

## **WORKING PAPER ON THE UNIVERSALITY OF THE BWC**

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### **I. Analysis of the Universality of the BWC**

1. The steps towards universality of the BWC do not compare with the progress made towards universality of the NPT or CWC, neither in terms of the number of States Parties (quantitatively) nor the level of implementation (qualitatively). Although the causal relationship between these two factors is not clear, it seems that they are mutually reinforcing.

### **II. The Rationale for Universality**

2. Achieving universality will lower the level of security threat to all States Parties. This disarmament treaty bans as well as delegitimizes an entire class of weapons of mass destruction (BW), depriving States Parties of their right to develop, possess, or use such weapons. If universality is not achieved, biological threat by a non-Party can always undermine the security of any State Parties and this could discourage current non-Parties from joining the Convention.

3. If the status of universality remains at the current level, two new problems may be encountered: an increasing threat from advances in biotechnology and new diseases, and possible loss of confidence in the Convention itself – which risks undermining its effectiveness.

### **III. Why do States Parties Fail to Achieve Universal Adherence to the BWC?**

4. Generally speaking, there are two potential benefits from accession to the BWC membership: security and economic. The security benefits come from the removal of all biological weapons from the globe, and this is the primary purpose and benefit of the BWC. The economic benefits emanate from increased cooperation in the peaceful uses of biotechnology.

5. However, it appears that joining the BWC has not invited a full sense of security due to the shortcomings inherent in the Convention. These include the difficulty

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of ensuring full implementation and compliance by States Parties, which undermines the effectiveness of the treaty in dealing with biological threats. This may have deterred many prospective Parties from joining the BWC. (Perceived Ineffectiveness of the Convention)

6. Secondly, some non-Parties may have been hesitant to join the BWC as there are no significant economic benefits relative to the cost of implementation. (Lack of Incentives for Participation)

- ( i ) Although Article X has been faithfully implemented by most of States Parties with the capacity to do so, some hold the view that there may be room for further cooperation.
- ( ii ) As a longer term issue, non-Parties may lose interest in joining the BWC if they believe that the cost of implementation remains higher than the cost of not joining.

7. The two factors set out above – the perceived ineffectiveness of the Convention and the lack of incentives for participation – together stand as mutually reinforcing impediments to universality. The low level of institutionalization, which is also a factor in this, further hinders effective communication and cooperation among the States Parties.

#### **IV. Options for Achieving Universality**

8. There is a need to devise an incentive structure, consisting of security and economic incentives, with a view to achieving the universality of the Convention.

9. The security guarantee obtained by joining the Convention should be bolstered.

- ( i ) Transparency should be strengthened through reinforced confidence-building measures, given that a compliance mechanism for the BWC is not likely to be put in place in the near future.
- ( ii ) The new process should be extended beyond the 6th Review Conference and further intensified by establishing meetings for substantive discussions and the sharing of information on biological weapons and terrorism.

10. There is a need to ensure absolute gains from the Convention, including economic benefits.

- ( i ) More specific programs for the implementation of Article X of the Convention on international cooperation need to be developed (e.g. initiatives for capacity building).
- ( ii ) Programs to support the implementation of the Convention are needed to induce non-Parties to join. For example, developing model law for the BWC and distributing it to assist in countries' national implementation would be a useful measure.
- ( iii ) Exchange/training programs for scientists and the sharing of information through various seminars would offer an attractive incentive for non-Parties to join the Convention.

11. An avenue of communication: additional ways to facilitate universalization.

- ( i ) Drawing up an Action Plan at the 6<sup>th</sup> Review Conference, setting specific targets and deadlines, which need to be further developed during the inter-sessional work prior to next Review Conference.
- ( ii ) Establishing a point of contact and designating a coordinating country. Such fixed communication channels for communication will facilitate the efficient management of relevant outreach activities and joint seminars. As a next step, we need to consider the establishment of a Secretariat to conduct a BWC universality campaign.
- ( iii ) Joint workshops and seminars with relevant organizations or civil society to raise awareness for universal adherence to the BWC.

## **V. Conclusion**

12. We need to undertake efforts to design an incentive structure, comprising the above-mentioned security assurance and economic benefits. The Sixth Review Conference will provide a valuable opportunity to achieve this objective. In particular, as the most feasible and significant step, we need to lay the groundwork for continuous discussions in this regard. Placing this issue on each inter-sessional work program and reporting the results of inter-sessional discussions to the next Review Conference would be a constructive approach.