

# Verification, transparency & civil society

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**The Trench**

*Open Source Tools for the Assessment of Compliance with the BTWC*

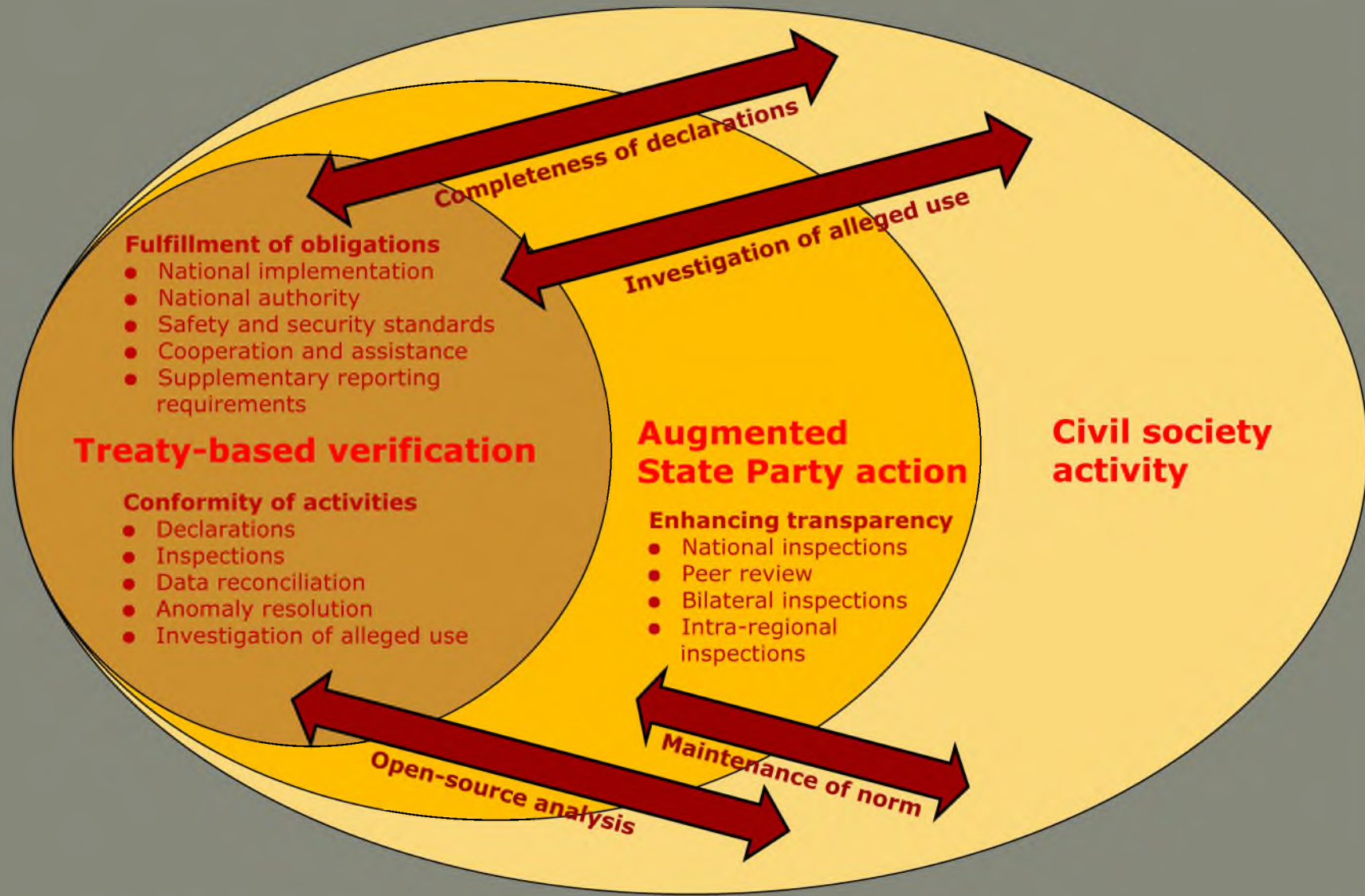
