

# **Designing Verification**

## **Industry Participation In Biological Weapon Disarmament**

**Dr Jean Pascal Zanders**

EU Institute for Security Studies

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# Core goals of strategy discussion

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- **Explore verification options for the BTWC**
  - What type of verification? How to be organised & implemented?
  - Which areas need to be covered?
    - State-driven programmes (biodefence, armament, etc.)
    - Terrorism, criminal activities by groupings and individuals
    - Adequacy design and implementation of biosecurity & safety policies
    - Etc.
  - Who does what?
  - Where does the industry sector come into the picture?
  
- **Ambition: a vision of an outcome for the 7<sup>th</sup> Review Conference of the BTWC (2011)**
  - Determination of work programme for the next intersessional period (2012–16)
  - Organise annual meetings exploring verification strategies involving all stakeholders
  - View of decision on verification options at 8<sup>th</sup> Review Conference (2016) based on intersessional discussion outcomes

# The BTWC as keeper of the norm

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## ■ **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 3<sup>rd</sup> RevCon (1991)

## ■ **Intrinsically weak**

- No formal verification & compliance enforcement mechanisms
  - No international institution for implementation oversight and enforcement
  - Implementation Support Unit (ISU) supportive of annual processes, but no functional substitute for international organisation
  - Inability to incorporate verification tools into BTWC
    - CBMs, VEREX (1992–93), Ad Hoc Group (1995–2001)
- Slow process to deal with new challenges (scientific & technological developments; new actors)
- Ongoing frustration over unmet expectations in areas of security or development

# Addressing governance of BW prevention

- **Disarmament/arms control community:**
  - Logical point of entry: weapons and their application
    - Biological warfare (states) / terrorism / crime
  - For BTW: 1925 Geneva Protocol + 1972 BTWC + 1993 CWC
  
- **Possible alternative points of entry**
  - Prevention of disease (irrespective of origin of outbreak)
  - Preserving biology and biotechnology for peaceful purposes (societal advancement, economic development, health security, food security, etc.)
  - Environmental security (impact of accidental or purposeful introduction of organisms in new biotopes or of modified organisms)
  
- **How does the BTWC relate to these alternative points of entry?**
  - Prevention of *deliberate* disease (preparations + use via Geneva Protocol & Review Conference conclusions)
  - Bargain between Articles III and X vs. natural diffusion of technology, global trade and development
    - How relevant are they today for managing technology transfers?
    - Some developing countries have become net exporters of biotechnology
  - Biosecurity & biosafety, etc.

# A taste of who may be involved...

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- **Weapon control**
  - Multilateral agreements (Geneva protocol, BTWC, CWC)
  - Proliferation prevention arrangements (Australia Group, PSI, Global Partnership, etc.)
  - UN agencies: UNODA, 1540 Committee, UNEP, UNDA, etc.
- **Disease prevention**
  - WHO, FAO, OIE + their regional organisations/initiatives
- **Crime and terrorism**
  - UNSC Resolutions (1540, terrorism resolutions, etc.)
  - Interpol, Europol, etc.
- **International transfers**
  - WTO, WCO, etc.
- **Economic actors**
  - Companies (national, multinational, transnational)
  - Research institutions
  - Individuals

# Industry stake in the BTWC

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- **Legal obligations & responsibilities**
  - Article IV of the BTWC = domestication of international law  
(See background note on the BTWC process)
- **Financial implications & other cost factors**
  - Oversight and verification cost money and other resources
  - Industry can optimise verification routines
- **Prevention of incidents**
  - Biosecurity & safety
  - Illicit staff activities
- **Reputation**
  - E.g., chemical sector and CW programmes
  - Pharmaceutical industry has been implicated in past BW programmes
  - Bio-sector: experience of bad publicity in handling GMOs & agricultural application
- **Sectorial interdependence**
  - Research, development, manufacture
  - Many interrelated fields in biology and biotechnology involving different partners
- **Confidence in business partners; legitimacy of purpose of domestic and cross-border transactions**

# Issues to overcome *viz.* industry

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- **No stakeholdership**

- Separation of norm and verification during BTWC negotiations
- Categorical statement of compliance with the norm; no interest in costly transparency & compliance tools

- **Highly dynamic sector**

- Many small & geographically mobile companies
- Acquisitions and mergers

- **Business culture associated with venture capitalism**

- High degree of resistance to new regulation
- Comparable to the chemical sector and CW control in the 1920s

- **Transnational dimension of activities**

- **Past involvement in building verification (AHG)**

- PhRMA position (USA)
- Need to overcome trauma of the Pfizer 'voluntary' visit as part of the trilateral process (1994)

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[www.iss.europa.eu](http://www.iss.europa.eu)

■ E-mail

[jean-pascal.zanders@iss.europa.eu](mailto:jean-pascal.zanders@iss.europa.eu)