

Strengthening the Chemical Weapons Convention

First CWC Review Conference Background Paper

**Contributions from
Non-Governmental Organizations:
The Contributions of the
Department of Peace Studies of
the University of Bradford
to Strengthening the BTWC Regime**

August 2002

Series Editors

Graham S Pearson and Malcolm R Dando

Department of Peace Studies, University of Bradford

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**CONTRIBUTIONS FROM NON-GOVERNMENTAL ORGANIZATIONS:
THE CONTRIBUTIONS OF THE DEPARTMENT OF PEACE STUDIES OF THE
UNIVERSITY OF BRADFORD TO STRENGTHENING THE BTWC REGIME**

by Graham S. Pearson & Malcolm R. Dando

Introduction

1. The Department of Peace Studies of the University of Bradford, Bradford, West Yorkshire, United Kingdom has been engaged during the past six years in a project entitled Strengthening the Biological and Toxin Weapons Convention (BTWC) which has seen the preparation, production and distribution of four series of papers for the delegations of the States Parties to the BTWC:

- a. Key Points for the Review Conference
- b. Review Conference Papers
- c. Briefing Papers, and
- d. Evaluation Papers.

All of these papers together with much additional information on the BTWC are available at the Strengthening the Biological and Toxin Weapons Convention project website at:

<http://www.brad.ac.uk/acad/sbtwc>

As these series of papers on strengthening the BTWC are now being extended to provide a similar series of Review Conference Papers for the delegations of the States Parties to the Chemical Weapons Convention (CWC), this background paper has been prepared to provide an appreciation of the approach adopted in preparing such a series.

2. The objective throughout is to provide an authoritative and accurate analysis of the key issues that are being faced by the delegations of the States Parties and to provide recommendations as to how the regime can be effectively strengthened. As the papers are produced, they are generally presented and distributed to the delegations of the States Parties at meetings held in Geneva in the Palais des Nations. At the same time as their presentation, the papers are posted on the website at <http://www.brad.ac.uk/acad/sbtwc>

Style and Format

3. A consistent style and format have been adopted throughout in all of the papers produced. The papers are written for the members of the delegations of the States Parties to the BTWC and are prepared so as to facilitate their understanding and appreciation by their readers. Quotations are shown in italic script and references are provided in footnotes throughout the paper. Tabulations and figures appear within the text where appropriate. In essence, the aim is to provide all the necessary information to understand the paper on the relevant page thereby avoiding any necessity to turn to another page for the information required.

4. The style followed is to set out the issue in context using quotations from the relevant documents. The issue is then analysed and finally conclusions are drawn which, where appropriate, include suggested language.

Editors

5. The Series Editors have primarily been Graham S. Pearson, Visiting Professor in International Security at the Department of Peace Studies of the University of Bradford, author of "The UNSCOM Saga: Chemical and Biological Weapons Non-Proliferation" (1999) and previously Director-General and Chief Executive of the Chemical and Biological Defence Establishment at Porton Down, Salisbury, UK and Malcolm R. Dando, Professor of International Security at the Department of Peace Studies of the University of Bradford and author of "Biological Warfare in the 21st Century" (1994), "A New Form of Warfare: the Rise of Non-Lethal Weapons" (1996) and "Preventing Biological Warfare, The Failure of American Leadership" (2002).

Authors

6. Many of the papers in the series have been written by Graham S. Pearson and Malcolm R. Dando whilst others have been written by or jointly with other international experts notably including Nicholas A. Sims, a Senior Lecturer in International Relations in the Department of International Relations at the London School of Economics and Political Science of the University of London; Ian R. Kenyon, Visiting Senior Research Fellow, Mountbatten Centre for International Studies in the Department of Politics at the University of Southampton and previously Executive Secretary of the Preparatory Commission for, and Head of the Provisional Technical Secretariat of, the Organisation for the Prohibition of Chemical Weapons, The Hague, Netherlands; Julian Perry Robinson, Sussex Director, Harvard-Sussex Program, Science & Technology Policy Research Unit in the University of Sussex at Brighton; Roque Monteleone-Neto, Departamento de Informática em Saúde in the Universidade Federal de São Paulo at São Paulo, Brazil; Philip van Dalen, Division of Immunological and Infectious Diseases in TNO Prevention and Health in Leiden, the Netherlands; Daniel Feakes, Researcher, Science & Technology Policy Research Unit in the University of Sussex at Brighton; and Mark Wheelis, Senior Lecturer in Microbiology in the Division of Biological Sciences at the University of California, Davis, California.

