NGOs may be understood to be any 'organization' that is not part of a government. Determining when an actor is performing a government role or task may, in practice, be difficult through, for example, the practice of outsourcing service contracts.

The legal basis for NGO roles at the UN and associated implementation practice are partly informed by Article 71 of the UN Charter which states:

'The Economic and Social Council [ECOSOC] may make suitable arrangements for consultation with non-governmental organizations which are concerned with

[1] For a recent comprehensive review of chemical safety and security, see Eds. Philip Wexler, Jan van der Kolk, Asish Mohapatra and Ravi Agarwal, *Chemicals, Environment, Health: a Global Management Perspective* (CRC Press: London, 2012).

[2] On IAEA nuclear safety and security programmes and activity, see <http://www-ns.iaea.org/>. On a proposed consultation on biosafety and biosecurity consultations at the margins between the BTWC and CWC states parties, see Poland, 'Strengthening biosafety and biosecurity while the convergence of biological and chemistry has increased: building joint responses between the BTWC and CWC regimes against misuse of biological and chemical agents', 7th BTWC Review Conference document BWC/CONF.VII/WP.4, 11 Oct. 2011.

[3] Andersson, K., *Transparency and Accountability in Science and Politics: the Awareness Principle* (Palgrave Macmillan: Basingstoke, 2008).

matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned'.[4]

The UN has three categories of consultative status within the ECOSOC context: (*a*) category I (general consultative status); (*b*) category II (special consultative status) and (*c*) 'roster' (lists of NGOs that 'can make occasional useful contributions to the work of the council, its subsidiary organs, and other UN bodies').[5]

Since 1910 the Yearbook of International Organizations has profiled international nongovernmental organizations (INGOs), intergovernmental organizations (IGOs) and various civil society organizations. Currently, it lists 65736 civil society organizations in 300 countries and territories 'in every field of human endeavour'.[6]

In practice, NGOs are often divided according to type of activity (e.g., human health, environmental protection, education and training programmes, charity giving, and the promotion of good governance). They may be considered a sub-set of 'transnational civil society'.[7] NGOs also encompass pressure groups and research organizations and may possess religious, regional and national distinctions. In the CBW arms control context, one Hungarian diplomat has often characterized NGOs as 'blue collar' or 'white collar'.[8] The former are more activist and partisan, while the latter tend to be more research-oriented and apolitical.

III. NGOs in the CBW context

In any conflict where chemical or biological weapons (CBW) are employed (or alleged to have been used), one can generally identify NGOs (or individuals who fulfill a similar role) that seek to clarify the nature of such use or attempt to stop it (perhaps) and to hold those responsible legally accountable. NGO-like interaction with those involved in CBW arms control, and state defence and security contexts have existed since at least World War I.

For example, towards the end of the war British intelligence analysts

[4] Osmanczyk, E. J., 'Nongovernmental organizations (NGOs)', p. 1623 in Ed. Anthony Mango, *Encyclopedia of the United Nations and International Agreements*, 3rd edtn., vol. 3 (Routledge: London, 2003).

[5] Osmanczyk, E. J., 'Nongovernmental organizations (NGOs)', p. 1623 in Ed. Anthony Mango, *Encyclopedia of the United Nations and International Agreements*, 3rd edtn., vol. 3 (Routledge: London, 2003).

[6] Union of International Associations, 'Yearbook of International Organizations', <http://www.uia.be/yearbook>, accessed 6 Nov. 2012.

[7] See Davies, T. R., *The Rise and Fall of Transnational Civil Society: the Evolution of International Non-Governmental Organizations since 1839*, working paper CUTP/003 (Centre for International Politics (City University): London, Apr. 2008).

