

Looking Ahead

The 2011 BTWC Review Conference and Beyond

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The Biological Weapons Convention, Biosecurity and the Industry
Seminar organised by the Federal Public Service Foreign Affairs of Belgium
Brussels, 8 June 2010

The BTWC as keeper of the norm

■ Strong norm

- Today, no state admits to BW programme & holdings
- Quasi universality: 164 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 enforcement mechanisms
 - No international institution for implementation oversight and enforcement
 - Implementation Support Unit (ISU) supportive of State Party activity, 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)
- On-going frustration over unmet expectations in areas of security or development

The BTWC is unverifiable

... verification, *in the sense in which the term is normally used in disarmament negotiations*, is not possible in either the chemical or the microbiological field. The difficulty, as far as the microbiological field is concerned, is that the *organisms* which would be used are required for medical and veterinary uses and could be produced quickly, cheaply and without special facilities either in established laboratories or in makeshift facilities.

UK statement (ENCD working paper, 6 August 1968)

Shifting expectations from verification

- **UK modest proposals of 1968-69**
 - Rejected in BTWC
 - 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

Verification-relevant practices not available in 1968

- Off-site & on-site inspections
- Obligation of transparency regarding state behaviour
 - Shared responsibility
 - Information exchanges
 - Past current practice of state secrecy is now taken as indicator of malevolent intent
- Expansion of state surveillance capacity
- Newly accepted practices of social control
 - Standards; best practices; ombudsmen; whistle-blowers
- Strong oversight and monitoring of industry practices and research activities
 - e.g., public health; safety and security standards; public funding; licensing; export control applications; BTWC CBM data collection, etc.
- Application of information and communication technologies (ICT)
 - Computerisation of activities
 - Large government databases holding information on private practices in certain sectors of activity
 - International communication practice: much relevant information publicly available on the Internet

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...

- **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

- **Legal obligations & responsibilities**
 - Article IV of the BTWC = domestication of international law
- **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

- **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)**

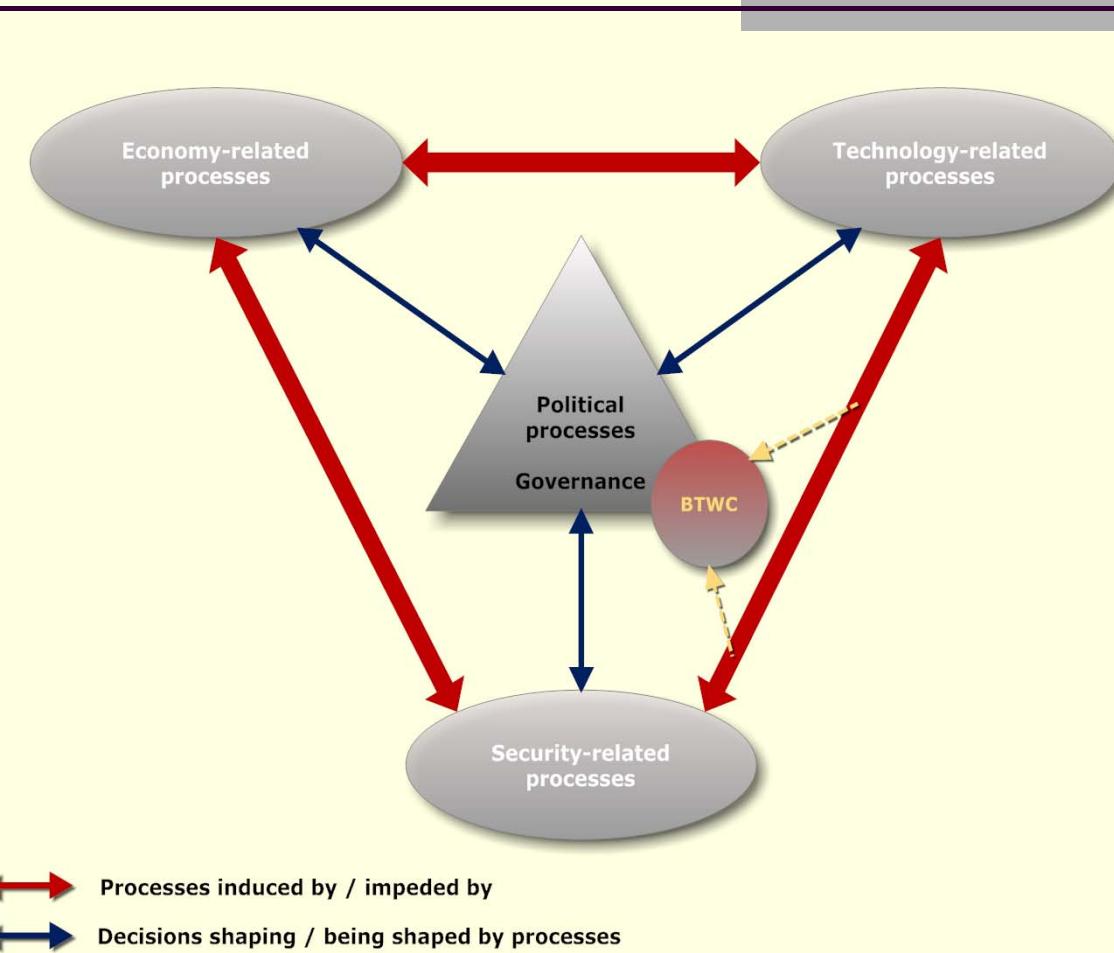
- PhRMA position (USA)
 - Need to overcome trauma of the Pfizer ‘voluntary’ visit as part of the trilateral process (1994)

- **However:**

- CWC & chemical industry: many fears did not come true
 - Practice of OPCW inspections has led to amelioration of procedure and process

BTWC & Future of Disarmament

- No unified model for governance of weapon control anymore
- New stakeholders and security actors
- Increased role of non-state national & transnational actors
- Declining role of states in shaping developments
- Shifting relative balances of powers (economy, politics, military) and multiple power centres
- Geographical decentralisation of business and industry activities
- South-south trade patterns and impact on technology diffusion
- Etc.



L'imagination au pouvoir...

(Jean-Paul Sartre – May 1968)

- 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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