

THE IMPORTANCE OF THE BTWC FOR AFRICA AND THE ROLE OF AFRICAN STATES IN MULTILATERAL DISARMAMENT INITIATIVES

NOBUYASU ABE

The Biological and Toxin Weapons Convention (BTWC) will celebrate the thirtieth anniversary of its entry into force on 26 March 2005. When opened for signature in 1972, it was hailed as the first multilateral disarmament treaty to ban the production and use of an entire category of weapons. Recent developments, such as the attempts by the Aum Shinrikyo to acquire and use biological weapons and the anthrax incidents in the United States, underscored the threat of biological weapons and the need to counter their use not only by traditional state actors but also by terrorists and other non-state actors.

For most African states, the threat of weapons of mass destruction (WMD), including biological weapons, does not seem to be of a high priority. A review of the list of BTWC states parties and signatories would appear to bear this out. Eleven African states remain outside the BWC, while ten others that have signed the BWC have not ratified it. These numbers are conspicuously higher than those of other regions, suggesting that the BWC is not the focus of concern for many African states. The possibility of terrorists and non-state actors acquiring WMD materials, including BW materials, is a global concern and African states are certainly not immune from it. As the United Nations Secretary-General has said, maintenance and strengthening of multilateral disarmament and non-proliferation regimes are effective ways of reducing the danger of WMD.

The international community, therefore, needs to strive for universal adherence to, full compliance with, and effective implementation of, the existing multilateral agreements in this area. Increasing the number of African states parties to the BTWC would bring the convention closer to universality and send a strong message that the issue of biological weapons is truly a global concern and Africa and the rest of the international community are united in grappling with it. The international community, regardless of region, would benefit from the security provided by a strengthened BTWC regime.

The mere signing of the BTWC does not necessarily serve its objectives. The political commitments of the states parties embodied in their signatures should be accompanied by full and effective implementation of the treaty's provisions. This is a daunting task for the states parties to the BTWC. Apart from national implementation measures, currently two ongoing multilateral processes are aimed at covering this deficiency, namely confidence-building measures and the process deriving from the decisions taken at the Fifth BTWC Review Conference in 2002.

The confidence-building measures (CBMs) agreed at the Second Review Conference of the Parties to the BWC in 1986 and amended at the Third BTWC Review Conference in 1991 are aimed at preventing or reducing ambiguities, doubts and suspicion and thereby improving

international cooperation in the field of peaceful bacteriological (biological) activities. To this end, states parties annually submit information on research centres and laboratories specialising in biological activities; national bio-defence research and development programmes; outbreaks of infectious diseases; the results of biological research related to the BTWC; and knowledge gained from such research. States parties provide information on activities to promote contacts between scientists and experts in the area of biological research and make declarations on national legislation and regulations on the activities prohibited by the BTWC, past offensive and defensive biological research, development programmes, and vaccine production facilities. This information is compiled and distributed by the United Nations Department for Disarmament Affairs to the BTWC states parties. To date, overall participation in the CBMs has not been satisfactory, with only 88 states parties having submitted their replies. This is understandable, as many states parties have nothing to declare or report. This may certainly be true of states parties in Africa. But it is important to note that the greater the number of CBMs submissions, the easier it is for the CBMs to build confidence and promote transparency among states parties. Since the initiation of the CBMs, only six African states parties have submitted CBM information. Greater participation by African states parties in the CBM exercise would definitely make it more relevant and meaningful, even if an individual state submits a report confirming that there is nothing to declare.

The second ongoing multilateral process derives from the decision taken at the Fifth BWC Review Conference in 2002. Pursuant to this decision, annual meetings of states parties and meetings of experts have been convened since 2003 and will continue in 2005 prior to the review conference in 2006. These meetings will continue to discuss and promote a common understanding and effective action on five specific subjects.¹ Developing countries, such as those in Africa that are states parties, are concerned that technical cooperation in the peaceful uses of biological agents and technologies is not included in the agenda of the annual meetings. Although article X of the BTWC

covers technical cooperation in the peaceful use of biological agents and technologies, to date such cooperation has been left to the individual states parties to undertake through voluntary agreements and initiatives. This key concern will surely be raised at the Sixth BTWC Review Conference in 2006.