[8] At the time of writing, the author had not obtained permission from this official to cite his name. However, some credit should be acknowledged.

became aware that the Council of the International Red Cross Society[9] based in Berne[10] was about to issue an appeal to all belligerents to cease chemical warfare.[11] They also became aware that a member of the Council was a German chemist and pacifist who had recently returned from Germany where he was apparently asked to become involved in chemical weapon (CW)-related activity.[12] He was reportedly horrified at the prospect of becoming involved and returned to Switzerland where he spoke of the terrible effects of such weapons. Thuillier, who was the Director of British Gas Services at General Headquarters in France during the war, summarizes:

'In a very short time, the appeal from the International Red Cross Council duly arrived, addressed to the British Government, and to the Governments of all the belligerents, to enter into an agreement to stop the use of gas or chemicals in any form, on the grounds of humanity, and [es]specially in view of the terrible sufferings to the troops and civil populations that would be likely to ensure from the use of the more deadly gases which it was believed that belligerents on both sides were preparing to employ'.[13]

The story prompted British suspicion that Germany was using the chemist in order to stop or delay Allied chemical attacks. The UK theorized that this reflected the diminishing resources available to Germany.[14] The UK nevertheless had to decide whether to risk exposure to an extremely effective agent when a humanitarian opportunity presented by the Red Cross Council could prevent this.[15]

After the Allies turned the proposal down, the reports of the super CW agent suddenly ceased.[16] A member of the Council later visited the UK, met with the head of the British Chemical Warfare Service,[17] and assured the head that the German chemistry professor's convictions were real.[18] Thus a scientist who opposed chemical warfare on moral grounds (regardless of whether he was

[9] The actual title was (and is) the International Committee of the Red Cross. E.g., see 'Appel contre l'emploi des gaz vénéneux' [Appeal against the employment of poisonous gas], *Bulletin International de la Croix-Rouge*, no. 194 (Apr. 1918), p. 185.

[10] The ICRC headquarters is in Geneva. The appeal to which Thuillier apparently refers, was issued in Geneva on 6 February 1918.

[11] Thuillier, H. F., *Gas in the Next War* (Geoffrey Blis: London, 1939), p. 165. The appeal about which Thuillier speaks appears to be 'Appel contre l'emploi des gaz vénéneux' [Appeal against the employment of poisonous gas], *Bulletin International de la Croix-Rouge*, no. 194 (Apr. 1918), pp. 185–192. I would like to thank the Library and Public Archives Unit of the International Committee of the Red Cross for providing me a copy of the 1918 appeal.

[12] The committee members and appeal signatories were Edourd Naville (President), Adolphe D'Espine (Vice President), Dr F. Ferriere, Afred Gautier, Adolphe Moynier (Treasurer), Horace Micheli, Edmond Boissier, Frédéric Barbey, William E. Rappard and Paul Des Gouttes (Secretary-General). 'Appel contre l'emploi des gaz vénéneux' [Appeal against the employment of poisonous gas], *Bulletin International de la Croix-Rouge*, no. 194 (Apr. 1918), p. 187.

[13] Thuillier, H. F., *Gas in the Next War* (Geoffrey Blis: London, 1939), pp. 167–168.

[14] Thuillier, H. F., *Gas in the Next War* (Geoffrey Blis: London, 1939), pp. 165–167.

[15] Thuillier, H. F., *Gas in the Next War* (Geoffrey Blis: London, 1939), pp. 166–168.

[16] Thuillier, H. F., *Gas in the Next War* (Geoffrey Blis: London, 1939), pp. 168–169.

[17] Thuillier, H. F., *Gas in the Next War* (Geoffrey Blis: London, 1939), p. 169.

[18] Thuillier, H. F., *Gas in the Next War* (Geoffrey Blis: London, 1939), p. 169.

manipulated) gave pause to the UK in its consideration of whether and how to continue conducting chemical warfare.

In the inter-World War period, various commentators sought to clarify the military strategic implications of technological developments, methods of warfare.[19] This grew out of a general recognition and fear that the industrial and technological nature of World War I and its attendant mass deaths would continue and extend to civil populations in cities.[20] Peace societies weighed in on arms limitation proposals, including on arms trades. The military historian and strategist John F. C. Fuller, the scientist John B. S. Haldane, the philosopher, mathematician and peace activist Bertrand Russell and the author and social commentator Herbert G. Wells toured the lecture circuit addressing future conflict, international relations, and civil defence.

