

EXECUTIVE SUMMARY

September 11, 2001 and the subsequent anthrax attacks and hoaxes have greatly increased global concern over the risk of biological warfare and bio-terrorism. However, the current US Administration appears to neither have confidence in the 1972 Biological and Toxin Weapons Convention (BTWC) nor will it participate in discussions to strengthen its provisions until the next review conference in 2006. Although the Bush Administration has made a number of useful alternative proposals, these fail to adequately address the main areas of concern in relation to BW proliferation: the situation in Iraq (and possible BW proliferation in other 'rogue states'); the legacy of the former Soviet Union's BW programme; and the threat of bio-terrorism. In particular, US proposals for 'military pre-emption' are no substitute for a comprehensive and cooperative multilateral approach to these concerns.

With the current impasse in developing a global approach, one alternative would be to develop regional approaches. This report explores the potential for a European BW Control Regime, centered on the EU, as a precursor to a strengthened BTWC regime. Such a European regime might be developed in two stages: starting with EU Member States and the EU Associate Countries, followed by the rest of Europe, including the Russian Federation. The SIPRI BW Inspection Project of the late 1960s provides a useful precedent.

Towards Greater EU Coherence on BW Issues

The development of common policies for the EU governing biological weapons issues is relatively new. Member states' policies traditionally fell within the remit of national sovereignty. This changed as a result of external and internal factors. External factors include the terrorist attacks on the United States, heightened general concerns about international terrorism and increased US unilateralism. The EU response has mainly been in the areas of public health, civil protection and research. In addition, EU diplomatic activity also increased, with a new initiative launched by the General Affairs Council in December 2001 to explore the implications of the terrorist threat on the non-proliferation, disarmament and arms control policy of the EU.

Internal EU reforms and integration processes over the past decade or more have also been crucial. BW control is an issue that straddles the three main policy pillars within the Community. Export controls on BW agents and organisms, for example, fall within the first pillar (the European Communities) setting up community procedures on economic matters, and there the Commission has a major role. However, because of their strategic sensitivity, such dual-use transfers also fall within the political sphere, and this takes them into the second pillar of the EU, that of the Common Foreign and Security Policy (CFSP). Questions of military deterrence of BW use also fall within this sphere. Finally, cooperation in response to bio-terrorism falls primarily in the third pillar, under Justice and Home Affairs, but may also require military responses under the second pillar.

Ultimately, however, national governments remain the dominant players through the Council of Ministers. The Council of the European Union agreed three 'common positions' in 1996, 1998 and 1999 in relation to the BTWC Review Conferences and Protocol negotiations. The EU's commitment to these measures was re-stated in two Council statements and a European Parliament resolution in 2001. In April 2002, the General Affairs Council adopted an ambitious and detailed list of 'Concrete Measures' aimed at developing an effective EU arms control, disarmament and non-proliferation agenda.