10. Feakes & McLeish (DISCUSSION PAPER)

Pugwash Meeting no. 324
52nd Pugwash CBW Workshop
10 Years of the OPCW: Taking Stock and Looking Forward
Noordwijk, The Netherlands, 17-18 March 2007

New Actors and the Globalization of CBW Technologies[1]

Caitríona McLeish and Daniel Feakes
Harvard Sussex Program
SPRU, University of Sussex

Introduction

This paper sets out details of an ongoing research project on "Non-state actors and the globalization of CBW technologies" being conducted by members of the Harvard Sussex Program under the ESRC's New Security Challenges programme. The primary aim of this paper is to explain how phenomena such as globalization, the emergence of non-state actors like civil society and private industry and the changing nature of international diplomacy are impacting on the global governance framework for chemical and biological weapons. A secondary aim is to serve as a link between the existing academic literature on these issues and the field of biosecurity.

Project summary

Chemical and biological weapons are a major threat to international security, but their control is being made increasingly difficult by the global diffusion of technological capabilities through non-state channels. Unfortunately, chemical and biological warfare (CBW) counter-proliferation policy, and analyses of it, remains within a "national security paradigm" which emphasizes international norms codified in treaties. This fails to address the globalization of increasingly advanced science and technology, the possibility that non-state militant networks or international terrorists might acquire these weapons and the entry into this issue area of regulatory actors who are not state-based. Consequently, new policy solutions to protect against the economic, environmental and social risks of

---

[1] For more information please contact Caitríona McLeish on c.a.mcleish@sussex.ac.uk or Daniel Feakes on d.feakes@sussex.ac.uk or go to the project website http://www.sussex.ac.uk/Units/spru/nonstateactors/.

CBW are being considered. This raises the question of what role new actors play in the new governance architecture of dual-use CBW technologies, and how this is understood.

The research project asks four detailed research questions in order to examine the implications of globalization for the governance of dual use technologies relevant to CBW and to discover how and why new actors become involved in the governance of CBW technologies and examine what, if any, barriers to entry or structures of co-operation were encountered by them. These questions are:

1: How has the globalization of CBW technologies and their dual-use nature changed the CBW security problem?

2: What effects has the globalization of dual-use CBW technologies had on state action?

3: What is the role and interaction of non-state actors in dual-use CBW technology governance?

4: What impacts are non-state actors having on the globalization of CBW constraints?

The project is being undertaken in four stages:

First, a review has been conducted of currently visible traditional methods of dual-use technology governance in the CBW area. This includes reviewing literature on the dual-use problem in order to assist in the identification process of relevant actors and the development of interview questions. The results from this review are being validated and supplemented by interviews with regulators in Europe and the USA.

Secondly non-state actors involved in regulatory initiatives appropriate to the CBW technology governance have been identified. A purposive sample of non-state actors within the same European states selected in stage 1 and the USA have been interviewed in order to understand their role, their contributions to dual-use technology governance and their interactions with traditional regulatory actors. For other actors the project website found at http://www.sussex.ac.uk/Units/spru/nonstateactors/ contains an area to facilitate secure communication with the researchers. The data collected in these activities has been entered into a customised database. This database will be accessible to project participants as a searchable work in progress.

Thirdly, the information housed in the database and collected during interviews will be used to create two maps outlining traditional regulatory policies and non-state initiatives. These maps will be overlapped to reveal the entirety of efforts to govern dual-use technologies as offered by both traditional regulators and non-state actors in a number of European countries and the USA.

A fourth stage, concurrent with the previous stages, will involve user engagement and dissemination of research findings back to all user groups. We are preparing to convene one large and two smaller seminars per year. The meetings will provide an opportunity for critical constituencies to come to

grips with the implications of the dual-use dilemma, promote shared understandings and act as occasions for the cross-fertilization of ideas.

The project is currently in stage three, but we are still keen to meet and talk with those involved in CBW technology governance activities and hope that some of you will participate in our upcoming meetings. We would also welcome news of other groups or individuals not present at this meeting who are also involved in CBW technology governance activities, who you think might wish to participate in this project.

Embedded assumptions and working understandings

These four research questions have embedded within them a number of understandings, some of which have been alluded to previously. First it is assumed that implementation of a treaty is an ongoing process which is dynamic in character as it responds and reacts to new contexts and new challenges. Rather than being the regime itself, the CWC (and in the case of biological weapons, the BWC) is seen as only one element – although these treaties are given centre stage as the embodiment of the norm against the hostile use of chemical weapons. Within this project's conceptualisation of the CBW regime lie all the related policies and governance initiatives which in some way strengthen and protect the norms found in the CWC and BWC.

