

NGO perspectives: NGOs at Geneva negotiations

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Geneva is home to the United Nations Office and many other international and intergovernmental organizations working on a multiplicity of issues such as human rights, migration, trade, intellectual property and telecommunications, and therefore plays hosts to a large number of non-governmental organizations (NGO) dedicated to these issues. For those working in international security, Geneva is also known as the hub of the world's disarmament activities. Many important international disarmament treaties, including the Chemical Weapons Convention (CWC) and the Comprehensive Nuclear Test-Ban Treaty (CTBT), were negotiated at the Conference on Disarmament (CD), the world's sole multilateral negotiating forum for disarmament.

Although some NGOs have continued to follow the CD faithfully, both in times of productivity and of stalemate, the six-year deadlock has taken a toll on NGO interest in the body's work, reflecting the overall decline of the institution's role. However, in recent years, the majority of Geneva's disarmament activities has taken place outside the CD, including the negotiations for the verification protocol to the Biological Weapons Convention (BWC). The Ad Hoc Group (AHG) in charge of negotiating the Protocol has been meeting in Geneva since 1995. These negotiations have drawn the attention of a small but dedicated group of NGOs. This article discusses the work of NGOs at the CD and the BWC Protocol negotiations, elaborating on the different kind of activities that they have engaged in as well as addressing issues of NGO access and impact.

Pushing the CD to 'unlock' and get back to work

The Conference on Disarmament experienced one of its 'prime-time' periods in the first half of the 1990s, concluding negotiations on two major arms control and disarmament treaties, the CWC in 1993 and the CTBT in 1996. Those were busy times not only for the diplomats but also for the NGOs. However, since the conclusion of the CTBT the CD has languished in virtual stalemate, not being able to agree on what to negotiate next. Since those productive years, the CD's credibility and prestige have been crumbling at an increasing pace because of the sixty-six members' continued inability to agree and adopt a programme of work at the beginning of each year. As each year passes, the sense of hopelessness deepens. Both delegates and NGOs are depressed over the state of affairs, and public interest in the CD is in a downward spiral. With no sign of the long-awaited negotiations on the ban on fissile materials production for nuclear weapons, or any other negotiations for that matter, NGO interest in the body's work has declined. Allocating scarce resources to following the

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seemingly endless debate over the programme of work has been an investment that very few NGOs can afford, particularly those based outside of Geneva.

In practice, this has meant that the CD's weekly plenaries are attended by only a few Geneva-based NGO members. However, the London-based Acronym Institute for Disarmament Diplomacy¹ has monitored the CD closely in recent years, providing regular analysis of the Conference's difficulties and debates in its publication *Disarmament Diplomacy*. Acronym's work has been complimented by The Women's International League for Peace and Freedom (WILPF),² which posts CD documents and statements on its web site. As witnesses to the multiple knots in the Conference and worried about the future of multilateral arms control and disarmament, NGOs have tried to help delegates untie them. They have engaged in discussions in various workshops and seminars, such as those organized by the Geneva NGO Committee for Disarmament,³ in an attempt to tackle both procedural and substantive issues facing the CD. Although it is clear that the lack of political will has been the main obstacle in getting the CD back to work, the way in which the CD operates—particularly its strict consensus requirement and dated group system—has also played a role in hampering progress.

Feeling the growing pressure on the CD to get back into active shape and wanting to facilitate this, delegations agreed in June 2001 to appoint three special coordinators to examine how to improve the CD's agenda, functioning and membership. Ambassador Prasad Kariyawasam of Sri Lanka was appointed Special Coordinator on the CD's Improved and Effective Functioning. One of the issues discussed in this context was NGO participation. The CD is often described as an 'elitist' institution where NGOs access is very limited. NGO presence is restricted to formal plenaries and NGO representatives are only allowed to sit in the gallery, like any other member of the public, physically separated from the diplomats. These opportunities provide little insight about the body's real proceedings. CD plenaries comprise mainly of formal statements and, as in many other institutions, real negotiations happen behind the scenes, so NGOs rely on their contacts with delegations to find out what is really happening in the CD.