In addition, various pacifist and peace societies promoted pledges not to join the military. They also followed League of Nations proposals to limit or prohibit weapons. With respect to disarmament, the negotiations fell under three main headings: (*a*) disarmament of Germany, (*b*) international force reductions and budget cuts, and (*c*) international naval arms limitations.[21]

A technical sub-committee considered the matter of chemical weapons as part of the Washington Naval Conference (held on 12 November 1921–6 February 1922). However, this committee was unable to agree a method by which states could verify that toxic substances were not being developed or stockpiled for chemical warfare purposes. It also recognized that any verification of specific CW agents would necessitate a politically unacceptable degree of intrusiveness and restriction over civilian chemical industries.[22] The UK was concerned that violating a ban against chemical warfare was too simple, and that verification measures would expose a state's vulnerability to such weapons.[23]

By contrast, US General John J. Pershing, who led a 1913 incursion against Francisco 'Pancho' Villa in Mexico and commanded the US expeditionary force in Europe in World War I, supported the complete and unequivocal

[19] E.g., Kenworthy, J. M., *New Wars: New Weapons*, Colonial Edtn. (Elkin Mathews & Marrot: London, 1930); Kenworthy, J. M., *Peace or War?* (Boni & Liveright: New York City, 1927) Kenworthy served on the UK Admiralty War Staff in London and was a Member of Parliament. For a Francophone view of the disarmament provisions of the Treaty of Versailles, see De Lavallaz, M., *Essai Sur Le Désarmement et le Pacte de la Société des Nations* [Essays on Disarmament and the League of Nations Treaty], fascicule II (Collection de L'École des Sciences Sociales de L'Université de Lausanne: Paris, 1926), (edited by Arthur Rousseau).

[20] E.g., Timm, H., *Röda Armén Marsherar* [The Red Army on the March] (Albert Bonniers Förlag: Stockholm, 1936), transl. by C. F. Palmstierna in consultation with Maj. Curt S. R. Kempff (d. 1970) of the Swedish General Staff's foreign department.

[21] Webster, A., 'From Versailles to Germany: the many forms of interwar disarmament', *Journal of Strategic Studies*, vol. 29, no. 2 (Apr. 2006), pp. 225–246.

[22] Spiers, E. M., 'Gas disarmament in the 1920s: hopes confounded', *Journal of Strategic Studies*, vol.29, no. 2 (Apr. 2006), pp. 287–288.

[23] Key, The National Archives, Foreign Office records 371/7245, A. J. Balfour to D. Lloyd George, 22 Dec. 1921; and War Office records 188/144, British Empire Delegation, 'Report of Committee with Respect to Poison Gas', 22 Dec. 1921. Quoted in Spiers, E. M., 'Gas disarmament in the 1920s: hopes confounded', *Journal of Strategic Studies*, vol.29, no. 2 (Apr. 2006), p. 288, reference 25.

renouncement of chemical warfare.[24]

After the Washington Conference, an 8-member technical sub-committee under the League of Nations auspices continued to evaluate the manufacture and use of CBW agents and, in 1924, cast further doubt on the ability of states to verify non-production, warning against the dangers of such agents to civilians as well as to military personnel.[25]

The work carried out in Geneva under the auspices of the League of Nations have parallels with contemporary arms control and disarmament discussions.[26] A sub-committee (perhaps related to the one above) to the Preparatory Commission on Disarmament in Geneva was tasked in 1926 to consider the possibility that chemical industry could be converted to produce chemical warfare agents.[27] It concluded that 'chemical factories, especially dyeworks and factories connected therewith, can be very quickly adapted' to CW manufacture, that 'it is impossible to prevent or hinder the manufacture' of CW and that 'there is no technical means of preventing chemical warfare'.[28] This phrasing echoes that of skeptics, including some parts of the research and lobby NGO community, of whether the BTWC is sufficiently verifiable.