At the 2003 BTWC Experts Meeting there were discussions on technical cooperation and expert assistance relating to national implementation measures, the enactment of relevant legislation and a national mechanism for the security and oversight of pathogens and toxins. The lack of expertise and experience of some states parties was identified as one of the key reasons for the differing levels and quality of national implementation measures taken so far. The need for expert assistance to overcome the technical difficulties experienced by those states parties was stressed at the meetings. In response, some states parties offered technical assistance / expert advice and distributed lists of experts whose services could be made available to those requiring technical assistance. At the 2003 annual meeting, it was agreed that states parties in a position to do so would provide legal and technical assistance to others requesting it in order to develop their own legislation and controls in the areas of national implementation and bio-security.² Such exchanges of information and technical assistance would be of great interest to African states parties. The United Nations Secretary-General's Advisory Board also recognised the need for greater international cooperation and recommended that 'there should be an organized effort by countries in a position to do so to offer assistance in further national implementation efforts by countries in need of such assistance on a voluntary basis', and that 'efforts should be made at global, regional and national levels'.

In 2004 the annual and expert meetings discussed the strengthening of surveillance, detection, diagnosis and combating of infectious diseases as well as the response to investigating and mitigating the effects of alleged use of biological weapons or suspicious outbreaks of disease. At the annual meeting, states parties recognised the importance of cooperation and support at national and international levels in containing and suppressing outbreaks of

infectious disease. In addition, they agreed on the value of improving, wherever possible, national and regional disease surveillance capabilities, and assisting and encouraging other states parties to do the same.³ States parties recognised that their national preparedness and arrangements could substantially contribute to international response capabilities for investigating and mitigating the effects of cases of alleged use of biological weapons or suspicious outbreaks of disease. They agreed on the need to continue the development of their own national capacities in these areas, in cooperation with the relevant international and regional organisations and to assist and encourage other states parties to do the same. The states parties agreed on the need for the Sixth BWC Review Conference to discuss the provision of assistance to states parties in cases of alleged use of biological weapons or suspicious outbreaks of disease.⁴

I may also refer to the recommendations made recently by the United Nations Secretary-General's High-Level Panel on Threats, Challenges and Change. It referred to 'the potential international security threat posed by the international release of an infectious biological agent or an overwhelming natural outbreak of an infectious disease' and recommended that the Security Council should consult the WHO director-general to establish the necessary procedures for working together in the event of a suspicious or overwhelming outbreak of infectious disease.⁵

Although not directly related to article X of BTWC, the discussions on technical cooperation in specific areas covered by the BTWC at experts and annual meetings will, it is hoped, help in promoting article X issues in the future, particularly at the Sixth BTWC Review Conference in 2006. This would benefit the African states parties that may need access to biological technologies for prophylactic purposes as well as industrial and social development. In this connection, I encourage active participation of the African states parties in the experts and annual meetings as well as in the preparation process for the 2006 Review Conference.

Needless to say, article X must be implemented in parallel with other articles of the convention in order to ensure that biological agents and technologies are not used in activities

running counter to the objectives of the BTWC, especially when WMD proliferation and terrorism are considered serious security concerns for the international community. Experts meetings and annual meetings both offered valuable opportunities for information exchange and interactions on the five subjects that are relevant to the issues of preventing proliferation and terrorist use of biological agents and technologies. Although these meetings do not have a negotiation mandate on an implementation mechanism, they could facilitate national efforts in each of the five areas. Active participation in and contribution to the annual meeting process by the African states parties would be the best way to demonstrate their commitment to the strengthening of the BWC regime, as well as to the fight against BW proliferation and terrorism. Actions to this end at national and regional levels by the African states parties, as an integral part of the BTWC regime, are indispensable if the BWC is to fulfil its goals. By doing so, the African states parties would gain the confidence of the other states parties. This, in turn, could lead to the nurturing of cooperative relationships with states parties in a position to offer technical assistance and thus open up further possibilities to implement article X in ways that are satisfactory to all parties.

I discussed the importance of the BTWC for Africa and the contribution Africa could make to strengthen it. Most of the subjects covered in doing so are applicable to any disarmament and non-proliferation treaty or regime. Over the last few years the threat of WMD has been highlighted by acts of non-compliance, clandestine markets dealing in WMD materials and terrorists seeking WMD materials. Multilateral disarmament and non-proliferation regimes, however, have not been fully utilised or pursued in meeting these challenges. Instead, their validity has been called into question at the very time these regimes need to be strengthened, leaving international efforts to fall far short of our expectations. The purpose of disarmament and non-proliferation is to maintain and ensure international peace and security as a basis for stability and development for all. Africa, an integral part of the international community, therefore, has the responsibility and right to fully participate in this global endeavour.

Notes

- 1 (i) The adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation;
 - (ii) National mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins;
 - (iii) Enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of diseases;
 - (iv) Strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animal, and plants;
 - (v) The content, promulgation, and adoption of codes of conduct for scientists.
- 2 BWC/MSP/2003/4 (vol 2), part II.
 - 3 BWC/MSP/2004/3.
 - 4 Ibid.
 - 5 A/59/565.