CHAPTER 2

Main Forms of Interaction between the Key Actors in CBRN Protection: What Way Forward?

Costanza Di Francesco Maesa

1 Introduction

This chapter provides an overview of the role and the main forms of interaction between the actors involved in CBRN protection at the international, regional and domestic levels. The first section gives an overview of the roles played by the main actors involved in CBRN protection, such as international and regional organisations; States; and non-State actors, namely private corporations, non-governmental organisations (NGOs), local communities, academia and the media. A reflection on the different types of interactions between the key actors in CBRN protection (in terms of 'cooperation', 'coordination' and 'collaboration') is then provided in the second section. Finally, the concluding remarks offer some proposals for the creation of more effective forms of inter-organisational partnering between the different actors involved in CBRN protection.

2 Key Actors in CBRN Protection

Managing CBRN events[1] is a complex and dynamic process, which calls for the coordinated action of many different actors, such as States; public authorities; internationals organisations; and non-State actors, such as businesses and non-governmental organisations (NGOs), affected local communities, civil society, the media and academia. In this section, we give a brief overview of the role played by the different actors involved in CBRN protection.[2]

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1 See ch 1 by Frulli.

2 We do not analyse thoroughly the role played by those actors. For an in-depth analysis see the chapters of part 2, 3 and 4 of the book.

According to the Sendai Framework for Disaster Risk Reduction (SFDRR), States have the 'overall responsibility for reducing disaster risk'.[3] They, therefore, bear the primary duty to provide 'disaster relief and assistance', to 'ensure the direction, control, coordination and supervision' of the activities performed on their territory and to protect the persons on their territory,[4] while relevant stakeholders have an important role in providing support to States by sharing their knowledge, experience and resources. In particular, the main tasks of community-based organisations, volunteers and civil society, that ensure the participation of vulnerable groups,[5] are to collaborate with public institutions; to engage in the implementation of local, national, regional and global plans and strategies; to provide pragmatic guidance on the implementation of 'normative frameworks, standards and plans for disaster risk reduction'; and to support 'public awareness, a culture of prevention and education on disaster risk'.[6] The role of these actors is, thus, really important in the preparedness and response phases, where the sharing of knowledge and capacities between governments, NGOs and local communities play an essential role in anticipating, responding to and recovering from the impacts of likely, imminent or current disasters.[7]

NGOs, in particular, play a crucial role in disaster settings, since they are closer than government to the affected communities; as a consequence, if States are lacking resources on their own, they may rely on them to provide essential services or to provide assistance to the victims of disasters.[8] In these situations, States have the duty to oversee and supervise NGOs and they can be

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3   Sendai Framework for Disaster Risk Reduction 2015–2030 (SFDRR), (2015) UN Doc A/CONF.224/L.2. para 35.

4   UNGA Resolution 46/182 'Strengthening of the coordination of humanitarian emergency assistance of the United Nations' (1991) A/RES/46/182; Inter-Agency Standing Committee (2011), 'Operational Guidelines on the protection of persons in situations of natural disasters' <www.ifrc.org/docs/idrl/I922EN.pdf>.

5   On the procedural and substantive aspects related to the remedies that can be claimed by individuals or groups of victims, see ch 34 by Capone.

6   SFDRR (n 3) para 36(a).

7   UN Secretary-General note, 'Report of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction' (2016) A/71/644.

8   K Tierney, 'Disaster governance: social, political, and economic dimensions', (2012) Annual Review of Environment and Resources, 1 (37) 341–363; Y Osa, 'The growing role of NGOs in disaster relief and humanitarian assistance in East Asia', in R Sukma and J Gannon (eds), *A Growing Force: Civil Society's Role in Asian Regional Security* (Brookings Institution Press 2013) 66–89; S Jones, K Oven, B Manyena. and K Aryal, 'Governance struggles and policy processes in disaster risk reduction: a case study from Nepal', (2014) Geoforum (57) 78–90; L Lane and M Hesselman, 'Governing disasters: embracing human rights law and governance in a multi-level, multi-actor disaster governance landscape', (2017) Governance and Politics 2(5) 93–104.

held responsible if they do not perform correctly their oversight and supervision functions.