Threat and risk pronouncements by governments was another factor in the mix of arms control and the promotion of peace activities. On 2–19 December 1927 at the 15th Congress of the Communist Party of the Soviet Union, Joseph V. Stalin spoke at length on the need for Soviet military preparedness, and the lack of relevance of arms control and disarmament work then being conducted in Geneva. He observed:

'the position as regards *war chemicals* is illustrated by the well-known statement of General Fries, Chief of the United States Chemical Warfare Service (CWS): "One chemical air-bomb of 560 kilograms charged with Lewisite can make ten blocks of New York uninhabitable, and 100 tons of Lewisite dropped from 50 aeroplanes can make the whole of New York uninhabitable, at least for a week"'.[29]

The reference to CBW in a Party Congress speech was unusual. Stalin's reference to CW can perhaps be explained in part because the Soviet Union participated in the Preparatory Commission for the League of Nations' Disarmament Conference for the first time that year (the Soviets had not participated in the first three sessions of the commission prior to this time).[30]

[24] Spiers, E. M., 'Gas disarmament in the 1920s: hopes confounded', *Journal of Strategic Studies*, vol.29, no. 2 (Apr. 2006), p. 288.

[25] Spiers, E. M., 'Gas disarmament in the 1920s: hopes confounded', *Journal of Strategic Studies*, vol.29, no. 2 (Apr. 2006), p. 291.

[26] On League of Nations chemical disarmament activity, see de Madariaga, S., *Disarmament* (Oxford University Press: London, 1929), pp. 158–164.

[27] For a description of the work of the League of Nations on control over and prohibition of chemical warfare by a Secretariat official, see de Madariaga, S., *Disarmament* (Oxford University Press: London, 1929), pp. 158–164.

[28] Liddell-Hart, B. H., *The Remaking of Modern Armies* (John Murray: London, 1927), pp. 80–81.

[29] Stalin, J. V., 'The Fifteenth Congress of the Communist Party of the Soviet Union', 2–19 Dec. 1927, in Stalin, J. V., *Sochineniya* [Works], vol. 10 (Foreign Language Publishers: Moscow, 1954).

[30] Zanders, J. P., *Dynamics of Chemical Armament: Towards a Theory of Proliferation*, doctoral thesis (Free University of Brussels: Feb. 1996), p. 261.

The speech perhaps was meant to support the incoming Soviet delegation to Geneva, either by signaling a negotiating position, by appealing to broader international opinion or by stimulating more general unease among non-Bolshevik societies.

Post-World War II

New NGOs (and NGO-like activity) emerged in the post-World War II period.[31] Much of this was driven by a desire to limit or prevent war through the newly-established UN. Security and defence planners were especially uncertain of the future utility and role of nuclear weapons.[32]

In 1957 the Pugwash Conference on Science and World Affairs held its first meeting—on nuclear weapon threats—in Nova Scotia. The establishment of this body was triggered by the issuance in 1955 of the Russell-Einstein Manifesto (signed by prominent scientists and public figures, including Albert Einstein and Bertrand Russell) that warned of the dangers of nuclear warfare.[33]

Pugwash annual meetings of scientists, officials and international organizations discuss the promotion and strengthening of international peace and security, and technical and political aspects of arms limitation and control. The meetings have sometimes served to support 'track 2' diplomacy between the Cold War blocs and, more recently, attempts to find mutually-acceptable approaches to clarify Iran's nuclear activity.[34] In particular, Pugwash has offered a platform for government representatives to discuss more freely sensitive matters in an informal setting.

The first Pugwash meeting devoted to CBW was held in 1959.[35] Some NBC arms control meetings were jointly sponsored by the Stockholm International Peace Research Institute (SIPRI) and Pugwash in the 1960s and 1970s. Pugwash meeting participants have devoted much attention to a broad range of political and technical arms control compliance and verification questions.

