



# Strengthening the BTWC Treaty Regime

## Enhancing the Security Benefits

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1. Mr President, Mr Secretary-General, Distinguished Representatives, it is a great honour to be invited to make a statement to the Fifth Review Conference, which I am doing as Chemical and Biological Warfare Project Leader of the Stockholm International Peace Research Institute (SIPRI). SIPRI has always been closely linked to the global research agenda of chemical and biological disarmament. Since its inception 35 years ago SIPRI has studied all aspects of chemical and biological warfare with the aim of banning chemical and biological weapons (CBW). SIPRI has recognized the growing importance of countering the threat posed by biological weapons (BW). Since the Fourth Review Conference in 1996 SIPRI has increased its attention to BW in its research programme and has produced two major books on the history of biological warfare up to 1946 and on the process of strengthening the BTWC regime through the review conferences. A third book on the management of BTWC-relevant technology transfers in a proliferation environment is scheduled to be published in 2002.
2. The 1972 Biological and Toxin Weapons Convention (BTWC) was the first disarmament treaty in the true sense of the word. It bans the development, production and stockpiling of an entire class of weapons, and orders the destruction of existing stocks. In addition, the Fourth Review Conference, held in 1996, has interpreted Article I so that the use of BW in war is unlawful under all circumstances. This sets BW apart from other classes of weapons, such as nuclear and conventional arms.
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 party to the BTWC does indeed renounce biological warfare under all circumstances in times of peace and in times of war.
4. States have chosen to become party to the BTWC in the belief that mutual limitations of military capabilities will increase their security more than the continuation of unilateral security strategies, such as armament. The treaty regime of the BTWC is still developing and should continue to do so for a very long time. Its greatest limitation, however, is the absence of meaningful verification and transparency-enhancing measures. This means that the security benefits from the treaty are less than they could be. Some developments since the Fourth Review Conference have highlighted these shortcomings:
  - a. The 1993 Chemical Weapons Convention (CWC) entered into force on 29 April 1997. It 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 high standards, although tailored for the specific characteristics of biological and toxin agents.

- b. Following the 1991 Gulf War, the United Nations Special Commission on Iraq (UNSCOM) uncovered an extensive Iraqi offensive BW programme. In 1998 the UNSCOM inspections were suspended, but in its final reports it listed many unresolved issues with respect to BW programme. Iraq is now a full party to the BTWC and these unresolved issues raise serious concerns about Iraq's treaty compliance. The fact that the successor organization, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), has been prevented to start its mission is of deep concern.
  - c. The terrorist attacks of 11 September 2001 in New York and Washington have created a new sense of vulnerability throughout the world. The subsequent attacks with anthrax letters demonstrated the vulnerability of societies to terrorist strikes utilizing biological agents.
  - d. The ever increasing pace of developments in biotechnology, genomics, proteomics and related fields raises concern that these technologies could be misused for hostile purposes by making biological warfare agents more stable and predictable in their use, as well as lead to the development of new substances for biological warfare. The global diffusion of such knowledge and technologies for peaceful purposes leads to growing fear that they might be misused for prohibited objectives.
  - e. The inability of the Ad Hoc Group (AHG) to submit a report on its activities over the past five years to the Fifth Review Conference further increased awareness of the intrinsic weaknesses of the BTWC in the light of the rapid changes in the world.
  - f. The outbreaks of emerging and re-emerging infectious disease around the world place a greater demand on international cooperation for peaceful purposes.
5. The terrorist attacks of 11 September have taught us one thing: more than ever a state, however powerful, cannot ensure its security by itself. Reliance on defence alone is insufficient, because by the time defence measures can be activated, it may be too late. Therefore, even faced with the challenges of BW proliferation and terrorism with biological agents we remain convinced that *international cooperation* should form the heart of the global effort to meet these threats for the following reasons:
- a. The BTWC, with its core prohibitions on the development, production and possession of BW, impacts on the *motivation* to acquire BW, and not just on the BW acquisition process itself.
  - b. The BTWC is the first line of defence, because it seeks to *prevent* BW armament from taking place.
  - c. The BTWC creates common norms, obligations and responsibilities for all states parties.
  - d. International cooperation also creates common instruments to deal with proliferation and armament concerns.
  - e. In addition, international cooperation helps to establish common goals against terrorism.
6. In the face of the inability of the AHG to report to the Fifth Review Conference, the immediate future of the BTWC regime will largely depend on the success of this Review Conference. The most important goals of the Review Conference must undoubtedly be

- a. Reaffirmation and expansion of the understanding of the core prohibitions in the light of the changes in the international security environment and the developments in the scientific and economic fields relevant to the convention.
  - b. Reaffirmation of the obligations and rights of states parties under the BTWC.
  - c. Reaffirmation of the commitments of states parties to the confidence- and transparency-building mechanisms, as well as to the procedures for dealing with compliance concerns, agreed to at the previous review conferences.
  - d. Consideration should be given to *common* measures for states parties to increase the awareness of their nationals about the obligations of the BTWC and to deal with BW threats on the sub-state level. Some of these measures include the stimulation of the formulation of scientific and professional ethical codes and the translation of the BTWC obligations into domestic penal law.
  - e. Consideration should also be given to the establishment of an interim institutional setup to help states parties fulfil their undertakings with respect to the confidence- and transparency-enhancing mechanisms and national implementation legislation. (This is intentionally a stronger formulation than ‘any necessary measures’ as phrased in Article IV of the BTWC.) The experience of the implementation of the CWC has demonstrated the crucial role of the Organisation for the Prohibition of Chemical Weapons (OPCW) in assisting states parties with their reporting requirements and the formulation of national implementation legislation.
  - f. There is a need to reaffirm the mandate of the AHG with a view to ensuring the long-term viability of the BTWC. In order to achieve this goal it is critical for the states parties to determine now whether they wish to have a multilateral mechanism which acts to provide a high assurance that prohibited activities are not taking place, or whether they view the future agreement more as a confidence-building mechanism designed to enhance transparency.
7. Mr President, Mr Secretary-General, Distinguished Representatives, these modest ideas are intended to help the BTWC regime formation move forward. Please bear in mind that, while the negotiations are technical and complicated, they ultimately serve a moral imperative, namely to remove the scourge of biological warfare from this planet. Thank you very much.

## **SIPRI Resources**

### **Project web pages:**

<http://projects.sipri.se/cbw>

### **Educational module on CBW non-proliferation:**

<http://cbw.sipri.se>

### **CBW electronic discussion forum (registration):**

[http://projects.sipri.se/cbw/cbw\\_forum/index.html](http://projects.sipri.se/cbw/cbw_forum/index.html)