Expert workshop

organised by Research Group for Biological Arms Control,

University of Hamburg

Geneva, 3 August 2014

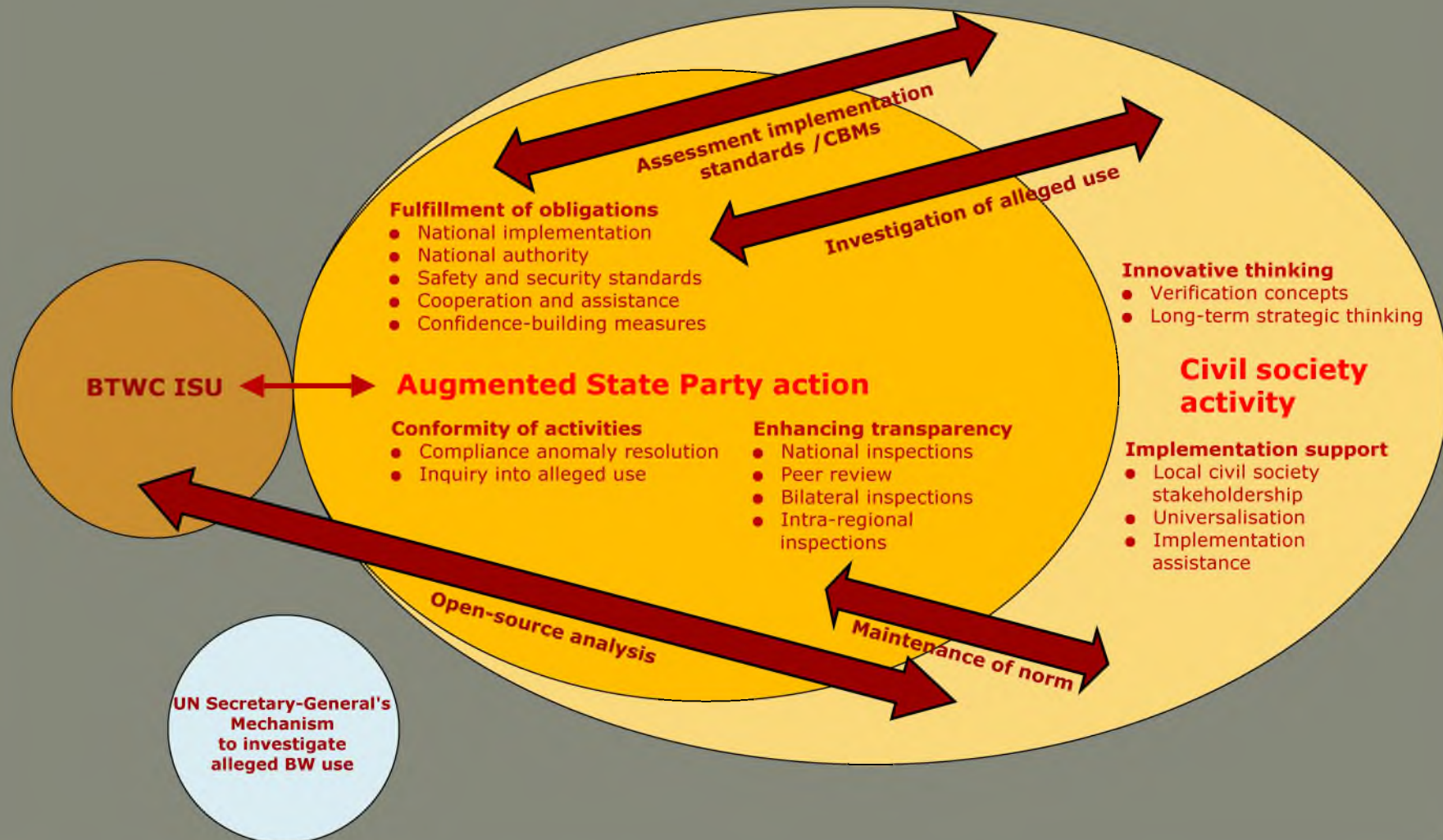
# Civil society roles in a formal verification regime