NGOs have also facilitated the dissemination and analysis of CBW arms

[31] The list of NGOs and other organizations that perform some of the functions of an NGO should not be taken as an endorsement of their activity. Nor is the list comprehensive. Please contact the author if it is believed that further names should be added. Any future iteration of this paper may only list institutions in a separate table or annexe.

[32] E.g., Blackett, P. M. S., *Military and Political Consequences of Atomic Energy* (Turnstile Press: London, 1948); Titterton, E. W., *Facing the Atomic Future* (Macmillan & Co. Ltd.: London, 1956); Teller, E. and Latter, A. L., *Our Nuclear Future: Facts, Dangers and Opportunities* (Criterion Books: New York, 1958); Ed. Per Edvin Sköld, *Svenska Atom Vapen? Fakta och Problem, Sex Fackmannauppsatser* [Swedish Atomic Weapons? Facts and Problems, Six Specialist Essays] (Tidens Förlag: Stockholm, 1959); and Miksche, F. O., *The Failure of Atomic Strategy & a New Proposal for the Defence of the West* (Faber and Faber Ltd.: London, 1959).

[33] While Pugwash fulfils many of the roles of an NGO, there are those who might dispute whether it meets any particular definition of an NGO. The initial meeting was funded by the Canadian philanthropist Cyrus S. Eaton.

[34] See <http://www.pugwash.org/projects_and_news.htm>.

[35] *Pugwash Conference of International Scientists on Biological and Chemical Wafare*, proceedings (Pugwash: Nova Scotia, Canada, 24–30 Aug. 1959).

control relevant developments, including the status of treaty negotiation and implementation. Since 1969, SIPRI has published annual chapters on CBW events and developments its annual Yearbook.[36] From 1988–2011, the Harvard-Sussex Program on Chemical and Biological Weapons (CBW) published the *CBW Conventions Bulletin* which generally included otherwise difficult-to-obtain information on BTWC and CWC treaty implementation.[37] Much of this detail is today more readily on the Internet, including through the BTWC's Implementation Support Unit (ISU) and OPCW websites.[38]

The BioWeapons Prevention (BWPP) has some 60 network partners. Two notable activities are its email-based news list and discussion server, and the production of daily summary reports of BTWC meetings (when in session).[39]

The Sunshine Project, which suspended its operations in 2008, but whose website is still accessible, made available important material mainly concerning US work on incapacitants and less-than-lethal weapons (NLWs).[40]

Hamburg University's Research Group for Biological Arms Control has carried important work on *inter alia* confidence-building measures (CBMs) and analyses on the control and oversight of the life sciences.[41]

In 2010 the EU Council decided to create a European network of international relations institutions and research centres to carry out work to support and strengthen efforts against Weapons of Mass Destruction (WMD) proliferation (e.g., through meetings and publications). The consortium will continue its work through at least the spring of 2014.[42]

As part of its environmental security and sustainability programmes, Green Cross International/Global Green USA support *inter alia* information outreach activities on CW destruction in Russia and the US, and consideration of the possible remediation of dumped munitions.[43]

The International Dialogue on Underwater Munitions (IDUM) performs at least some of the functions of an NGO, partly by promoting communication and better understanding of threats posed by dumped, including chemical, munitions.[44]

[36] Perry Robinson, J., 'Chapter 2. The technological arms race, part III. Developments in chemical and biological warfare', *SIPRI Yearbook of World Armaments and Disarmament 1968/69* (Almqvist & Wiksell: Stockholm, 1969), pp. 112–134.

[37] See <http://www.sussex.ac.uk/Units/spru/hsp/pdfbulletin.html>.

[38] UNOG, 'Disarmament, Implementation Support Unit', <http://www.unog.ch/80256EE600585943/%28httpPages%29/16C37624830EDAE5C12572BC0044DFC1?OpenDocument>.

[39] See <http://bwpp.org/reports.html>.

[40] <http://www.sunshine-project.org/>.

