



Strengthening the BTWC Treaty Regime

Enhancing the Security Benefits

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1. Mr President, Secretary-General Ogunbanwo, Distinguished Representatives, it is a great honour to be invited to make a statement to the Fourth Review Conference, which I am doing as CBW Project Leader of the Stockholm International Peace Research Institute (SIPRI). SIPRI has always been inextricably linked to the global research agenda of chemical and biological disarmament. From its inception thirty years ago SIPRI formulated the formidable goal of studying all aspects of chemical and biological warfare with the clear aim of freeing the world from the spectre that has haunted us all since the turn of the century. As SIPRI recognizes the growing importance of countering the threat posed by biological weapons (BW), SIPRI intends to increase its attention to BW in its research programme during the coming year. Some major publications are already planned, including a book on the history of BW up to 1945, which provides insight into how various states set up and maintained research, development and BW armament programmes and how they responded to the available information and intelligence about what their adversaries, or potential adversaries, were doing in this field. A second volume, scheduled for next year, deals with the arms control lessons learned from the United Nations Special Commission (UNSCOM) in Iraq.
2. The 1972 Biological and Toxin Weapons Convention (BTWC) was the first disarmament treaty in the true sense of the word. At present it is still the only one actually in force. It bans the development, production and stockpiling of an entire class of weapons, and orders the destruction of existing stocks. In addition, the BTWC has expressly declared the use of BW in war unlawful under all circumstances. This sets BW apart from other classes of weapons, such as nuclear and conventional arms. In its ‘Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons’ (8 July 1996), the International Court of Justice recognized that the UN Charter ‘neither expressly prohibits, nor permits, the use of any specific weapon, including nuclear weapons. A weapon that is already unlawful *per se*, whether by treaty or custom, does not become lawful by reason of its being used for a legitimate purpose under the Charter.’ In other words, the prohibition of BW employment is absolute.
3. Any country—whether developing or industrialized—will consider the security benefits from becoming a party to the BTWC. By becoming a state party, it will commit itself to the treaty regime and not to other states, irrespective of whether these have acceded to the BTWC or not. A treaty violation by a state party or a biological threat by a non-state party may create a highly asymmetrical security condition for another state party, which

must seek an appropriate response in alternative security measures conforming to its international treaty obligations. A state party indeed renounces biological warfare under all circumstances, including in-kind retaliation. The future of the BTWC treaty regime will largely depend on the success of the Review Conference and the Ad Hoc Group in devising a legally binding instrument to enhance the security benefits resulting from states being Party to the BTWC.

4. The treaty regime of the BTWC is still developing. Its greatest limitation is the absence of verification measures. This means that the security benefits from the treaty are less than they could be. The following events, among others, have placed a strain on the treaty regime and reduced the security benefits:
 - a. The lack of any formal verification mechanism was highlighted by the 1979 outbreak of anthrax near Sverdlovsk (now Ekaterinburg), which the West has persistently attributed to a prohibited military programme.
 - b. The repeated allegations of biological warfare in South-East Asia (the so-called yellow rain attacks) were never fully resolved.
 - c. In 1992 President Yeltsin acknowledged that the former Soviet Union, despite being a co-depositary of the convention, had continued a prohibited offensive BW programme.
 - d. Following the 1991 Gulf war, UNSCOM uncovered an extensive Iraqi offensive BW programme, although Iraq had been a signatory to the BTWC.
 - e. The UNSCOM findings proved the reality of BW proliferation. Growing awareness of the dangers of BW proliferation has led to the multilateral coordination of national export controls on BW materials and related dual-use equipment.
 - f. The March 1995 nerve agent attacks in the Tokyo underground and the subsequent realization that the religious sect responsible for them was also seeking BW have heightened awareness of proliferation to sub-state actors.
 - g. The 1993 Chemical Weapons Convention (CWC), which enters into force on 29 April 1997, sets high standards of verifiability, transparency and international cooperation. As the CWC includes toxins, which are also covered by the BTWC, there is an argument that the future regime for the BTWC should set a similar standard, although tailored for the specific characteristics of biological and toxin agents.
 - h. The global spread of knowledge and technologies for peaceful purposes continues to raise concern that these might be misused for prohibited objectives.

- i. The increasing world awareness of the outbreaks of emerging and reemerging infectious disease around the world places a greater demand on international cooperation for peaceful purposes.
5. The most important goals of the Review Conference and the Ad Hoc Group must undoubtedly be to strengthen the BTWC treaty regime and thereby improve the security benefits for all states parties from the regime. Without effective verification and transparency it is impossible for states to fully appreciate the security benefits offered by the BTWC treaty regime. Accords such as the BTWC are far more than arms control agreements. They are also arrangements under which states parties undertake to collaborate to prevent the transfer of agents and materials for prohibited purposes and to cooperate for the use of biotechnology for peaceful purposes.
 6. For states parties and prospective states parties to become more fully engaged in the regime-building process, measures should be taken to inform all concerned parties—whether governments, parliaments, the armed forces, industry, or scientists—of the security benefits gained from participating in the BTWC. Such educational processes need not consist of ambitious measures. Some possibilities are:
 - a. the organization of regional seminars, to which governmental representatives, members of parliament, diplomats, military as well as NGO experts are invited to inform and be informed about the security benefits of the BTWC even for a country that does not hold BW or faces no immediate BW threat. This is one area where the BTWC—with some small modifications—could draw on the experience gained from the CWC regime formation.
 - b. the organization of national seminars for governmental functionaries, representatives of industry and the sciences, to inform them of the international security concerns involved in their activities. Winning over their active participation and endorsement for the proposed BTWC treaty regime may be critical in establishing a sound and equitable verification system.
 - c. the organization of information dissemination. A good, not too expensive method might be the creation of an Internet web site, which is updated continuously. The information would be immediately available to all concerned parties. Besides the factual data, the Internet web site could contain information on developments directly or indirectly relevant to the BTWC treaty regime.

- d. These Internet web pages can also fulfill an important bridging function between the various areas in the world as specific needs and concerns can be made explicit to all interested parties.
 - e. The educational process can be stimulated by the development of dedicated educational modules for the Internet web site.
7. Mr President, Secretary-General Ogunbanwo, Distinguished Representatives, these are but some modest proposals to help the BTWC treaty regime formation forward. My organization, SIPRI, has a 30-year experience of building bridges between different countries to further the goal of disarmament. Therefore, with confidence, I conclude with a simple statement: It can be done. Thank you very much.