

Strengthening the Chemical Weapons Convention through Improved Civil Society Participation

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Summary

This article examines how improved civil society participation within the OPCW can be instrumental in strengthening the principles of the Chemical Weapons Convention, especially the challenge of non-proliferation and prevention of use. Different recommendations for building strong partnerships with civil society organisations and streamlining dialogue with States Parties are explored.

The Chemical Weapons Convention (CWC) is one of the most successful legal instruments within the international disarmament regime. The success of this Convention was solidified when the last declared stockpiles of chemical weapons in the world were destroyed by the United States in 2023.¹ The destruction of the declared stockpiles is a major milestone in the implementation of the Convention; however, significant challenges still remain, particularly with regard to non-compliance of certain States Parties, verification mechanisms, the looming threat of proliferation in a world mired in long-standing conflicts and the persistent ambiguity of the impact of emerging technologies.

These challenges also create a set of new opportunities for strengthening the implementation of the Convention. One of the many ways the Convention and States Parties can deal with the emerging challenges is through the expansion of its sphere of engagement in the larger civil society. The civil society organisations working within the domain of disarmament bring unparalleled expertise through research and grassroots engagement, which can be a productive asset for the implementation of the provisions of this Convention.

Trends in civil society participation within the OPCW

It is essential first to define what constitutes civil society, to effectively argue in favour of its expanded engagement within the Convention. Civil society organisations encompass a broad range of groups, including non-governmental organisations (NGOs), academic and research institutions, as well

as experts in fields such as science and medicine. These diverse sectors play a critical role in shaping policy and discourse, making their involvement indispensable to informed decision-making processes.

In this context, the scientific, industry and academic expertise have been utilised within the Organisation for the Prohibition of Chemical Weapons (OPCW) through their Scientific Advisory Board (SAB), the Chemical Industry Coordination Group and the Advisory Board on Education and Outreach.² The OPCW, in its work on implementing the principles of the Convention, has been taking into account the developments in science, technology, and industry through its various advisory boards. However, the representation of environmental and victims' rights organisations has not yet been institutionalized into advisory boards within the OPCW. When it comes to the discussions among States Parties, as per the decisions taken during the third Review Conference (RC-3), non-governmental organisations were considered separate from the chemical industry and scientific actors.

It is indeed an immense task to categorize different civil society actors considering their wide range of expertise and areas of influence. There is, however, merit in identifying regional representation of the civil society actors within the OPCW, especially during the Conference of States Parties (CSP). The annual CSPs are a major platform for civil society organisations to directly confer with the States Parties and be able to influence decision-making to advance their respective agendas and the overall implementation of the Treaty. This is why, participation in the CSP is considered important, especially for advocacy groups and organisations. As per the data collated by the OPCW on the regional representation of accredited civil society organisations from

1997 to 2023, the majority of the organisations were located in just six States notably from Western Europe, Asia, and Africa.³ This skewed regional representation of organisations accredited to attend the CSP becomes a challenge when an equal platform to civil society actors worldwide is to be provided. It also has to be noted that the data in question is on accredited CSOs over the years and does not offer detailed information on how many CSOs aspired to attend the CSP, as many of them do not get accreditation for reasons best known to relevant States Parties.

As per the recently held 'Stakeholder Survey' by the Secretariat, responses from the 50 civil society actors were also only concentrated in organisations from Western Europe (40 per cent), Asia (36 per cent), and Africa (24 per cent),⁴ and other regions were starkly under-represented.

Limitations faced by civil societies

Participation in the CSP is the primary form of engagement of civil society actors with the OPCW and hence the CWC. This norm, however, creates a set of limitations for the CSOs – both the accredited and the non-accredited ones. The non-accredited CSOs, often find themselves unable to interact and contribute to the CSP as their participation is blocked due to what can only be termed as political considerations, and the accredited CSOs often concern themselves with the financial costs of physically participating in the CSP. Financial limitation is one of the major reasons for the resulting gap between the CSOs accredited to join the CSP and the ones that actually manage to be present at the CSP.

During the CSPs, the lack of direct facilitated interactions between States Parties and relevant civil society actors is also a concern. Civil society actors can play a significant role

in engaging with government officials or respective national authorities in providing research support and expertise in improving the implementation of the Convention and also influencing the decision-making of State actors. The geographical imbalance, in this case however, can contribute to a lack of equitable opportunities for voicing the concerns of civil society members in different geographical, cultural, and political contexts.

Civil society organisations can be utilised especially in the case of non-compliant States or non-signatory States such as Egypt and South Sudan.⁵ In the past, the OPCW has been engaging more in terms of improving the implementation of the Convention in the African States,⁶ and hence, in this case, direct partnerships with grassroots NGOs and other organisations in the region becomes an indispensable asset.