Recent studies on private companies' contributions to disaster governance found that businesses are also actively engaged in the humanitarian response.[9] Usually the role of private companies in disaster risk management consists both, on the one hand, in commercial activity, *ie* when corporate actors are paid for the products or services they offer or when some disaster-related services are subcontracted to them by State and non-State actors, and, on the other hand, in non-commercial activities, *ie* when private companies stipulate a partnership with NGOs to deliver services or when they make philanthropic donations.[10] Sometimes, public-private partnerships (PPPs) are made between States and private companies to restore heavily damaged critical infrastructure and to make available again essential services, such as water supply, electricity or healthcare.[11] The role of private actors, such as NGOs and private companies is, thus, crucial in CBRN management, when the States' capacities to respond to the disaster event are overwhelmed, even if only temporarily, or when States are not able to act as first responders.[12] However, a detailed analysis of the role and obligations incumbent upon private actors in CBRN protection is provided in other chapters of the book.[13]

International and regional organisations, such as the United Nations (UN), NATO, the European Union (EU), the Organization for Security and Co-operation in Europe (OSCE) and the World Health Organization (WHO), also play an essential role in CBRN protection, as is discussed in Section two of the present chapter and analysed in depth in other parts of the book.[14] Furthermore, human rights supervisory bodies play an important role in defining the international human rights law obligations applicable to CBRN

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9   A Telesetsky, 'Beyond voluntary corporate social responsibility: corporate human rights obligations to prevent disasters and to provide temporary emergency relief' (2015) Vanderbilt Journal of Transnational Law 48 1003–1027; S Silingardi, 'Responses by private corporations', in S Breau and K Samuel (eds), *Research Handbook on Disasters and International Law* (Edward Elgar, Cheltenham 2016) 225–249.

10 Global Public Policy Institute, 'Business engagement in humanitarian response and disaster risk management' (2015).

11 Thanks to PPPs, public and private actors work together to minimise the negative consequences of disasters and to ensure the protection of public interests and human rights. F Demiroz and N Kapucu, 'Cross-sector partnerships in managing disasters: experiences from the United States', in T Izumi R and Shaw (eds), *Disaster Management and Private Sectors: Challenges and Potentials* (Springer 2015) 169–186.

12 Osa (n 8); Jones et al (n 8); Lane and Hesselman (n 8).

13 See ch 30 by Corcione and ch 27 by Venier.

14 See part 2 and 3 of the book.

events and in promoting and protecting human rights, such as the rights to life, health, food, water access, education, private and family life, housing, physical security and access to information.[15]

Other important actors in CBRN protection are mass media and social media, which play an essential role in risk awareness and crisis communication.[16] In particular, media play a crucial role in correctly informing the general public on the way to best conserve their own safety in the event of a large-scale CBRN emergency.[17] The duty of media workers in the context of CBRN events does not only consist in communicating true and precise information, but also in verifying that the information communicated to the public does not interfere with any investigative procedure and does not violate the fundamental rights of the victims of the disaster.[18] Considering the importance of the task, some authors have suggested that it would be better if the task of informing the population were 'performed by a dedicated department or press office'.[19] In their view, such an office would ensure a central coordination of interviews and would reduce confusion and inconsistency in the information distributed to the population.[20] In this regard, the 'UNICRI Journalism and Public Information Programme on New Threats' and the UNICRI 'Reporting and Communicating on CBRN Risks Programme' have precisely the objective

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15   Inter-Agency Standing Committee (n 4); The Sphere Project, 'Humanitarian charter and minimum standards in humanitarian response' (2011) < https://www.unhcr.org/50b491b09.pdf>; M Hesselman, 'Establishing a full 'cycle of protection' for disaster victims: preparedness, response and recovery according to regional and international human rights supervisory bodies', (2013) Tilburg Law Review 18 (2) 106–132; D Cubie and M Hesselman, 'Accountability for the human rights implications of natural disasters: a proposal for systemic international oversight', (2015) Netherlands Quarterly of Human Rights 33(1) 9–41. See ch 28 by Sommario, ch 27 by Venier, ch 29 by Antoniazzi.

16   On the relationships between information, media and the COVID-19 pandemic, see UNICRI Report, 'Stop the virus of disinformation, the risk of malicious use of social media during COVID-19 and the technology options to fight it' (November 2020) <http://unicri.it/sites/default/files/2021-01/misuse_sm_0.pdf>.

17   G J Rubin, A K Chowdhury and R Amlôt, 'How to communicate with the public about chemical, biological, radiological, or nuclear terrorism: A systematic review of the literature', (2012) Biosecurity and Bioterrorism: Biodefense Strategy, Practice, and Science 10(4) 383–395; F Benolli, M Guidotti and F Bisogni, 'The CBRN Threat. Perspective of an Interagency Response', in G Jacobs et al (eds), *International Security Management* (Springer Nature 2021) 429, 429–445; A Ruggiero and M Vos, 'Communication Challenges in CBRN Terrorism Crises: Expert Perceptions', (2015) Journal of Contingencies and Crisis Management 23(3).