NGOs' limited access to the CD has not only hampered the efforts to get information about and understand the CD, but also their ability to make a contribution to the body's effective functioning. NGOs have no formal status in the CD, so it is difficult to make heard the voice of civil society. Only one such opportunity is allowed each year, when participants of the annual Geneva International Women's Day Disarmament Seminar have their joint statement read by a UN official in the CD.

As a result, NGOs have advocated better access to the CD through formal status as observers. This idea has been supported by some delegations. For example, Algeria argued this year that the Conference would gain from structured NGO input. It stated that the CD should be open to NGOs at a time when civil society was becoming increasingly involved in world affairs. The CD should not 'run against the tide' and give the impression it was hostile to transparency.⁴ However, these views are not widely shared in the CD, where many would still prefer to conduct the Conference's affairs

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behind closed doors. Upon conclusion of his consultations on the CD's functioning, Kariyawasam reported that there were 'many different views and perceptions as to how non-governmental participation could be operationalized'. Kariyawasam cautioned that although there was apparently no objection to NGO involvement, this could not 'be construed as a ready acceptance of the unqualified participation of such organizations in the Conference on Disarmament'.⁵ With no progress towards agreement on new and improved working methods, expanding NGOs' role in the CD continues to be a distant possibility as well. As long as NGO access to the CD is limited, so will be their contribution.

Negotiating a protocol to the BWC

The BWC AHG convened for the first time in January 1995 with the aim of negotiating a legally binding multilateral instrument—a verification protocol—to strengthen the effectiveness and to improve the implementation of the ban on biological weapons. This was at the time when the CTBT was being negotiated at the other end of the Palais des Nations at the CD. In August 2001, six and a half years and sixty-six weeks of negotiations later, the AHG hit a brick wall and failed to conclude the Protocol as planned before the Fifth Review Conference of BWC, scheduled for 19 November–7 December 2001. NGOs and many delegations shared a deep sense of disappointment, having worked towards the adoption of a Protocol for years in many various ways.

Over the six and a half years, the number of NGOs paying close attention and playing an active role in the BWC Protocol negotiations stayed relatively small, with only a handful of European and American NGOs following the process closely. However, their dedication and hard work compensated for their numbers. This was predominantly academic, research and policy analysis based non-governmental participation; there was little of the traditional, grass roots NGO advocacy. Few of the NGOs were able to be present at the AHG sessions in Geneva, mostly due to the distance and the significant financial costs associated with long stays in Geneva. Despite the obstacles, the involved NGOs contributed to the Protocol process in various and complementary ways: advocacy, research, proposals and public awareness. Since the early stages, Bradford University and the Federation of American Scientists (FAS)⁶ took active part in the elaboration of the Protocol, producing papers that analysed various aspects of the emerging Protocol as well as proposing solutions and recommendations. For instance, the 'Project on Preventing Biological Warfare: Strengthening the Biological and Toxins Weapons Convention'⁷ run by the Department of Peace Studies at Bradford University has provided the AHG with some thirty briefing papers and twenty evaluation papers, providing deep analysis of the Protocol's proposed provisions, drawing delegations' attention to various issues, and suggesting text for the Protocol, even a complete 219-page proposal for a Chairman's text. FAS has been an important partner in the United States, offering valuable insight about policy-making in Washington as well as advocating in favour of the Protocol. In another example, the London-based Verification Research, Training and Information Centre (VERTIC) cooperated with the Centre for European Security and Disarmament (CESD) in Brussels, successfully lobbying the European Parliament to adopt a resolution on the Protocol. Others have contributed by providing regular reports on the negotiations, advising delegations, organizing seminars and briefings, etc. Much of the NGOs work happened 'behind the scenes', especially in the areas of advocacy and public and media outreach, both at the negotiations and in different capitals.

