L’imagination au pouvoir

Seeing a future for BW disarmament

Dr Jean Pascal Zanders
EU Institute for Security Studies

James Martin Center for Nonproliferation Studies,
Monterey Institute of International Studies
Washington, DC, 14 April 2010
A treaty’s lament

- **Strong norm**
  - Today, no state admits to BW programme & holdings
  - Quasi universality: 163 States Parties + role in customary international law
  - States Parties committed to BTWC:
    - Assessment of the state of the norm + updating at RevCons
    - Annual activities since 3rd RevCon (1991)

- **Intrinsically weak**
  - No formal verification & compliance mechanisms
    - No international institution for implementation oversight and enforcement
    - ISU supportive of annual processes, but no functional substitute for international organisation
  - Slow process to deal with new challenges (scientific & technological developments; new actors)
  - Ongoing frustration over unmet expectations in areas of security or development
The US and the BTWC

- US opposition to certain aspects of the BTWC has been *constant* since late 1960, irrespective of administration in power
  - Verification
  - Article X matters

- The *framing of opposition* has shifted in line with the issues at hand
Shifting expectations from verification

- The BTWC is unverifiable
  - Standard mantra, but why?
  - E.g., UK proposals of 1968-69: rejected in BTWC, but now part of the broader regime against BW

- Cold war understandings of disarmament and verification & related procedures
  - Difficulties in dealing with dual-use characteristics of technologies
  - No verification substitutes (e.g., visible & countable delivery systems)
  - Unease with roles of multiple stakeholders in the process
    - State is often more protective of stakeholder interests than the stakeholders

- Shift away from parity in military arsenals (adequacy) to utility of weapons and hence capability to address challenges & threats (effectiveness)

- Shift away from focus on weapon as a problem (disarmament) to focus on possessor of enabling technologies (non-proliferation)
  - Rogue state discourse (no trust) + emphasis on regime change
  - Addressing terrorism challenges
Tauscher statement (Dec. 2009)

- **Addressed 3 different audiences**
  - *US domestic audience*
    - Same as before (emphasis on domestic measures; counter-terrorism; etc.)
  - *NAM, China, Russia, etc*
    - Forget about AHG
    - At same time: US rejection of attempts to narrow scope of BTWC concepts & understandings
  - *Global audience*
    - A return to multilateral engagement; 2001 statement belongs to the past
    - Invitation for new ideas, but US will not take the lead
    - Main US priorities: CBMs (participation & enhancement); universality; addressing disease threats (detection, World Health Regulations, biosecurity & safety)
    - Formal negotiations on a legally binding instrument still one step too far, but interest in enhancing transparency and confidence in compliance
    - BTWC one of several instruments to counter BW threats

- **A door opener**
Tauscher statement (Dec. 2009)

- **Surprise at the negative response, particularly within the USA**
  - Is the AHG draft protocol the reference point?
  - Relationship to US focus on domestic government policies?
    - Relationship to the ‘National Strategy for Countering Biological Threats’
  - Some international confusion & disappointment inadvertently generated by US delegation
    - Announcement of Tauscher visit + further information blackout fuelled expectations over 2 days (particularly in light of Obama’s vision in nuclear disarmament)
    - Sampling of delegate opinions immediately after statement

- **Focus of President Obama**
  - Clear cut priorities in area of nuclear disarmament, arms control and non-proliferation, but silence in area of BW disarmament
  - Domestic priorities (economic crisis; health care reform)
  - Avoidance of spending political capital in other areas
    - E.g., land mines; cluster munitions
    - Extremely partisan political landscape
Areas for enhancing transparency

- **Industry activities**
- **Biodefence programmes**
  - Problem of civilian (homeland) vs. military biodefence
  - Problem of threat-based analysis
  - Currently: 1\textsuperscript{st}-party audits in several countries → universalise via CBM
  - Future: 3\textsuperscript{rd}-party audits (international organisation or int. expert team)
- **Technology transfers**
  - Consideration that we have entered the post-proliferation phase
  - Certification processes?
  - ISO model
- **Allegations of BW use and unusual outbreaks of disease**
  - WHO/FAO/OIE investigations of all outbreaks
  - Special expert teams to intervene in case of report of suspicious nature of an outbreak?
    - International organisation or use of UN Secretary-General’s mechanism
Industry activities

- **Purpose is to build confidence in compliance**
  - Build on mechanisms already present in the sector
  - Additional tools: site tours, analysis paperwork & operating procedures, interviews with staff, etc.
  - Sampling and analysis only in case of serious anomalies

- **Scientific community & research activities**
  - Research not included in BTWC
  - Resistance to transparency-enhancing activities remains high, also in industrial sector
  - *Option:* creation of an international forum under ‘BTWC auspices’ for scientists and professionals to exchange experiences, e.g., on best practices, safety standards, etc.
Industry stakeholdership

- **Should be built as part of the process to create a transparency-enhancing toolbox**
  - Early involvement in concept development
  - Part of the later negotiation process (e.g., CWC)

- **Why should the sector have interest?**
  - Legal obligations & responsibilities
  - Financial implications & other cost factors
  - Prevention of incidents
  - Reputation
    - E.g., chemical sector and CW programmes
    - Bio-sector: experience of bad publicity in handling GMOs & agricultural application
  - Sectorial interdependence & confidence in business partners
Issues to overcome

- BTWC: separation of norm and verification during treaty negotiations
  - Categorical statement of compliance with the norm; no interest in costly transparency & compliance tools => no stakeholdership
- Highly dynamic sector with many small & geographically mobile companies
- Business culture associated with venture capitalism
- Transnational dimension of activities
- Past involvement in building verification (AHG)
  - PhRMA position
  - Need to overcome trauma of the Pfizer ‘voluntary’ visit as part of the trilateral process (1994)
  - European industry: more flexible, but harder to convince?
Of ideas and roles…

- Clear need for innovative ideas
  - View BTWC as laboratory for future multilateral disarmament and arms control
  - Academic and NGO communities should shift from policy commentary to problem identification & solving, as well as formulating radically new ideas
    - Roles for various stakeholders
    - What is required is not a single solution, but multiple routes towards a solution → test them in practice
    - Need for broad, holistic concepts (vision), as well as detailed focus on specific issues
  - Foundations and other types of funders should once again make resources available to stimulate innovative thought in BW area
- Policy makers & diplomats are experts in the art of the possible
  - Let them do their job
Through the process of societal transformation engendered by developments in biology and biotechnology, we must *enlarge the field of the possible*.

To this end we must also *change the image of the possible* in our disarmament & arms control culture.
EU-ISS

On the web

www.iss.europa.eu

E-mail

jean-pascal.zanders@iss.europa.eu