# Formal verification

- Centrality of international organisation
  - Division of labour between IO and individual states parties
  - Verification of activities
  - Verification of treaty obligations (e.g., implementation legislation)
  - Investigation of alleged use of prohibited weapons in armed conflict
- States can enhance the verification system
  - On bilateral or regional basis
    - Supplementary verification activities
    - Assistance
  - Open sources and national intelligence
    - Options for bilateral consultations or action through IO
- Civil society: supplementary roles
  - Analysis and reporting on national compliance
  - Open source analysis and reporting
  - Raising concerns about the integrity of the norm (e.g., incapacitants & CWC)

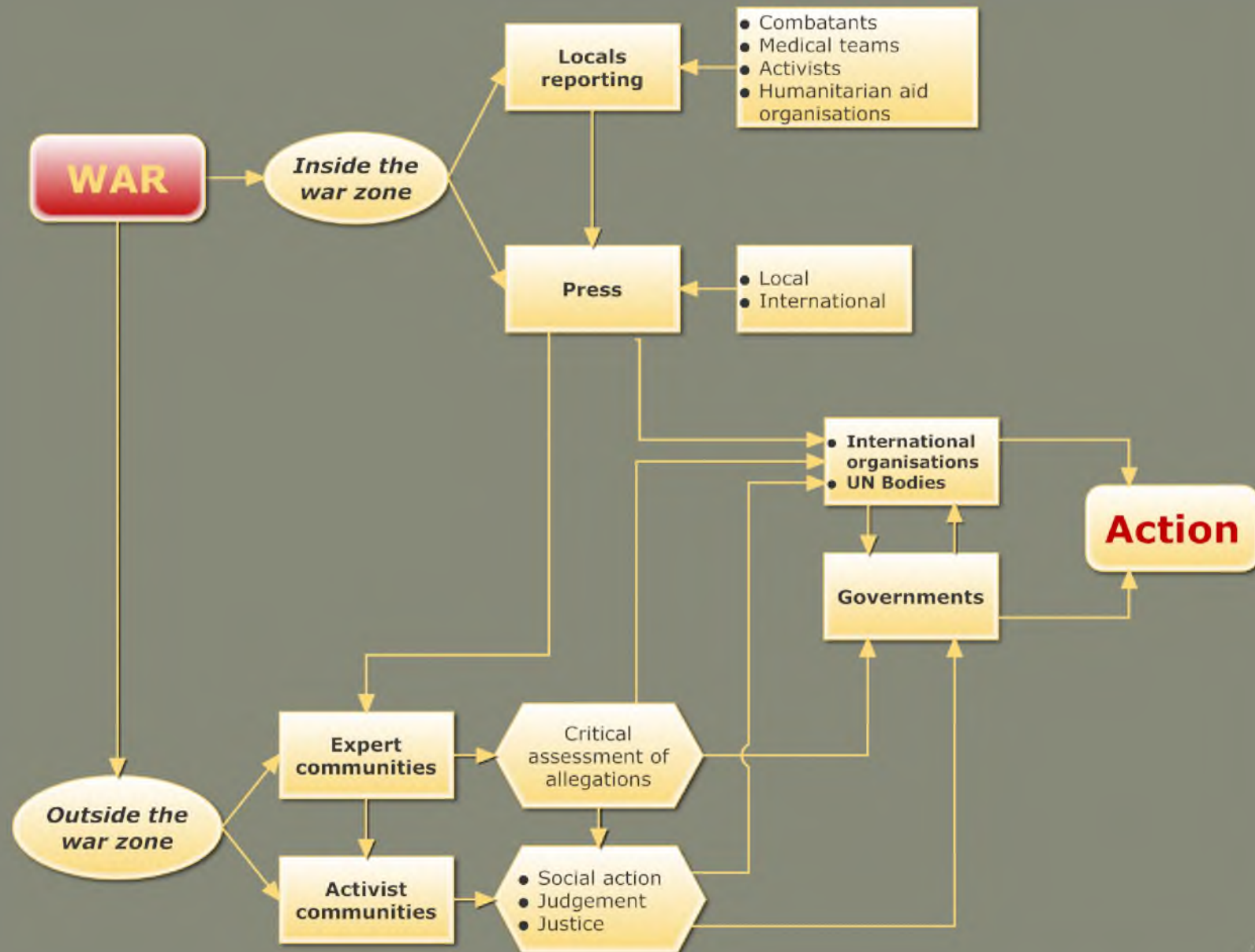
# Civil society roles in BTWC transparency regime



