

This is one of a series of complementary papers submitted by the EU Member States for the consideration of States Parties. [A reference to the outcome of third country alignment procedure will be added.]

## **EU Paper on “Increasing universal adherence to the BTW Convention”**

1. The European Union considers the Biological and Toxin Weapons Convention (BTWC) a key component of the international non-proliferation and disarmament framework and the cornerstone of efforts to prevent biological agents and toxins being developed and used as weapons.

All 25 Member States of the European Union and 2 Acceding Countries are Party to the Biological and Toxin Weapons Convention, which prohibits an entire class of weapons of mass destruction (WMD) which could potentially cause significant damage to civilisation.

The Strategy against the proliferation of WMD adopted in December 2003, and Common Position 805 of 17 November 2003, clearly indicate the EU’s commitment towards the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of WMD and their means of delivery, including the BTWC. The EU has also agreed to integrate its non-proliferation concerns into its dialogue with other States including through the addition of a non-proliferation clause in agreements with third countries.

2. UN Security Council Resolution 1540/2004 (extended by Resolution 1673(2006)) – “affirming its support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons”, and welcoming efforts in this context by multilateral arrangements which contribute to non-proliferation – calls upon all States, inter alia, to promote the universal adoption and full implementation of multilateral treaties to which they are Party, including the BTWC, the aim of which is to prevent the proliferation of WMD.

So far, while the membership of the BTWC may seem quite high (155 States), it remains nonetheless significantly lower than membership of the Non-Proliferation Treaty or of the Chemical Weapons Convention.

3. Therefore, with Common Position 2006/242/CFSP of 20 March 2006 - adopted in preparation for the Sixth BTWC Review Conference - the European Union reiterated its priority of fostering universal adherence of all States to the Convention, including calling on all States not Party to adhere to the Convention without further delay and to commit legally to the disarmament and non-proliferation of biological and toxin weapons.

Pending their adherence to the Convention, the EU encourages such States to participate as observers in the meetings of States Party to the BTWC and in the BTWC Review Process and to implement its provisions on a voluntary basis.

4. And further, on 27 February 2006, the European Union adopted a Joint Action to support, inter alia, the universalisation of the BTWC and, in particular, to promote accession by States not Party (signatory as well as non-signatory States) through regional and sub regional workshops. Five of them will be organised in 2006 - respectively in West and Central Africa, in Eastern and Southern Africa, in the Middle East, in Asia and in the Pacific Islands, in Latin America and in the Caribbean - with the aim of encouraging greater membership (and thereby enhanced implementation of the BTWC) and to explain the benefits and consequences of adhering to the

Convention.

An additional goal of those initiatives will be to understand the obstacles to membership and the possible needs of States not Party to the BTWC and, if needed, to offer technical (administrative and legal) assistance to facilitate their accession to the treaty.

As security in Europe is closely linked to security and stability in the Mediterranean, the European Union attaches special importance to the issue of BTWC universalisation in that area.

5. In this perspective, the European Union firmly believes that the universalisation of the BTWC alone is not sufficient and it must be accompanied by full national implementation of all its obligations and provisions by all States Parties, including those which adhere in the future. Global adherence to the BTWC without strict national implementation risks creating an empty shell that would not serve the goals of the Convention.

That is why the above mentioned Joint Action also aims at providing assistance (including through visits of EU experts) to States Parties to the BTWC in order to help them to ensure that they transpose the international obligations of the Convention into their national legislation and administrative measures by:

- adoption of national legislation, including penal legislation, which encompasses the full scope of the prohibitions of the Convention;
- effective regulations or legislation to control and monitor transfers of relevant dual-use technologies;
- effective implementation and enforcement to prevent violations and to sanction breaches.