18   UNGA Resolution 74/306 (11 September 2020) A/RES/74/306.

19   Benolli, Guidotti and Bisogni (n 17).

20   Federal Emergency Management Agency (FEMA), 'Effective communication independent study', Washington: (2010) FEMA 242A. Benolli, Guidotti and Bisogni (n 17).

of enhancing the capabilities of journalists and other media workers to report and communicate CBRN risks of any origin.[21]

Equally, academia and research centres play a fundamental role in increasing risk awareness and preventing CBRN events from occurring. An example in this sense is represented by the risk that a virus leaks from a research laboratory, as shown by the doubts which arose in the context of the COVID-19 pandemic.[22] In this regard, it is extremely important that research centres and scientific laboratories adopt specific safety and security rules able to prevent the risk that viruses may be released into the environment. Furthermore, academia can also play an essential role in communicating precise information and seeking solutions to prevent and mitigate the effects of CBRN events.[23]

3   Interactions of the Key Actors in CBRN Protection

As we have seen in the previous section, a plethora of different actors at the international, regional and national levels are involved in the CBRN management cycle. Clear cooperation, coordination and collaboration mechanisms between the numerous actors involved in the CBRN management cycle are therefore essential to ensure the effective and efficient management of CBRN events. However, and despite the existing umbrella principle of cooperation governing the relations and interactions of the legal subjects of international law,[24] there are no universally and internationally accepted definitions of the terms 'cooperation', 'coordination' and 'collaboration' with regard to CBRN

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21   See <http://www.unicri.it/journalism-and-public-information-programme-new-threats>.

22   It is still not clear what is the origin of the COVID-19 virus, even if Peter Ben Embarek, the head of the World Health Organization (WHO) mission, said it was 'extremely unlikely' that the virus leaked from a laboratory in the city of Wuhan (<https://www.bbc.com/news/world-asia-china-55996728>). However, this could be an opportunity to reflect more on the safety and security measures adopted in scientific laboratories. In this regard, see <https://thebulletin.org/2020/05/natural-spillover-or-research-lab-leak-why-a-credible-investigation-in-needed-to-determine-the-origin-of-the-coronavirus-pandemic/>.

23   An example is represented by the Joint Security and Resilience Centre (JSaRC). See T Thompson, 'The Practical Realities of Security Management in a Changing World', in G Jacobs et al (eds), *International Security Management* (Springer 2021) 449–462.

24   As provided by Article 1 of the UN Charter, the very goal of the UN is to achieve international cooperation to address international issues. To do so, and as set out in Article 58 of the Charter, the UN coordinates the policies and activities of its specialised agencies. At the European level, the Treaty on the Functioning of the European Union (TFEU) contains in its Title VI, provisions dealing with the EU's relations with international organisations and third countries and union delegations. Article 220 TFEU thus specifically provides that the EU shall maintain appropriate relations with international organisations, and,

events, despite the large number of instruments available at the international, regional and bilateral levels that enshrine provisions on international cooperation in case of disasters.

One of those instruments is Article 7 of the Draft Articles on the Protection of Persons in the Event of Disasters, adopted by the International Law Commission (ILC),[25] which states that 'States shall, as appropriate, cooperate among themselves, with the United Nations, with the components of the Red Cross and Red Crescent Movement, and with other assisting actors'. In the Draft Articles, the term 'coordination' is interestingly referred to as an element included in the notion of 'cooperation'.[26] It should be recalled, however, that the duty to cooperate, despite being described as a well-established and overarching principle of international law,[27] still fuels heated discussions as per its material scope, nature and concrete implementation.[28]

Similarly, the SFDRR, which mainly refers to natural disasters, affirms throughout the text that cooperation is essential to ensure effective protection against disaster situations.[29] In the guiding principles, it also refers to coordination mechanisms, requiring 'a clear articulation of responsibilities across public and private stakeholders, including business and academia'[30] and it

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in particular, with the United Nations and its specialised agencies, the Council of Europe, the OSCE and the OECD.

25   ILC, 'Draft Articles on the Protection of Persons in Event of Disasters' (2016) II(2) UNYBILC, para 48. With UNGA Res 73/209 (2018), the General Assembly brought to the attention of States the recommendation by the ILC that a convention should be elaborated on the basis of the Draft Articles. It, therefore, decided to include in the provisional agenda of its seventy-fifth session (2020) an item entitled 'Protection of persons in the event of disasters'.

26   ILC (n 24), art. 8, which literally states: '[c]ooperation in the response to disasters *includes* humanitarian assistance, *coordination of international relief actions and communications*, and making available relief personnel, equipment and goods, and scientific, medical and technical resources' (emphasis added). See also Article 10 of the Draft Articles.

27   ILC, Commentaries, 'Draft Articles on the Protection of Persons in Event of Disasters' (2016) II(2) UNYBILC, para 49.

28   G Bartolini, T Natoli and A Riccardi, Report of the Expert Meeting on the ILC's Draft Articles on the Protection of Persons in the Event of Disasters, (2015) International Law and Disasters Working Papers Series 03 37–40.