# Verification in the BTWC context

- All transparency-related activities originate with the states parties
  - No formal verification system
  - Confidence-building measures (CBMs)
  - Can be undertaken bilaterally (with reporting to state party meetings)
  - No sanction if a state party remains passive
  - Investigation of alleged use
    - UN Secretary-General retains full autonomy to initiate an investigation
    - States Parties have possibility to consult with each other in case of compliance concerns (Art. V), but retain right to take complaint to UN Security Council (Art. VI, 1)
- No international organisation
  - *Implementation Support Unit (ISU)* assists states parties with meetings, coordinates CBM collection and facilitates interactions between states parties in areas such as cooperation and assistance
  - ISU is part of UNODA, not an independent structure
- Triple role for civil society possible
  - Similar functions as with formal verification system
  - Active involvement in universalisation and implementation assistance, including building local civil society activity
  - Innovative thinking on future of the BTWC, including options for a formal verification system

# BW allegation: Possible civil society contribution

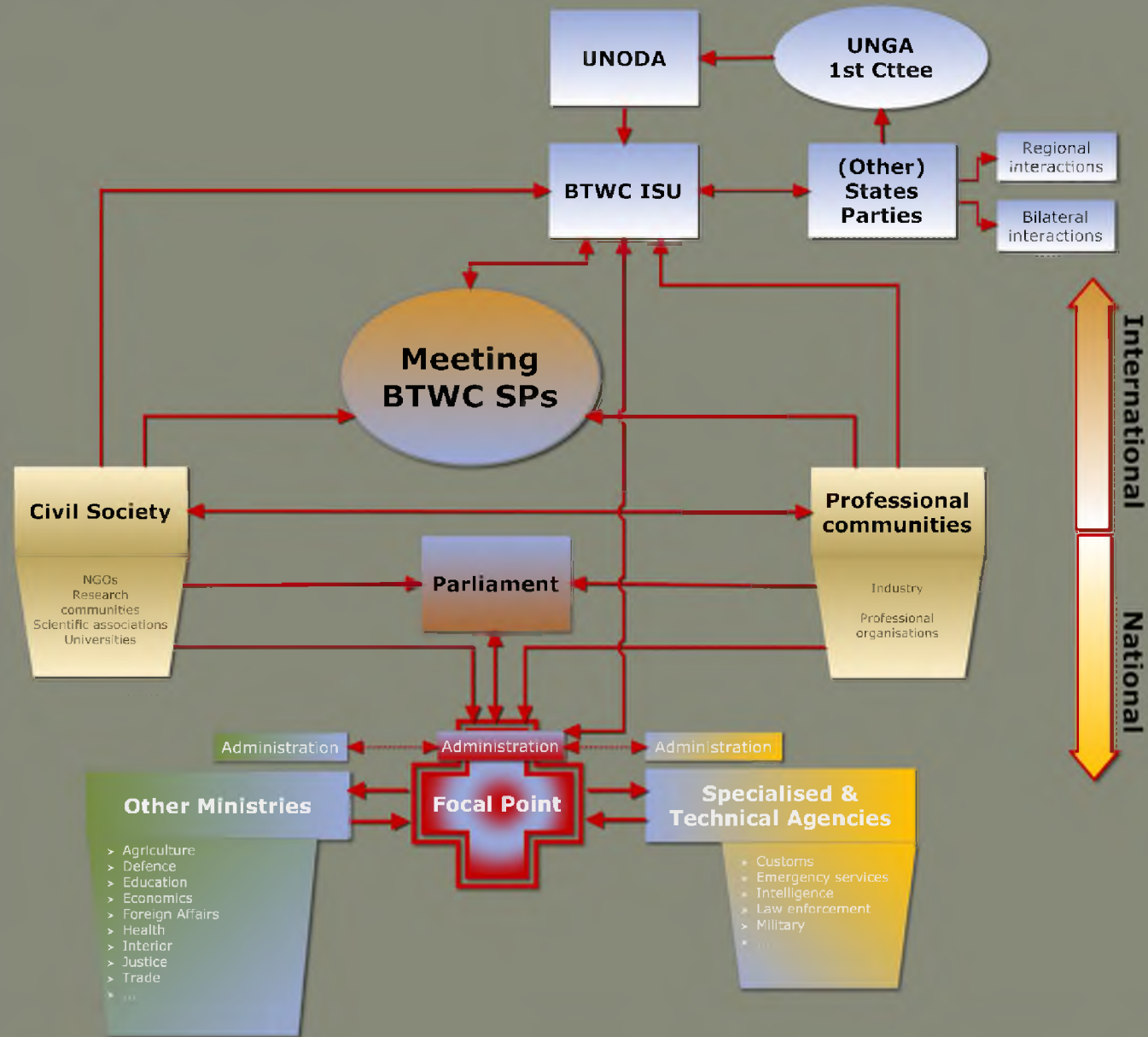


# Allegations of use

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- Task differentiation between civil society constituencies in a war zone and those outside it
- Independent reporting and analysis crucial to
  - Mobilisation of international action
  - Restraint on certain types of international response (e.g., military retaliatory strikes vs. application of international treaties and mechanisms)
  - Challenge claims to counter propaganda purposes of allegations
  - Inform the public debate on issues and possible options and constraints
- Allegations bring in different types of civil society constituencies who will press for different courses of action, irrespective of the status of relevant international law.

