CONFIDENCE, THE PROHIBITION AND LEARNING FROM THE PAST

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QUESTIONS

• What lessons can be learned about the contribution of CBM declarations to confidence from the past?
• Does transparency in CBMs promote confidence?
• What is ‘confidence’ anyway?
Biological Weapons Convention
Confidence, the prohibition and learning from the past

Summary
It is vital to re-examine how confidence in the Biological Weapons Convention (BWC) can be strengthened. To do this, we need to ask challenging questions about what limits the relevance of Confidence Building Measures (CBMs) and the need to identify what else is needed to establish and maintain confidence between states parties. This paper enables reflection on how those involved in the BWC process collectively assess issues affecting the convention. It focuses on the prevalence of defensive reasoning, which inhibits mutual trust and encourages defensive learning. It argues that instead of more of the same, alternative types of discussions needed to be nurtured.

THE BIOLOGICAL WEAPONS
Convention (BWC) seeks to completely and effectively prohibit the development, production and stockpiling of biological and toxin weapons. In recent years, many states parties to the convention have expressed some reservations about its achievements since 2001 and to future directions. It is the combination of this paper that is vital to re-examine how confidence in the Convention can be strengthened. In recent years much of the confidence of states parties has been eroded in terms of the limited engagement of states parties with confidence building measures (CBMs). Years of this engagement in international meetings, however, have largely not adequately improved these measures standing. As some have argued, it is now necessary to ask challenging questions about how limits the relevance of CBMs and is what else is needed to establish and maintain confidence among states parties. It is the purpose of this paper is to provide a broad overview and analysis of the four limits of confidence in the Convention, drawing on the experience of the BWC process.

In the BWC, the specific operational measures of CBMs have been contentious. What is required to improve confidence in the prohibition measures, and what is required to improve confidence in the verification measures, and what is required to improve confidence in the monitoring measures, and what is required to improve confidence in the verification measures, and what is required to improve confidence in the International Monitoring System. At the same time, specific operational measures of CBMs have been contentious. What is required to improve confidence in the prohibition measures, and what is required to improve confidence in the monitoring measures, and what is required to improve confidence in the International Monitoring System. At the same time, specific operational measures of CBMs have been contentious. What is required to improve confidence in the prohibition measures, and what is required to improve confidence in the monitoring measures, and what is required to improve confidence in the International Monitoring System.

While several cases could be used to illustrate the confidence that act in the BWC process, the arguments presented in the paper are supported through detailed examination of the cases of a number of small arms dealers or the use of biological weapons programmes. The arguments are that biological weapons are more likely to be used than small arms or a number of small arms dealers or the use of biological weapons programmes.
FINDINGS – A CONUNDRUM

The repeatedly stated purposes of CBMs: transparency and confidence building

Yet, Form F declarations recognized as incomplete and inaccurate – but that not collectively discussed

And yet, for some, this does not seem to be a source of significant concern in relation to transparency or the confidence placed in State Parties or the BWC

And yet more CBMs are still widely discussed as transparency and confidence builders.
Not speaking about the contents of declarations, and in particular declarations of past programmes, limits the contribution of CBMs towards ‘transparency and confidence’

BUT …
• Drawing attention to problems makes the speaker stand out; not doing so produces irrelevance
• No multi-lateral forum for open and robust discussions
• Outing - delegated to civil society organisations that find themselves in the same bind – criticism of states could lead to a loss of credibility (accusations of being unconstructive)
• Division between those in the know and those not
• Disempowerment
• ‘Us’ vs ‘them’ mentality and sequestration of issues to regional groups
For me having confidence in the BWC means…

I would have more confidence in the BWC if…
FOR ME, HAVING CONFIDENCE IN THE BWC MEANS…

...seeing evidence that SPs are complying fully with all their obligations, demonstrating their serious commitment to it and resourcing it properly

...that states are taking their obligation under the treaty seriously

mutual trust between State Parties and between State Parties and public
- publicly available compliance data
- international capacity to analyze this data

States genuinely want to reach consensus on solutions...rather than use it as a vehicles for the same tired arguments
I WOULD HAVE MORE CONFIDENCE IN THE TREATY IF…

States Parties prioritized it more

…I would have more confidence in the BWC if the ‘use’ of weapons was explicitly banned, along with all the uses that are not in conformity with the provisions of the Convention

Regional positions continue to become more flexible and more cross-regional linkages are made and nurtured thereby putting the interests of the Convention on a higher footing

SPs were prepared to think/act more imaginatively rather than repeating old/redundant concerns

if it were strengthened in a legally binding manner, and an implementing agency would be set up for that purpose
RESPONSE

CONSTRUCTIVE ENGAGEMENT

- Demonstration of intent to reach solutions
- Regional group flexibility
- Expand scope of engagement, who and what

INSTITUTIONAL STRENGTHENING

- Enabling decision making
- Universality
- Capacity building
- Analysis of CBMS

COMPLIANCE

- Engagement with content
- Multi-lateral forum for discussion
- Inspections
- Compliance testing through verification
- National implementation
- Consequences for non-compliance