29   SFDRR (n 3) para 19(a)(b), paras 1(d), 8, 19(l), 25(c) and Section VI. The SFDRR's principles are drawn on the basis of the principles contained in the UN World Conference on Natural Disaster Reduction, 'Yokohama Strategy for a Safer World: Guidelines for Natural Disaster Prevention, Preparedness and Mitigation, and Plan for Action', (1994) UN A/CONF.172/9, and its Plan of Action, and the Hyogo Framework for Action 2005–2015: Building the Resilience of Nations and Communities to Disasters (2006) UN A/CONF.206/6.

30   SFDRR (n 3) para 19(e)(f).

underlines that it is important to establish government coordination forums composed of relevant stakeholders at the national and local levels, *ie* national and local platforms for disaster risk reduction and designated national contact points.[31] Both the terms 'cooperation' and 'coordination' are used in the same sentence, without any explanation on their possible different meanings and the consequent different implications of these two forms of partnering activities in the preparedness, response and recovery phases.[32] Even the necessity to 'foster *collaboration* across global and regional mechanisms and institutions for the implementation and coherence of instruments and tools relevant to disaster risk reduction'[33] and to 'promote and support *collaboration* among relevant public and private stakeholders to enhance the resilience of business to disasters' (emphasis added)[34] is mentioned in the SFDRR without any further explanation of the meaning of the term. The terms 'cooperation', 'coordination' and 'collaboration' are, thus, used interchangeably in the text, without any definition explaining the differences between them. Similarly, a clear articulation of responsibilities of the actors involved in the partnering activities is not provided in the text.

Those findings are similar in the context of the international documents adopted by the UN. Among them, Resolution 1540(2004)[35] encourages States to take effective measures to prevent the proliferation of nuclear, chemical, or biological weapons by promoting international *cooperation*[36] and enhancing '*coordination* of efforts on national, sub-regional, regional and international levels' (emphasis added).[37] The 'Plan of Action' annexed to the UN Global Counter-Terrorism Strategy of 2006[38] reaffirms that, among the measures necessary to prevent and combat terrorism, cooperation[39] and inter-agency coordination[40] mechanisms have a significant role. Even in those cases, the

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31   SFDRR (n 3) paras 27(g) and 48.

32   SFDRR (n 3) para 33(i), which states the importance of promoting 'the *cooperation* of diverse institutions, multiple authorities and related stakeholders at all levels, including affected communities and business, in view of the complex and costly nature of post-disaster reconstruction, under the *coordination* of national authorities' (emphasis added).

33   SFDRR (n 3) para 28(a).

34   SFDRR (n 3) para 31(i).

35   UNSC Res 1540 (28 April 2004) UN Doc S/RES/1540 has been reiterated and extended by Res 1673(2006), Res 1810(2008) and Res 1977(2011).

36   UNSG, Message on the Tenth Anniversary of the adoption of Security Council Resolution 1540(2004) (28 April 2014).

37   UNSC (n 32) para 3(c), Preamble.

38   UNGA (20 September 2006) A/RES/60/288.

39   UNGA (n 35) Preamble, para 3 of the first part, para II, No. 2, 3, 4, 5, 8, 13, para III, No. 1, 4.

40   UNGA (n 35), Preamble, para II, No. 5, 12(a), No. 17, para III, No. 5.

term 'coordination' is used together with the term 'cooperation', with no distinction between the two terms having been made, nor any further explanation having been provided. The absence of clear definitions in the field of inter-agency cooperation on CBRN events has been confirmed also by the findings of a very interesting project,[41] which found out that, in the chemical field, there is no 'coordinated system for the classification of an event and of the ensuing emergency [..] among agencies that would intervene in case of an attack with chemical weapons'.[42] According to the authors of the project, to fill this gap, a coordinated system for the classification of an event in the chemical field should be developed.

To promote cooperation and coordination even further, specific bodies have also been established. Among them, a specific Committee, called 'Committee 1540', which functions as a subsidiary body of the Security Council, has been established to monitor the implementation of the 1540(2004) Resolution's dispositions.[43] Committee 1540, together with the UN Office for Disarmament Affairs (UNODA), is responsible for promoting cooperation between international, regional and sub-regional organisations and other entities, such as the WHO and the Atomic Energy Agency, and to share lessons and experiences with them. UNODA also promotes partnerships with civil society, the private sector and industry to meet the objectives of Resolution 1540(2004).

In the context of the UN Global Counter-Terrorism Strategy, the UN Office of Counter-Terrorism (UNOCT), through its Inter-Agency Working Group on Preventing and Responding to WMD Terrorist Attacks,[44] is working together with the International Atomic Energy Agency (IAEA), the OPCW, the World Health Organization (WHO), the UNODA and other relevant organisations to enhance cooperation and promote coordination mechanisms. Furthermore, the UN Counter-Terrorism Implementation Task Force (CTITF) was established by the Secretary General in 2005, and within it the UN Counter-Terrorism Centre (UNCCT), whose budgetary funding is important for promoting international counter-terrorism cooperation and assisting Member States in their

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41   UN Office of Counter-Terrorism (UNOCT), 'Ensuring Effective Interagency Interoperability and Coordinated Communication in Case of Chemical and/or Biological Attacks', (2017) Project of the Counter-Terrorism Implementation Task Force Working Group on Preventing and Responding to Weapons of Mass Destruction Attacks (2015–2019).