# Civil society interaction in multi-stakeholder context





# Challenges for civil society

- **Multi-stakeholder environment**
  - On both national and international levels
  - Interests may coincide, compete or conflict (even among civil society constituencies)
- **How to get reports and messages to the appropriate decision-making levels?**
  - Often sent to mid-level bureaucracies, with no guarantee to transferral to higher echelons
  - Outreach to press necessary, but with very limited impact ⇒ danger of sensationalism
- **Impact of funding scarcity**
  - Funding source (e.g., a state party) may limit opportunity for independent action
  - Few private foundations; now often government money for specific projects in support of current diplomatic priorities (limits opportunities for strategic thinking)
  - Competition for scarce funds among civil society constituencies ⇒ reinforces tendencies to conform proposals to government priorities of the moment (e.g., topics of the intersessional process, even though these may have little to do with disarmament or the future of the BTWC)
- **Civil society – government relationships**
  - Some NGOs / academic units have become virtual private contractors to governments
  - ‘Revolving door’ practice: who wants to jeopardise possible position in a government?
  - Raises questions about quality of oversight of national activities (if this is what they still do)
- **Single issue NGOs focus on a narrow matter for a limited time, but with little interaction with the broader civil society community (limits impact)**
- **How universal is civil society coverage?**
  - In many countries (e.g., India, Russia, Sri Lanka) the independence of civil society activity (and funding) is becoming increasingly challenged; in many other countries NGO activities are all but banned.
  - A rising view in other parts of the world that civil society serves ‘Western’ interests
  - View is reinforced by civil society – government relationships in Europe and North America



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