Second it assumes that of central importance to the CWC is the dual use issue. Consequently the project explores the underlying transformations of dual-use technologies, their location and distribution over the previous decades. In the absence of critical debate about the concept in the CBW environment, findings in the literature on innovation provide a constructive framework in which to reassess the role of non-state leaders in technological development. In particular, this project rejects the linear model of technological innovation which is often found in policies generated under the national security paradigm in favour of viewing the development of CBW weapons as a complex process involving a series of decisions to acquire, develop, produce and eventually use CBW technologies as weapons. Each of these decisions is regarded as being separate, conceptually different with the potential to be complex, uncertain and difficult.

Third the project regards globalization is a significant complicating factor in attempts to control transfers of dual use tangible and intangible technologies. This new level of complexity is seen as changing national and international behaviour. For example new policy solutions are being introduced and implemented in response to the "proliferation-terrorism nexus". Policy solutions such as the Proliferation Security Initiative and UN Security Council resolution 1540 go beyond the traditional option of multilateral treaties and actively engage with new actors.

Furthermore governments have increasingly sought to engage actors not normally associated with security in their efforts to reduce the threat from CBW weapons. The chemical industry, for example, played a major part in the CWC negotiations and its continuing involvement is an essential element in the treaty's successful implementation. In the BW environment the just completed intersessional process where states parties agreed to hold annual meetings in 2003, 2004 and 2005 to "discuss and promote common understanding and effective action" on:

> i.The adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation;
>
> ii.National mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins;
>
> iii.Enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease;
>
> iv.Strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants;
>
> v.The content, promulgation, and adoption of codes of conduct for scientists[2]

provided an opportunity to break with the traditional and insular approach of the past with limited participation from state and non-state actors of the past. National delegations at the meetings for example involved officials from 'new' (in BWC terms) ministries (such as health, interior, environment and so on) and agencies (such as health and safety and law enforcement) and the meetings were also attended by international organizations such as the WHO, FAO, UNESCO and the OECD. Similarly, a wider range of non-state actors became involved, including professional associations and national academies of science.

There are likely to be a number of reasons for this, among which could be: the nature of the topics chosen for discussion, and their relevance to other actors; the focus on information exchange rather than decision-making; the coincidence of the topics chosen in 2002 with developments outside of the

---

[2] Each of the meetings was preceded by a two-week meeting of experts.

BWC (the adoption in 2004 of UNSCR 1540 which focuses on national implementation, for example); and the simple fact that those overseeing the meetings have considered it useful to invite a wider range of stakeholders.

These changes represent a final fundamental assumption for this project, namely that the nature and practice of diplomacy has undergone significant changes since the 1990s. These changes have been stimulated in part by the emergence of a number of issues which required international cooperation because as the UN High Level Panel on Threats, Challenges and Change noted in its 2004 report: "No state, no matter how powerful, can by its own efforts alone make itself invulnerable to today's threats."[3] Kurbalija and Katrandjiev argue that: "The nature of these challenges requires new levels and forms of partnership of traditional diplomat-practitioners with the business sector, grass roots organisations, civil society, scientific and technical communities, and prominent individuals."[4]

A key facet of the changing nature of diplomacy is the emergence of civil society as a significant actor in world politics. In its report in June 2004, the Panel of Eminent Persons on United Nations–Civil Society Relations stated that "the rise of civil society is indeed one of the landmark events of our times. Global governance is no longer the sole domain of Governments."[5] Given the challenges of contemporary world politics – politics characterised by complex linkages and a wide diversity of state and non-state actors, diplomacy itself has had to adapt. The result has been termed "multistakeholder diplomacy" which Hocking explains as follows:

> Actors, including states – commonly identified as the generators of diplomacy – are no longer able to achieve their objectives in isolation from one another. Diplomacy is becoming an activity concerned with the creation of networks, embracing a range of state and non-state actors focusing on the management of issues that demand resources over which no single participant possesses a monopoly.[6]

---

[3] United Nations, High Level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility*, December 2004.