42   Ibid, point 12, p 12.

43   UNSC (n 32) para 4.

44   Since 2015 UNOCT, through a project on 'Ensuring Effective Inter-Agency Interoperability and Coordinated Communication in Case of Chemical and/or Biological Attacks' implemented by the UN Counter-Terrorism Centre (UNCCT), has particularly attempted to strengthen cooperation among relevant organisations and agencies.

efforts to implement the UN Global Counter-Terrorism Strategy, was set up in 2011.

In the context of transboundary cooperation in case of nuclear and radiological emergencies originating from the civilian use of related materials, the Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency[45] sets out an international framework for cooperation among States Parties.[46] According to the Convention, the IAEA shall facilitate prompt assistance and give support in the event of nuclear accidents or radiological emergencies.[47] The IAEA has a particularly important role as the focal point for coordination:[48] it collects and disseminates information, supports efforts, assists States Parties to the Convention, maintains liaisons with relevant international organisations and provides its available services.[49] Apart from the IAEA, also the G8 Nuclear Safety and Security Group (G8-NSSG)[50] promotes cooperation among the G8 leaders and other States with regard to nuclear safety and security, and works in close cooperation with already existing multilateral organisations.[51]

However, the proliferation of actors responsible for coordinating the efforts to prevent the proliferation of nuclear, chemical, or biological weapons, to counter-terrorism, or to minimise the consequences of nuclear accidents and radiological emergencies has not been accompanied by a clearer definition of the responsibilities and duties of the different actors involved.

Similar findings can be derived from an overview of the legal instruments adopted at the regional level. Nowadays, many regional instruments[52] and

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45 Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency (1986) IAEA-INFCIRC/336.

46 See also the Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (1997), art 1(1).

47 Each State Party shall notify the IAEA and the other States Parties which authorities are competent and which points of contact are authorised to make and receive requests, or accept offers of assistance. Convention (n 42), art 1.

48 The IAEA serves as the focal point for coordination also in relation to the Convention on Early Notification of a Nuclear Accident (1986), art 7ff.

49 Convention (n 42) art 5.

50 The Nuclear Safety and Security Group (NSSG) established at Kananaskis Summit and responsible to Leaders, provides technically informed strategic policy advice on issues that could impact safety and security in the peaceful uses of nuclear energy.

51 J Alger, 'A Guide to Global Nuclear Governance: Safety, Security and Non-proliferation, in Nuclear Energy Futures' (2008).

52 For an overview of the regional agreements dealing with disaster assistance and including provisions on prevention, see the 'Sixth report on the protection of persons in the event of disasters' (2013) UN Doc A/CN.4/662 33. See ch 11 by Creta, ch 6.

bilateral agreements[53] on disaster management contain provisions on cooperation, coordination and collaboration in case of CBRN events and, more generally, disasters. Some examples are the political commitments of the Organization for Security and Co-operation in Europe (OSCE)[54] and the legal framework against CBRN risks adopted at the European level.[55] Even in that case, a brief overview of the EU instruments adopted to manage CBRN risks shows that the terms 'cooperation' and 'coordination' are used indistinctly. It also shows that the creation of specific EU bodies responsible for coordinating the efforts to manage CBRN risks has not been accompanied by a clearer definition of the responsibilities and duties incumbent upon the different actors involved, at the European and national levels, in CBRN protection.

Another form of inter-organisational partnering in disaster risk management are public-private partnerships (PPPs) between public and private actors. In case of PPPs, public and private actors work together to minimise the effects of CBRN events and both the private and the public actors have their responsibilities and duties to perform.[56] A clear division of responsibilities between public and private actors involved in the PPPs is, thus, really important. However, no 'hard law' agreements have been adopted up to now to regulate the issue. Only 'soft law' instruments, such as the disaster response guidelines 'for Establishing Effective Collaboration between Mobile Network Operators and Government Agencies'[57] or the 'Guiding Principles for

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53   See eg the Agreement between the Government of the Hellenic Republic and the Government of the Russian Federation on Cooperation in the Field of Prevention and Response to Natural and Man-Made Disasters (2000); Agreement between the Government of the French Republic and the Government of Malaysia on Cooperation in the Field of Disaster Prevention and Management and Civil Security (1998).