6. In the process of preparation for the Sixth Review Conference, the European Union has also been carrying out démarches supporting BTWC universalisation vis-à-vis countries which have not yet signed or ratified the Convention, stressing the following political, security and economic benefits to be derived from early accession to the BTWC:

- politically, it demonstrates that a State is a responsible member of the international community, committed to all obligations of the BTWC and multinational efforts to prevent BW terrorism;
- it offers security benefits since each State Party undertakes to provide or support assistance to any Party to the Convention which so requests, if the UN Security Council decides that such Party has been exposed to danger as a result of violation of the Convention;
- it offers economic benefits to States Party by participating in the exchange of equipment, materials and information for the use of biological agents for peaceful purposes;
- it encourages international scientific cooperation in further development and application of scientific discoveries, in bacteriology and other relevant fields, for peaceful purposes;
- it fosters compliance with UN Security Council Resolution 1540/2004, which calls upon States, inter alia (paragraphs 8(a) and (c)), “to promote the universal adoption and full implementation...of multilateral treaties ....whose aim is to prevent the proliferation of nuclear, biological and chemical weapons” and “to renew and fulfil their commitment to multilateral cooperation, in particular within the framework of ....the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes”.

In that framework, the European Union continues to note with great concern that, notwithstanding the importance of the BTWC as an instrument for promoting peace and security and the benefits deriving from swift accession to it, 16 States have signed but not ratified it, while 24 countries have not yet signed it (listed in Annex A).

Against this background, the European Union deems it necessary for the Review Conference to call on States Parties to the BTWC to promote and intensify diplomatic activities to encourage States not Party to adhere to the Convention without delay and, further, to foster increased adherence to the BTWC the European Union believes that the Sixth Review Conference should

consider adopting a Universality Strategy to promote increased adherence to the Convention. The Strategy would consist of the following actions:

- a) establishment, of a network of national (and regional) BTWC “points of contact” inter alia to facilitate implementation of this Universality Strategy. These points of contact would be established on an informal basis. States Parties are requested to inform other States Parties and the UN DDA-based BTWC secretariat of their "points of contact" and to keep their information up to date if/as details change; EU Member States have established such contact points and these are listed in Annex B to this paper;
- b) effective promotion of universality of the BTWC by its States Parties in all relevant fora, including in regional, sub-regional and relevant international organisations, and where practicable undertaking joint activities with such organisations;
- c) as part of an intersessional process, development of measures to assist States ready to join the Convention in their national preparation for implementing it;
- d) in bilateral contacts with States not Party, promoting accession or ratification of the BTWC and offering bilateral assistance visits to States that are ready to become a Party to the Convention to assist them with this effort;
- e) regional and sub-regional seminars and workshops to promote the object and purpose of the Convention, inform prospective States Parties of the obligations under the Convention and outline available assistance for both accession and national implementation measures;
- f) establishment and implementation of measures to increase awareness of the Convention, and of the work of the BTWC, including publications in official languages of the final documents of the intersessional activities and of the Review Conferences;
- g) promotion of the BTWC by its States Parties in bilateral, regional and other agreements with States not Party, using tools such as the EU WMD clause.

States Parties are encouraged to implement the above measures that they are able to undertake and to coordinate their implementation to achieve maximum effectiveness with other States Parties through the sharing of information via the United Nations Department for Disarmament Affairs BTWC secretariat.

Further, the EU believes that the effectiveness and utility of this Universality Strategy should be assessed by the States Parties at the Seventh Review Conference of the BTWC in 2011. Intermediate evaluations and stocktaking of progress achieved in promoting the BTWC could be undertaken during any intersessional meetings of States Parties before that Conference.

**Biological and Toxin Weapons Convention****As of 29 August 2006, 16 States have signed but not ratified:**

1. Burundi
2. Central African Republic
3. Côte d'Ivoire
4. Egypt
5. Gabon
6. Guyana
7. Haiti
8. Liberia
9. Madagascar
10. Malawi
11. Myanmar (Burma)
12. Nepal
13. Somalia
14. Syrian Arab Republic
15. United Arab Emirates
16. United Republic of Tanzania

**As of 29 August 2006, 24 States have not signed:**

1. Andorra
2. Angola
3. Cameroon
4. Chad
5. Comoros
6. Cook Islands
7. Djibouti
8. Eritrea
9. Guinea
10. Israel
11. Kazakhstan
12. Kiribati
13. Marshall Islands
14. Mauritania
15. Micronesia (Federal States of)
16. Montenegro
17. Mozambique
18. Namibia
19. Nauru
20. Niue
21. Samoa
22. Trinidad and Tobago
23. Tuvalu
24. Zambia

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