The role of NGOs became especially important during 2001 when the Protocol process encountered its biggest challenges and the negotiations came to a halt in the final scheduled session. When the Protocol faced harsh criticism and was rejected by one key player, the United States, and delegations remained deeply divided and paralysed, it was largely up to the NGOs to defend the Protocol as an essential part of the international arms control and disarmament fabric. The NGOs came together and launched a 'counter-offensive', trying to rally public and governmental support for the Protocol. They contacted members of their respective parliaments and wrote op-eds and letters to the editor in newspapers and magazines, trying to enhance greater domestic interest in and support for the Protocol. The role of NGOs was important also in providing the 'information hungry' media with political analysis of the events, something delegations were unable to do for diplomatic reasons. In one example, during the final round of talks, they escorted journalists coming out of a press conference by the American negotiating team to a second press conference that provided counter-arguments to the American decision to reject the Protocol. While a small gesture, it had

significant impact, resulting in more balanced media coverage. Some months later, in the build-up to the Fifth Review Conference of the BWC, NGOs came together in a Geneva Forum seminar in an effort to generate useful and practical suggestions on how to strengthen the regime in view of the earlier setbacks.

Access to the Protocol negotiations was limited so NGOs relied heavily on their discussions with delegations. The plenary meetings were held in public unless otherwise decided. In practice this meant that NGOs could sit in the so-called 'AHG sessions' at the opening and closure of each negotiating session, listen to general statements and follow the adoption of the procedural reports. However, the actual textual negotiations where countries put forth their national positions on the Protocol provisions took place in the 'Friend of the Chair' sessions, behind closed doors. To find out what was really happening in the negotiations, NGOs relied on corridor discussions with diplomats, who most of the time were happy to discuss the proceedings, albeit with some caution and provided that the information was not attributed to them. Personal relations played an important role in this work. The various seminars arranged by NGOs and institutes such as UNIDIR also provided a good opportunity for NGOs and delegates to interact with each other and exchange information and thoughts. Much of this happened directly due to the supportive and accepting attitude of some delegations. For example, a valuable practice was initiated during the French presidency of the European Union (EU) in the second half of 2000. The EU and NGOs held a joint meeting to discuss general developments and EU positions in the negotiations. This practice was carried forward by the subsequent presidencies of Sweden and Belgium. The meetings often led to very frank and open discussions with the EU delegates, which both sides regarded as highly useful and valuable.

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unceasingly argued the importance and relevance of multilateral arms control and disarmament and pushed for a strong Protocol. But at no point was their work more important than in the year 2001, when the Protocol faced its most severe challenges. That same year also sadly proved the importance of achieving an international tool to combat biological weapons. The year 2001 will be remembered as

the year when the norm against the use of biological weapons was violated like no time before. These developments taken together pose a big challenge to the BWC regime. The debate on the right response(s) to these events has only begun. It is essential that civil society takes an active part in this dialogue since the issue here is about using deliberate disease as a weapon, not against the military, but the greater civilian population. NGOs in the arms control and disarmament community have an important task of stressing that international arms control and disarmament efforts are a part of that response.

Conclusion

NGOs have played an essential role in different disarmament negotiations in Geneva, serving as watchdogs, bringing disarmament negotiations into the public eye and helping the media to make sense of it, providing analysis of the negotiations, supporting delegations with information, research and proposals, and pressing for progress when deadlocks have seemed insurmountable. They have done their work with small budgets and large amounts of dedication and hard work. The importance

of these efforts has been underscored by the recent developments that undermine multilateral arms control and disarmament. It is therefore very worrisome that funding for the work of NGOs focused on arms control and disarmament is declining rapidly. NGOs have been at the forefront of defending the need for continued elaboration of jointly and multilaterally agreed arms control and disarmament measures, the backbone of international peace and security. They will be important partners in continuing to do so in the future.

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Notes

1. <http://www.acronym.org.uk/>
2. <http://www.reachingcriticalwill.org/cd/cdindex.html>
3. <http://www.ipb.org/disarm/NGOcom.htm>
4. Nassima Bahgli, Counsellor at the Algerian mission, 28 June 2001.
5. Prasad Kariyawasam, Ambassador of Sri Lanka and Special Coordinator on the CD's Effective and Improved Functioning, 28 August 2001.
6. <http://www.fas.org>
7. <http://www.brad.ac.uk/acad/sbtwc/other/bw-bradproj.htm>