54   See particularly the Helsinki Final Act, an agreement signed by 35 Nations that concluded the Conference on Security and Co-operation in Europe, held in Helsinki, Finland, and the following OSCE political commitments, among which the 21st OSCE Ministerial Council, Decision No. 6/14 on the Enhancing Disaster Risk Reduction (5 December 2014) MC.DEC/6/14 ('2014 Basel Ministerial Council Decision on Enhancing Disaster Risk Reduction'). Among others, see the 2003 OSCE Strategy Document for the Economic and Environmental Dimension, Strategy document for the 11th OSCE Ministerial Council in Maastricht (1–2 December 2003) MC(11).JOUR/2 and the 2007 Madrid Declaration on Environment and Security, 15th OSCE Ministerial Council (29–30 November 2007) MC.DOC/4/07.

55   The role of the EU in the protection against CBRN risks is deeply analysed elsewhere in the book. See ch 6 by Casolari, ch 14 by Ferri, ch 15 by Balboni, ch 19 by Ferri.

56   Public-Private-Partnership in Infrastructure Resource Centre (World Bank Group) 'Government objectives: benefits and risks of PPPs' (2016) <https://ppp.worldbank.org/public-private-partnership/overview/ppp-objectives#benefits>.

57   The document has been drafted by the telecom organisation GSMA in 2012.

Public-Private Collaboration for Humanitarian Action',[58] have been adopted. According to the latter, humanitarian and private parties should adhere to the professional standards and codes of conduct developed by the humanitarian community to provide quality assistance. PPPs could, thus, be a way of increasing the accountability of the private sector for violations of human rights if a CBRN event occurs. However, most of these documents are not transposed into hard law agreements; as a result, it is not possible to clearly define the legal accountability of the actors taking part in them.[59]

The foregoing brief overview of the main instruments adopted at the international and regional levels has shown that the three different forms of inter-organisational partnering activities, *ie* cooperation, coordination and collaboration, are often referred to interchangeably. To shed light on the meaning of these concepts, in the next part of the chapter, we, thus, try to conceptualise them on the basis of the studies of authors who have specifically investigated the matter.

3.1 Definition of the Main Forms of Interactions of the Key Actors in CBRN Protection

The first form of inter-organisational activity, *ie* cooperation, has been defined as a 'short-term, often informal and voluntary relationship between organisations or parts of an organisation that are characterised by low levels of intensity and risk'.[60] The main features of cooperation, according to this definition, are, thus, short-term, limited and low level connections between organisations. Work towards a common mission and avoidance of programme duplication are the main reasons to cooperate with other organisations during an emergency.[61] In general, the disaster management system, based on

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58   UN-OCHA and World Economic Forum 'Guiding Principles for Public-Private Collaboration for Humanitarian Action', (2007).

59   S Silingardi (n 9).

60   E C Martin, 'The Four Cs of Disaster Partnering: Communication, Cooperation, Coordination and Collaboration', Disasters Journal (2014); K Brown and R Keast, 'Citizengovernment engagement: Community connection through networked arrangements', (2003) Asian Journal of Public Administration 25(1) 107–131; BA Cigler, 'Multi-Organizational, Multisector and Multicommunity Organizations: Setting the Research Agenda', in MP Mandell (ed) *Getting Results Through Collaboration: Networks and Network Structures for Public Policy and Management* (Quorum Books 2001) 71–85; A Najam, 'The four-C's of third sector-government relations', (2000) Nonprofit Management and Leadership, 10(4) 375–397.

61   N Kapucu 'Interagency communication networks during emergencies: Boundary spanners in multiagency coordination', (2006) The American Review of Public Administration 36(2) 207–225.

cooperation, is increasingly substituting the disaster response system, characterised by a strict military forces' control. Nowadays, civilian and military personnel collaborate thanks to the leadership and coordination role taken by dedicated offices or bodies, such as the UN-OCHA (Office for the Coordination of Humanitarian Affairs), which has the task of taking the leadership role and coordinating the activities of the actors involved in the response phase of disasters of large dimension.[62]

As regards the concept of coordination, it is defined as the working together of organisations in the context of disasters.[63] The characteristic feature of coordination is, therefore, the alignment of the actions of different organisations in order to achieve a shared goal.[64] In practice, it consists of different stages in a process of strict coordination between different organisations, which starts with the sharing of information and resources and may culminate in the creation of a shared vocabulary, procedures and standard operational systems that guide the way the actors involved work together in the CBRN emergency management cycle.[65] In that regard, some studies found that authority, hierarchical organisation and stricter rules in some cases may improve

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62 R C Kent, 'The United Nations' humanitarian pillar: Refocusing the UN's disaster and emergency roles and responsibilities', (2004) Disasters 28(2) 216–233; R Dynes, 'Community emergency planning: False assumptions and inappropriate analogies.', (1994) International Journal of Mass Emergencies and Disasters 12(9) 141–158.

