L’imagination au pouvoir

Seeing a future for BW disarmament

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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 $\rightarrow$ 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.
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