

L'imagination au pouvoir

Seeing a future for BW disarmament

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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: 1st-party audits in several countries → universalise via CBM
 - Future: 3rd-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 stakeholder

- **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

L'imagination au pouvoir...

(Jean-Paul Sartre – May 1968)

- 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

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