63 W Ammann, 'Developing a multi-organisational strategy for managing emergencies and disasters', (2008) Journal of Business Continuity and Emergency Planning 2(4) 390–403; T E Drabek, 'Managing the emergency response', (1985) Public Administration Review 45(s1) 85–92; R Keast and M P Mandell, 'The collaborative push: Pushing beyond rhetoric and gaining evidence', (2011) Manuscript presented at the 15th Annual Conference of the International Research Society for Public Management. Dublin, Ireland; JC Morris, ED Morris and DM Jones, 'Reaching for the philosopher's stone: Contingent coordination and the military's response to Hurricane Katrina' (2007) Public Administration Review 67(1) 94–106; KJ Tierney, 'Emergency medical preparedness and response in disasters: The need for interorganisational coordination' (1985) 45(1) 77–84.

64 L K Comfort, 'Crisis management in hindsight: Cognition, communication, coordination, and control', (2007) Public Administration Review 67(s1) 189–197; TE Drabek and DA McEntire, 'Emergent phenomena and multiorganizational coordination in disasters: Lessons from the research literature', (2002) International Journal of Mass Emergencies and Disasters 20(2) 197–224.

65 S Moore, E Eng and M Daniel, 'International NGOs and the role of network centrality in humanitarian aid operations: A case study of coordination during the 2000 Mozambique floods', (2003) Disasters 27(4) 305–318; M Stephenson, 'Making humanitarian relief networks more effective: Operational coordination, trust and sense making', (2005) Disasters 29(4) 337–350.

coordination.[66] However, at the same time, in disaster settings organisations very often face unique and contingent problems that are not exactly repeated in every disaster situation and need specific and contingent responses not foreseeable in advance.[67]

Finally, collaboration has been defined as a 'long-term relationship between organisations, characterised by high levels of interdependency and high risk, which requires significant power symmetry'.[68] As in the case of coordination, collaboration is described as a process composed of different stages, extending from informal activities to formalised relationships, which may also consist in contractual arrangements.[69] It is particularly important to collaborate in disaster situations because of the limited amount of resources and the difficulty for a single organisation to manage the situation alone.[70] However, for collaboration to be effective, it is necessary to find a balance between the need to control the situation through authority and leadership powers and the necessity to give all the actors involved the same voice and respect the differences of the organisations involved.[71] Collaboration requires a higher embeddedness between organisations than cooperation or coordination, and may even create situations of shared risk and responsibility between collaborators: understanding each other's constraints is thus essential to have an effective collaboration.[72]

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66   C Hood, 'The Art of the State: Culture, Rhetoric and Public Management' (OUP 1998); D F Kettl, 'Contingent coordination: Practical and theoretical puzzles for homeland security', (2003) The American Review of Public Administration 33(3) 253–277.

67   An example of a system of coordination is represented by the National Management System (NIMS) in the United States. See <https://www.fema.gov/emergency-managers/nims>; W L Waugh and G Streib 'Collaboration and leadership for effective emergency management', (2006) Public Administration Review 66(s1) 131–140.

68   E C. Martin (n 57); B A Cigler (n 120); R Keast and M P Mandell (n 123); JM Coston, 'A model and typology of government-NGO relationships', (1998) Nonprofit and Voluntary Sector Quarterly 27(3) 358–382; A Najam (n 57).

69   I M Nolte and S Boenigk, 'A study of ad hoc network performance in disaster response', (2013) Nonprofit and Voluntary Sector Quarterly 42(1) 148–173; G Simo and A Bies 'The role of nonprofits in disaster response: An expanded model of cross-sector collaboration' (2007) Public Administration Review 67(1) 125–142.

70   W L Waugh and G Streib (n 64).

71   In this respect, cultural understanding and a common language are important facts to facilitate collaboration. Ibid.

72   Comfort (n 61); C Huxham and S Vangen, 'Managing to Collaborate: The Theory and Practice of Collaborative Advantage' (Routledge 2005); N Kapucu, 'Public-nonprofit partnerships for collective action in dynamic contexts of emergencies', (2006) Public Administration 84(1) 205–220.

From the foregoing analysis, we deduce that each form of inter-organisational partnership has its own specificities and implies correlative duties for the actors involved. It is, thus, important to design a legal framework which considers the differences between them and consequently regulates the different responsibilities and duties of all the actors involved in the CBRN emergency management cycle, or, alternatively, to include clearer definitions in the ILC's Draft Articles on the Protection of Persons in the Event of Disasters. That would be an effective way of better defining the responsibilities of the private actors involved in CBRN management and to make every actor accountable for the tasks and activities they performed. That would also help to give an additional protection to the fundamental rights of the persons affected by the disaster. If that is not the case, the risk of duplication of efforts in disaster emergency situations is real, as well as the risk that an effective coordinated approach will not be followed.

