

Four Strands for Enhancing EU Engagement on BW Controls

In considering the policy options the EU could implement to improve the current global BW regime, this report examines four main strands, which collectively provide a comprehensive response to the BW threat:

Strand 1: Strengthening BTWC Compliance and Verification

There are three key areas in which the EU could develop proposals to strengthen BTWC compliance and verification: investigation mechanisms; confidence building mechanisms; and increased transparency.

Inspections: Although it is very difficult to prevent or monitor the transfer of all technologies and R&D that could be used in BW, a good investigation team can usually uncover the knowledge necessary to judge that there is a significant risk of BW being developed. The US Administration's belief in the complete inefficacy of 'pre-emptive' investigations is not widely shared. Investigations envisioned under the Protocol, while not foolproof, would increase trust in and compliance with the BTWC. In the absence of agreement, however, this report considers two alternative ways forward for the EU:

- development of a regional legally binding inspections regime in three stages (beginning with bilateral visits and inspections arrangements between EU member states, followed by the adoption of the visits and inspections regime envisioned by the Ad Hoc Group (AHG) Draft Protocol Text, finally moving beyond the Protocol to incorporate more challenging inspections measures); and
- promotion of global verification regime that does not include the United States.

Confidence-Building Mechanisms (CBMs): CBMs are an important part of the BTWC. Proposed new and modified CBMs at the Fifth BTWC Review Conference were excluded from the draft Final Declaration, although Canada included them in its 2002 return, and has been encouraging other states to do likewise. However, participation by States Parties in CBMs remains unsatisfactory. This report recommends four main areas that should be advanced as a priority. It also recommends the development of a publicly available register of BW declarations by EU Member States and EU Associate Countries, and increased EU assistance to other countries in making returns.

Transparency: Parliaments of EU and Associate Countries have a variety of mechanisms to oversee or control weapons-related policies and practices. In relation to biological weapons, however, in most cases, national parliaments are provided with little detailed information. Reporting systems on BW research activities, by both states and the private sector need to be further developed and adopted as common practice across an enlarged EU.

Strand 2: Combating and Preventing BW Proliferation

There are three main mechanisms for combating and preventing BW proliferation: export controls; 'cooperative threat reduction' programmes; and controlling access to pathogens.

Export controls: Stringent national export controls are essential for preventing 'states of concern' and terrorists from acquiring the equipment, knowledge and materials they need to develop BW. Problems persist with the discriminatory nature of supply-side export controls, while globalisation trends limit their effectiveness. The EU Member States and some EU institutions are involved in the two main export control structures dealing with dual-use technologies: the Australia Group and the EU Dual-Use Regulation. Better co-ordination and information exchange