How can civil society participation be enhanced?

Certain States Parties of the CWC have taken cognizance of the impending lack of civil society participation and steered much-needed negotiations into improving the same. In the recently held 29th CSP, Germany and Costa Rica submitted a Working Paper, highlighting the developments in the informal consultations on the participation of civil society co-facilitated by them. The need to conceptualize civil society as more than just non-governmental organisations was widely noted among the States Parties in these informal consultations. In the ten rounds of informal consultations, pressing issues such as reviewing the accreditation process were put on the table. However, no consensus was achieved. The ‘modalities of communicating objections’ in the case of non-accreditation of CSOs, were also debated. While certain States Parties argued in favour of transparency, others considered that they are under no obligation to provide reasons for rejecting an organisation.

In the ‘OPCW Stakeholder Survey’, civil society actors highlighted improved communication, streamlining education and outreach, and increased intersessional activities as important areas of concern for enhanced engagement.

Indeed, the informal Working Groups among States Parties are a significant starting point for achieving tangible action on the issue of civil society participation. In this case, it becomes all the more important for States in favour of facilitating civil society actors within the OPCW, to be more proactive in partnering with these organisations. Active engagement and dialogue with the CWC Coalition, the NGO arm of the OPCW, is important. Facilitating workshops, outreach sessions, and Roundtable Conferences with civil society actors will expand the space for engagement in intersessional activities, and mitigate their lack of participation in the CSP.

The OPCW Technical Secretariat and interested States Parties can engage with the CWC Coalition in facilitating interactions with organisations from under-represented regions to tackle the grave regional representation imbalance that currently exists. Developing regional chapters of the OPCW in conjunction with the CWC Coalition, will be an important way forward in this regard. Leveraging the opportunities provided by the established voluntary Trust Funds can be one of the ways States can contribute to an action-oriented approach. The mandates of the existing Trust Funds, especially the Fund on the International Support Network for Victims of Chemical Weapons, can also be expanded to be utilised for increased coordination with grassroots organisations such as the victims’ rights groups, with a wealth of knowledge and relevant data. Financial limitations of the accredited CSOs, also need to be addressed by the relevant Trust Funds that are established solely to improve civil society participation or alleviate the conditions of the

victims. Mapping and classifying different CSOs and the value they bring to the mandate of the Convention, may be necessary to improve diversified participation.

While the question of the accreditation process may remain stalled due to a lack of consensus among States Parties, efforts for improving direct dialogue with accredited and non-accredited CSOs can be made by the OPCW. Civil society organisations, as expansive as they are in definition, by virtue of their expertise and areas of influence, provide a very strong base for the implementation and universalisation of the Chemical Weapons Convention.

Endnotes:

¹ “OPCW confirms all declared chemical weapons stockpiles verified”, Organisation for the Prohibition of Chemical Weapons (OPCW), July 2023 at <https://www.opcw.org/media-centre/news/2023/07/opcw-confirms-all-declared-chemical-weapons-stockpiles-verified> (Accessed 12th December 2024).

² “Report by H.E. Ambassador Arnaldo Brenes Castro of Costa Rica and H.E. Ambassador Thomas Schieb of Germany on the consultations on engagement with civil society”, OPCW, 2024 at <https://www.opcw.org/sites/default/files/documents/2024/12/c29wp01%28e%29.pdf> (Accessed 12 December 2024).

³ A. Ghionis, “The OPCW and civil society: Considerations on relevant themes and issues”, Working Paper No. 10, CBWNet, 2023 at <https://cbwnet.org/media/pages/publications/working-paper/the-opcw-and-civil-society-considerations-on-relevant-themes-and-issues/fo47a99e86-1702984096/wp-10-website-version.pdf> (Accessed 13 December 2024)

⁴ “Report by H.E. Ambassador Arnaldo Brenes Castro of Costa Rica and H.E. Ambassador Thomas Schieb of Germany on the consultations on engagement with civil society”, no.2.

⁵ K. Mapako, “Strengthening the Chemical Weapons Convention in Africa: The Role of Civil Society and Global South Participation”, European Leadership Network, 2024 at <https://europeanleadershipnetwork.org/commentary/strengthening-the-chemical-weapons-convention-in-africa-the-role-of-civil-society-and-global-south-participation/> (Accessed 13 December 2024)

⁶ “The Programme to Strengthen Cooperation with Africa on the Chemical Weapons Convention”, OPCW, 2024 at <https://www.opcw.org/sites/default/files/documents/2024/03/EC-104%3ADG.13.pdf> (Accessed 13 December 2024).