Strengthening the Biological and Toxin Weapons Convention Series

7. *Key Points for the Review Conference.* The first such briefing book was produced for the Fourth Review Conference in 1996. The substantive elements of the Agenda for the Fourth Review Conference were:

10. *Review of the operation of the Convention as provided for in its Article XII*

a. *General Debate*

b. *Articles I - XV*

c. *Preambular paragraphs and purposes of the Convention*

11. *Consideration of issues identified in the review of Article XII contained in the Final Declaration of the Third Review Conference and possible follow-up action.*

12. *Consideration of the work of the Ad Hoc Group established by the Special Conference in 1994.*

The briefing package was prepared so as to address each of the substantive elements of the Agenda for the Review Conference in turn. Individual papers written by the editors and other invited authors consider each Article of the Convention in turn, then the preambular paragraphs, the issues identified in the review of Article XII at the Third Review Conference and then finally the work of the Ad Hoc Group established by the Special Conference in 1994. A similar approach has been adopted throughout: each paper starts by recapping on the outcome of the Third Review Conference in regard to the subject of the particular paper and then reporting factually on the developments that have taken place during the past five years. The key issues that States Parties are likely to consider at the Fourth Review Conference are then identified and language for the Final Declaration of the Fourth Review Conference suggested. Each paper includes references as appropriate. For ease of reference, the text of the Convention was included as Appendix I, the Final Declaration of the Third Review Conference as Appendix II and the Annex to the Final Declaration on Confidence-Building Measures as Appendix III.

8. The second such briefing book was produced for the Fifth Review Conference in 2001. It followed the same approach with individual papers considering each Article of the Convention in which the outcome of the Fourth Review Conference is recapped in regard to the subject of the particular paper, then the developments that have taken place during the past five years are summarised before identifying the key issues that States Parties are likely to consider at the Fifth Review Conference and ending with proposed language for the Final Declaration of the Fifth Review Conference.

9. *Review Conference Papers.* A new series of papers commenced in March 2001 which have been prepared for the delegations of the States Parties participating in the Review Conference of the Biological and Toxin Weapons Convention. These are single issue papers which consider key topics of relevance to the Review Conference. The issue is first set in context, then the issue is analysed and then conclusions and recommendations drawn which include, where appropriate, proposed language for inclusion in the Final Declaration of the Review Conference. Thus far, six Review Conference Papers have been prepared, posted on the Bradford website at <http://www.brad.ac.uk/acad/sbtwc> and presented and distributed in Geneva to the delegations of the States Parties:

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|---|--------------|
| 1. The Fifth BTWC Review Conference: Opportunities and Challenges | March 2001 |
| 2. The Functions of the BTWC Review Conferences: Maximizing the Benefits from the Fifth Review Conference | April 2001 |
| 3. New Scientific and Technological Developments of Relevance to the Fifth Review Conference | July 2001 |
| 4. The US Statement at the Fifth Review Conference: Compounding the Error in Rejecting the Composite Protocol | January 2002 |
| 5. Return to Geneva: The Next Stage of the BTWC Fifth Review Conference | April 2002 |
| 6. Return to Geneva: The United Kingdom Green Paper | June 2002 |
| 7. Return to Geneva: A Comprehensive List of Measures | August 2002 |

10. *Briefing Papers.* A series of briefing papers commenced in July 1997 which have been prepared for the delegations of the States Parties participating in the Ad Hoc Group negotiations of a legally-binding instrument to *strengthen the effectiveness and improve the implementation* of the Biological and Toxin Weapons Convention. These briefing papers have considered key issues of relevance to the Ad Hoc Group negotiations. In each case, the approach taken is to set the issue in context, provide relevant factual information then analyse the issue before drawing conclusions and recommendations which include, where appropriate, proposed language for use in the Ad Hoc Group documentation. Thus far, 33 Briefing Papers have been prepared, posted on the Bradford website at <http://www.brad.ac.uk/acad/sbtwc> and presented and distributed in Geneva to the delegations of the States Parties:

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| 1. The Importance of On-Site Investigations | July 1997 |
| 2. The Necessity for Non-Challenge Visits | September 1997 |
| 3. Discriminating Triggers for Mandatory Declarations | September 1997 |
| 4. National Implementation Measures | January 1998 |
| 5. An Optimum Organization | January 1998 |
| 6. Article X : Some Building Blocks | March 1998 |
| 7. Article X : Further Building Blocks | March 1998 |
| 8. Article X : Pharmaceutical Building Blocks | July 1998 |
| 9. Article X : Specific Measures to Achieve Implementation | July 1998 |
| 10. The Strengthened BTWC Protocol : An Integrated Regime | July 1998 |
| 11. The CWC Verification Regime : Implications for the
Biotechnological and Pharmaceutical Industry | July 1998 |
| 12. Article III : Some Building Blocks | October 1998 |
| 13. Article III : Further Building Blocks | October 1998 |
| 14. National Implementation Measures : An Update | October 1998 |
| 15. Non-Compliance Concern Investigations: Initiation Procedures | October 1998 |
| 16. The BTWC Protocol Implementation: Practical Considerations | October 1998 |
| 17. The Strengthened BTWC Protocol : Implications for the
Biotechnological and Pharmaceutical Industry | October 1998 |
| 18. Visits: An Essential and Effective Pillar | January 1999 |
| 19. The Future BTWC Organization: Observations from
the OPCW | January 1999 |
| 20. Visits: An Essential Portfolio | April 1999 |
| 21. Outbreaks of Disease: Current Official Reporting | April 1999 |
| 22. Article VII Measures: Optimizing the Benefits | July 1999 |
| 23. BTWC Security Implications of Human, Animal and Plant
Epidemiology | July 1999 |
| 24. Outbreaks of Disease: Current European Reporting | September 1999 |
| 25. The Emerging Protocol: An Integrated Reliable and
Effective Regime | September 1999 |
| 26. Visits: The Emerging Portfolio | November 1999 |
| 27. The Emerging Protocol: A Quantified Evaluation | |