4   Concluding Remarks

The present chapter proposed an overview of relevant actors in the governance of CBRN risks and of the forms of 'cooperation', 'coordination' and 'collaboration' between them. In this regard, from the foregoing analysis we deduced that the three types of inter-organisational partnering activities, 'cooperation', 'coordination' and 'collaboration', referred to in the international and regional documents regulating the issue are often referred to interchangeably, without any further explanation of their meaning. However, by conceptualising and defining these terms we found that each form of inter-organisational partnership has its own specificities and implies correlative duties for the actors involved.

In addition, the proliferation of actors at the international, regional and national levels has not been accompanied by a clear division of responsibilities between the actors involved, nor by a coordinated system of control and coordinated supervision. This implies that, in case of misconduct or coordination problems, it may be difficult to ascertain who is accountable. A recent example is given by the approach adopted in the current COVID-19 pandemic.

During the COVID-19 pandemic, the importance of cooperating at the international level was immediately perceived as crucial. International cooperation has therefore been strongly encouraged and international acts have been adopted to this purpose.[73] In particular, coordination, cooperation

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73   UNGA Res. 74/270 (Apr. 2, 2020) U.N. Doc. A/RES/74/270; and at the European level, see more information at <https://ec.europa.eu/international-partnerships/topics/eu

and collaboration at all levels of governance was advocated as crucial by the WHO,[74] and the UN.[75] To this end, on the 4th February 2020, 'The United Nations Crisis Management Team' was activated, chaired by WHO, to implement global strategies and provide support to States.[76] At the regional level, WHO Regional Directors coordinate with the UN Development Coordination Office Regional Directors on planning and information sharing. At the national level, it is the Crisis Management Team (CMT) which coordinates with the UN country team in 136 countries 'to facilitate joint action by entities of the UN system and international agencies in support of Member States'.[77] Furthermore, in March 2020, the WHO COVID-19 Partners Platform was launched,[78] in which consenting national authorities, UN country teams and partners collaborate on the COVID-19 response in real-time. Even in this case, no definition of the terms 'cooperation', 'coordination' or 'collaboration' has been provided, and the proliferation of multiple actors at the international, regional and national levels has not been accompanied by a clear division of responsibilities between the actors involved, nor by a coordinated system of control and coordinated supervision. As a result, in case of misconduct or coordination problems, it could be difficult to ascertain who is accountable.

A possible solution to solve the problem, or at least improve the current situation, is to design a binding and coherent legal framework which considers the differences between the terms 'cooperation', 'coordination' and 'collaboration'

-global-response-covid-19_en>. On this issue, see A De Guttry, 'Is the International Community Ready for the Next Pandemic Wave? A Legal Analysis of the Preparedness Rules Codified in Universal Instruments and of their Impact in the Light of the COVID-19 Experience', (2020) Global Jurist 20(3), published online on the 25th of July 2020.

74   See the Res (2020) on the response to coronavirus disease (COVID-19), WHA73.1, A73/ CONF./1 Rev.1, paras PP4, PP17, PP19; WHO Executive Board, Special session on the COVID-19 response, 'Update implementation of resolution' on the COVID-19 response, Interim report by the Director-General, (2020) WHA73.1, EBSS/5/2.

75   UNGA Resolution 75/4, Special session of the General Assembly in response to the coronavirus disease (COVID-19) pandemic (9 November 2020) A/RES/75/4; UNGA Resolution 74/306, Comprehensive and coordinated response to the coronavirus disease (COVID-19) pandemic (15 September 2020) A/RES/74/306; UN Comprehensive Response to COVID-19: Saving Lives, Protecting Societies, Recovering Better (June 2020); UN Security Council Press Release, Amid COVID-19 Pandemic, Coordinated, Conflict-Sensitive Responses Crucial to Sustaining Peace, Secretary-General Tells Security Council (August 2020) SC/14275.

76   Among the initiatives implemented by the Crisis Management Team there are the UN framework for the immediate socio-economic response to COVID-19 (2020); COVID-19 Global Humanitarian Response Plan (2020); WHO's Strategic Preparedness and Response Plan, Geneva, World Health Organization (2020); the United Nations COVID-19 Supply Chain System: requesting and receiving supplies, WHO (2020).

77   WHO Executive Board (n 71).

78   For more information, <https://covid19partnersplatform.who.int/en/>.

and consequently regulates the different responsibilities and duties of all the actors involved in the CBRN emergency management cycle. If this is not possible, alternatively, a possible solution could be to draft recommendations, a policy document or to include clearer definitions in the ILC's 'Draft Articles on the Protection of Persons in the Event of Disasters'. That would be an effective way of better defining the responsibilities of the private actors involved in CBRN management and to make every actor accountable for the tasks and activities they performed. It would also help to give an additional protection to the fundamental rights of the persons affected by CBRN events. The inter-organisational model for an effective inter-agency response would, thus, be well defined and clear with regard to the terms used and the duties of the different actors involved.

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