Evolution of the BW Threat and Weapon Control Opportunities

Dr Jean Pascal Zanders
EU Institute for Security Studies

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The BTWC as keeper of the norm

- **Strong norm**
  - Today, no state admits to BW programme & holdings
  - Quasi universality: 165 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
  - 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
Areas for enhancing transparency

- **Biodefence programmes**
  - Problem of civilian (homeland) vs. military biodefence
    - Government agencies and private contractors are active in both areas
  - Problem of threat-based analysis
    - Source of discovery; source of uncertainty about purpose
  - Currently: 1st-party audits in several countries → universalise via CBM
  - Future: 3rd-party audits (international organisation or int. expert team)

- **Technology transfers**
  - Consideration that we have entered the post-proliferation phase
  - Certification processes?
  - ISO model with respect to building capacity

- **Allegations of BW use and unusual outbreaks of disease**
  - WHO/FAO/OIE investigations of all outbreaks
  - Special expert teams to intervene in case of report of suspicious nature of an outbreak?
    - International organisation or use of UN Secretary-General’s mechanism

- **Industry activities**
  - Involvement of industry (beyond biosafety & -security) still a challenge
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
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.
Addressing governance of BW prevention

- **Disarmament/arms control community:**
  - Logical point of entry: weapons and their application
    - Biological warfare (states) / terrorism / crime

- **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.
Multi-layered & overlapping networks as a future model?

- **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
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On the web
www.iss.europa.eu

E-mail
jean-pascal.zanders@iss.europa.eu