[41] <http://www.biological-arms-control.org/index.html>.

[42] The leading institutions of the consortium are the Foundation for Strategic Research (FRS), the Peace Research Institute in Frankfurt (HSFK/PRIF), the International Institute for Strategic Studies (IISS) and SIPRI. The list of participating institutions is at <http://www.nonproliferation.eu/network/network.php?display=text>.

[43] For a list of Green Cross Russia's regional offices and current (broader) activity, see <http://www.green-cross.ru/regions/>.

[44] <http://www.underwatermunitions.org>.

Since its establishment in 2010, the CWC Coalition has sought to support the goals of the treaty regime, partly by attempting to expand geographically NGO participation.[45]

Since the mid-1990s, the Monterey Institute's Center for Nonproliferation Studies (CNS) CBW project has supported the BTWC and CWC through *inter alia* the training of students and arms control and disarmament publications.[46]

The Organisation for Defending Victims of Chemical Weapons (ODVCW) and the Society for Chemical Weapons Victims Support (SCWVS) are Iranian NGOs that represent victims of CW attack from the 1980–1988 Iran-Iraq War. They have attended the OPCW's annual Conferences of the States Parties (CSP) in The Hague.

IV. NGOs in the CWC context

Comparisons have been made over the years between the level and type of NGO engagement in the BTWC regime in Geneva, and that for the CWC in The Hague. Some argue that the Geneva venue has been generally more hospitable to NGOs than the one in The Hague.[47] The support for this argument include the fact that NGO attendance at BTWC meetings is higher and that NGOs have historically been able to present and circulate statements within the meeting venue area. However, it should also be noted that the two regimes are not structurally comparable. BTWC meetings largely consist of exchanges of information and views, while the CWC is supported by a Secretariat that must implement the organization's annual Programme and Budget. The OPCW's Executive Council typically meets just prior to and in parallel with CSPs. Also, the meeting area for the CSPs is in a separate building (a city conference hall). OPCW activity is not analogous to annual intersessional Meetings of Experts and States Parties of the BTWC. However, some of the more operational or functional aspects of the current BTWC Intersessional Process, such as the ongoing ISU database project that collects offers and requests for assistance, should also be noted.

The 2011 Ekéus report observes that The Hague 'lacks a presence of a strong NGO community with a focus on disarmament'.[48] However, the OPCW has also noted that NGOs have recently started to pay greater attention to the organization, the positive role of NGOs in supporting a 2010 workshop on the implementation of Article XI (economic cooperation and assistance) and their important more general networking role in treaty-regime relevant activities.[49]

[45] For the list of participating organizations and individuals, see <http://www.cwccoalition.org/?page_id=37>.

[46] <http://cns.miis.edu/programs/cbwnp/index.htm>

[47] The author is 'agnostic' on this question.

[48] 'Report of the advisory panel on future priorities of the Organisation for the Prohibition of Chemical Weapons' ['the Ekéus report'], OPCW document S/951/2011, 25 July 2011, para. 121, p. 29.

[49] 'Note by the Technical Secretariat, review of the operation of the Chemical Weapons Convention since the Second Review Conference', OPCW document WGRC-3/S/1, 5 Oct. 2012, paras. 3.372, 3.478,

Finally, the OPCW Scientific Advisory Board (SAB) recently concluded: 'Many observers, particularly non-governmental organisations (NGOs), are expressing increasing concern for the development of chemical incapacitants for "law enforcement"'.[50] While correct, this statement probably also reflects directly a view and concern of the SAB (individually and collectively).

It should also be noted that in 2007 the OPCW organized and hosted an *Academic Forum* and *Industry and Protection Forum*.[51] This exercise, which appears to be inactive today, included the circulation and publication of a large number and variety of papers. The results of this exercise could perhaps be considered further as relevant activity involving NGOs is carried forward.

