

Strengthening the Biological Weapons Convention

Briefing Paper No 27:

The Emerging Protocol: A Quantified Evaluation of the Regime

Executive Summary

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This Briefing Paper extends the analysis in Briefing Paper No 25 which examined how well the emerging Protocol regime met the objectives set out in the mandate for the Ad Hoc Group and compared the emerging regime and the Chemical Weapons Convention (CWC) regime, which entered into force on 29 April 1997, against an appropriate set of criteria. This Briefing Paper examines how various aspects of the regime can be quantified. As before, the CWC regime is used for comparative purposes, as it is the regime that is of the closest relevance to the emerging BTWC Protocol regime.

THE CWC REGIME

Attention is focussed on the OPCW inspection regime for activities **not prohibited** under Article VI of the CWC, ie the non-CW facilities: the regime for facilities related to Schedule 1 chemicals, Schedule 2 chemicals, Schedule 3 chemicals and unscheduled discrete organic chemicals (DOCs) and unscheduled DOCs containing the elements phosphorus, sulphur or fluorine (PSF). Information is provided about this regime concerning the numbers of declared and inspectable facilities, the size and duration of routine inspections and the different frequencies for such inspections to the different categories of facility.

The OPCW regime currently extends to over 6,100 *inspectable* facilities. Routine inspections are carried out at different frequencies which are highest for Schedule 1 facilities and least for DOC production facilities. Consequently, the intensity of inspection, calculated as the number of inspections divided by the number of inspectable sites, varies from 70% for 35 Schedule 1 facilities through 30% for 178 Schedule 2, 10% for 429 Schedule 3 to around 0.2% for 5500 DOC facilities. The OPCW 1998 report of inspections carried out at Schedule 1, Schedule 2 and Schedule 3 facilities noted that the need for **amended** declarations was the main issue identified as requiring further attention.

THE BTWC PROTOCOL REGIME

Each of the principal elements of the draft Protocol is analysed:

- a. Mandatory Declarations and Notifications
- b. Follow-Up After Submission of Declarations which includes a package of randomly-selected visits, declaration clarification procedures and voluntary assistance visits.
- c. Investigations -- both field and facility investigations)

d. Scientific and Technological Exchange for Peaceful Purposes and Technical Cooperation

CONCLUSIONS

The quantified analysis has shown that the current draft Protocol is much more restrictive than the CWC in numerous aspects. It would be highly preferable to incorporate flexibility into the Protocol now and thereby avoid the danger of arriving at a Protocol which has been unnecessarily constrained and is unable to develop in the light of developments in microbiology and biotechnology in the 21st century. It needs to be recognized that the Conference of the States Parties will have more than enough control over the programme and budget of the future BTWC Organization.

All categories of declared facilities need to be subjected to randomly-selected visits to ensure that they are complete and accurate. However, different categories of declared facilities should be subjected to **different frequencies** of randomly-selected visits.

The frequency with which different categories of declared facilities should be subjected to randomly-selected visits should reflect the risk to the Convention. Consequently, past BW facilities still within government ownership and biodefence facilities should be subject to the most frequent randomly-selected visits whilst BL-4 maximum containment facilities should be subject to the least frequent randomly-selected visits. The target frequency for past BW facilities and biodefence facilities could with advantage parallel that for Schedule 1 facilities in the OPCW with a frequency of randomly-selected visits so that such facilities would be visited once every eighteen months.

The previous analysis of the size of the future BTWC Organization remains largely correct. The numbers of inspectors remains at about 70 -- a number necessary to enable investigations to be carried out at any time -- and the number of visits -- randomly-selected, clarification and voluntary assistance -- remains at around 100 a year. The number of posts required for International Cooperation & Assistance could usefully be increased by 5 or 10 thus bring the total size of the future BTWC Organization to about 220 which is still well under half the size of the OPCW which currently has 507 posts.

This quantified evaluation of the emerging Protocol has shown that an effective and efficient regime is being developed. Its size will be less than half and its budget half that of the OPCW.