[4] Jovan Kurbalija and Valentin Katrandjiev, "Introduction", Jovan Kurbalija and Valentin Katrandjiev (eds.), *Multistakeholder Diplomacy: Challenges and Opportunities*, (Malta and Geneva: Diplo, 2006), pp. 5-9, p. 5.

[5] United Nations, Panel of Eminent Persons on United Nations–Civil Society Relations, *We the Peoples: Civil Society, the United Nations and Global Governance*, as annexed to United Nations General Assembly document A/58/817, 11 June 2004.

[6] Brian Hocking, "Multistakeholder diplomacy: Forms, functions and frustrations", Jovan Kurbalija and Valentin Katrandjiev (eds.), *Multistakeholder Diplomacy: Challenges and Opportunities*, (Malta and Geneva: Diplo, 2006), pp. 13-29, p. 13.

Hocking describes how the concept of multistakeholder diplomacy disassociates diplomacy from preoccupations with its role within the state system and looks at what contemporary diplomacy actually involves. This approach identifies numerous differences between the traditional and multistakeholder forms of diplomacy. For example: the multistakeholder approach is rooted in inclusion rather than exclusion; initiatives are not always government-led; stakeholders are included based on their interests and expertise, rather than simply based on principles of sovereignty; and diplomats act as mediators and facilitators rather than as gatekeepers. At the centre of multistakeholder diplomacy is the network: "In contrast to the traditional, hierarchical model of diplomacy that stresses the centrality of intergovernmental relations, MSD is a reflection of a much more diffuse, network model."[7]

Why conduct this research?

Implementation is an ongoing process rather than an event. Although the process includes dealing with treaty-related issues such as universality, implementation of the General Purpose Criterion, issues raised by ambiguous language and, in the case of the CWC, organisational requirements, the implementation process of an international treaty also involves a process of devolution which is characterised by the phrase 'from governments to governance': in other words a necessary part of the implementation of any international treaty is to give ownership of that treaty to a wider set of actors and activists, who will on a day-to-day process implement the norms and principles of the treaty. In the chemical weapons area this means ownership moves from international diplomats and national governments to those that own, trade and work with relevant technologies.

Whereas international consideration of other weapons systems, for example landmines, has been 're-framed' and thus opened up to the greater involvement of civil society, both as originators of governance initiatives and objects of them, CBW are still considered within a 'state security discourse' based upon an essentialised notion of state sovereignty.[8] Excluded from any meaningful analysis of current and future CBW governance roles is civil society. While the role of civil society has been analysed with respect to the regulation of nuclear technology, there has been no similarly detailed examination with respect to dual-use CBW technologies. This project begins to fill this gap by plotting interactions between civil society and other actors and developing an analytical framework based on studies of other areas of global civil society.

---

[7] Hocking, p. 20.

[8] M. de Larrinaga and C. Turenne Sjolander, "(Re)presenting landmines from protector to enemy: The discursive framing of a new multilateralism", M. Cameron, R. Lawson and B. Tomlin (eds.), *To Walk Without Fear: The Global Movement to Ban Landmines*, (Oxford: Oxford University Press), pp. 364-391.

With regard to the CWC, we are interested particularly in the involvement of non-state actors such as industry, regional organizations and civil society in the treaty's implementation. Much has been written in the international relations literature about the influence of 'private authority', but there is almost no reference in this literature to the chemical industry's role in CWC implementation.[9] Likewise, there has been little reflection in the literature of the role of actors such as the International Union of Pure and Applied Chemistry (IUPAC) in framing the agenda of CWC review conferences, or of the role played by regional organizations such as the African Union, the European Union or the Organization of American States in the universality and implementation of the CWC. This reflects the assumptions of the 'state security discourse' but we would argue that it is not a true reflection of the CBW governance framework. Traditionally, this would be assumed to be an area of exclusive state involvement, but our experiences seem to demonstrate that this is not the case. Indeed, as Tuerlings and Robinson have noted, CWC implementation depends upon a 'tri-sectoral network' involving the public (governments), private (commercial interests) and civil (civil society) sectors.[10]

---

[9] A. Claire Cutler, Virginia Haufler, and Tony Porter, *Private Authority and International Affairs*, Albany, N.Y. : State University of New York Press.

[10] Emmanuelle Tuerlings and Julian Perry Robinson, "A Trisectoral Analysis of the Chemical Weapons Convention", in Wolfgang Reinicke and Francis Deng (eds.), *Critical Choices: The United Nations, Networks and the Future of Global Governance*, Global Public Policy Institute, 1999.