V. Towards a future working agenda

Consideration of how to structure and 'populate' a constructive agenda that includes NGO participation in the CWC regime can be based partly on: (*a*) general principles and objectives, (*b*) criteria for assessing the utility of the activity, and (*c*) activity that is specific to chemical safety and security. Areas for continued and future consultation, interaction and engagement could include: (*a*) international security and regime analyses, (*b*) the environment, and (*c*) public outreach and information exchange.

International security and regime analyses can include efforts to help bridge various gaps, such as those between technical *vs.* political factors; quantitative *vs.* qualitative; and science *vs.* policy factors. Such analyses could also inform consideration of how various regional and national priorities and understandings affect treaty regime implementation. They should also help to elucidate the implications for both the BTWC and CWC that result from developments in science and technology (S&T).[52] A published review of risk factors and frequency of inspection algorithms developed by the OPCW since the CWC's entry-into-force which also describes the underlying understandings and preferences of the member states would assist in maintaining institutional memory.[53] It could also be subjected to outside evaluation, including by NGOs. Any output should be checked through appropriate consultation mechanisms.

On the environment, some NGOs have developed an understanding and experience of how CW destruction programmes are developed and

pp. 82, 104.

[50] 'Report of the Scientific Advisory Board on developments in science and technology for the third special session of the conference of the states parties to review the operation of the Chemical Weapons Convention', OPCW document RC-3/DG.1, 29 Oct. 2012, para. 83, p. 20.

[51] OPCW, <http://www.opcw.org/news/article/opcw-academic-forum>; and <http://www.opcw.org/news/article/opcw-industry-and-protection-forum-1>.

[52] Hart, J. and Trapp, R., 'Science, technology and the Biological Weapons Convention', *Arms Control Today,* vol. 42 (Oct. 2012), pp. 15–21.

[53] For a dated (and basic) summary, see Hart, J., *Chemical Industry Inspections Under the Chemical Weapons Convention,* Verification Matters no. 1 (VERTIC: London, Oct. 2001), pp. 41–45.

implemented in a manner that takes into account local community concerns and questions. Such experience can help to inform further consideration of best practices of destruction operations and health and safety procedures and monitoring. They may also inform a better understanding of continuing threats and concerns posed by munitions (stockpiled and non-stockpiled, conventional and non-conventional).

The longer-term relevance of the CWC regime (perceived and actual) must take into account periodic allegations of CW use, break-out capacity and the possible fallout caused by the later discovery of undeclared CW stockpiles (i.e., in Libya in 2011). Some NGOs may also be able to contribute in clarifying the importance of sampling and analysis protocols (e.g., through a cross-comparison with those developed under the UN Secretary-General's mechanism to investigate alleged CBW use, and those developed by NATO).

The Third CWC Review Conference could perhaps further consider options for providing additional context and background on whether a CWC violation may have occurred. In particular, the parties could consider the modalities of tasking an appropriate working technical group to list media allegations of CW use over a 12-month period. Such a review could indicate the nature of the associated ambiguities and lay out a technical basis (based on established and validated sampling and analysis protocols) for how such ambiguities could be reduced or resolved in the abstract (i.e., without reference to any particular organization's capacity or mandate to undertake such a resolution). The parties could then consider whether such an exercize was useful and whether any such documentation might be made publicly available. Some of this review and evaluation activity is already undertaken by individual States Parties. If this were to be an 'OPCW product', however, it could help to reduce or clarify media allegations that are largely not analyzed today for lack of authoritative information and associated technical analytical capacity. Such an exercize could also perhaps be undertaken in cooperation with the UN Office for Disarmament Affairs (UNODA) in view of the UN Secretary-General's authority to investigate allegations of CBW use. The focus of any such activity should be on the technical requirements of how to clarify or resolve allegations of chemical weapon use (i.e., the possible role of political interests and perceptions are kept separate).

Finally, the OPCW may wish to clarify further the current status and nature of its NGO policy and planned activities via new publication and dissemination strategies. This could serve as a basis for further public outreach and information exchange and clarification by interested parties.