of the Regime	November 1999
28. The BTWC Protocol: Improving the Implementation of Article III of the Convention	January 2000
29. Maximizing the Security Benefits from International Cooperation in Microbiology and Biotechnology	July 2000
30. Draft Resolution Establishing the Preparatory Commission for the Organization for the Prohibition of Biological Weapons	July 2000
31. The CWC Paris Resolution: Unresolved Issues	July 2000
32. Scientific and Technical Implications of the Implementation of the BTWC Protocol	November 2000
33. The BTWC Protocol: Improving the Implementation of Article III of the Convention: Pragmatic Considerations	February 2001

11. *Evaluation Papers.* Starting in July 1999, a series of evaluation papers have been prepared for the delegations of the States Parties participating in the Ad Hoc Group negotiations of a legally-binding instrument to *strengthen the effectiveness and improve the implementation* of the Biological and Toxin Weapons Convention. It was evident in July 1999 that several Articles in the draft Protocol were then largely agreed and would not develop significantly from their current form although a certain amount of restructuring might be agreed at a later stage. Consequently, evaluation papers were prepared to evaluate the individual Articles and Annexes of the Protocol as they reached the stage at which they are largely agreed. As the text of the Protocol approached completion in 2000, three evaluation papers (Evaluation Papers Nos. 17, 18 & 19) were produced which proposed a complete text. Following the introduction in March 2001 of the Chairman's composite Protocol text, two evaluation papers (Evaluation Papers Nos. 20 & 21) have analyzed and evaluated this text and the costs and benefits to States Parties in adopting this composite Protocol text. Thus far, 21 Evaluation Papers have been prepared, posted on the Bradford website at <http://www.brad.ac.uk/acad/sbtwc> and presented and distributed in Geneva to the delegations of the States Parties:

1. The BTWC Protocol: An Overall Evaluation	July 1999
2. Article X: National Implementation Measures	July 1999
3. Articles XVI, XVII, XVIII, XIX and XXIII: Status of the Annexes and Appendices, Signature, Ratification, Accession and Authentic Texts	September 1999
4. Article XV: Duration and Withdrawal	September 1999
5. Article XX: Entry into Force	September 1999
6. Article XXI: Reservations	September 1999
7. Article XXII: Depositary/ies	September 1999
8. Article V: Measures to Redress a Situation and to Ensure Compliance	November 1999
9. Article XI: Relationship of the Protocol to the BTWC and Other International Agreements	November 1999
10. Article XII: Settlement of Disputes	November 1999

11. Article XIII: Review of the Protocol	November 1999
12. Article XIV: Amendments	January 2000
13. Article VI: Assistance and Protection Against Biological and Toxin Weapons	January 2000
14. Article IX: The Organization	January 2000
15. Preamble	March 2000
16. Article IV: Confidentiality Provisions	March 2000
17. The BTWC Protocol: Proposed Complete Text for an Integrated Regime	March 2000
18. The BTWC Protocol: Revised Proposed Complete Text for an Integrated Regime	July 2000
19. The BTWC Protocol: Proposed Complete Text for an Integrated Regime	September 2000
20. The Composite Protocol Text: An Effective Strengthening of the Biological and Toxin Weapons Convention	April 2001
21. The Composite Protocol Text: An Evaluation of the Costs and Benefits to States Parties	July 2001
22. The US Rejection of the Composite Protocol: A Huge Mistake based on Illogical Assessments	August 2001

Conclusions

12. The Department of Peace Studies of the University of Bradford has prepared, produced, presented and distributed four series of papers for the delegations of the States Parties to the Biological and Toxin Weapons Convention:

- a. Key Points for the Review Conference
- b. Review Conference Papers
- c. Briefing Papers, and
- d. Evaluation Papers.

These papers have been written for the members of the delegations of States Parties and set out the issue being addressed, provide factual information and then analyse the issue before concluding with recommendations which, where appropriate, have included proposed language.

13. The objective throughout is to provide an authoritative and accurate analysis of the key issues that are being faced by the delegations of the States Parties and to provide recommendations as to how the regime can be effectively strengthened. These series of papers on strengthening the BTWC are now being extended to provide a similar series of Review Conference Papers for the delegations of the States Parties to the Chemical Weapons Convention (CWC).