

The BTWC: Who Complies with What?

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Research paper

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Main findings

- **Compliance remains an abstract concept**

- Binary judgement of compliance versus noncompliance remains difficult
- Even if rule is unequivocal,
 - General circumstances of application may change
 - Specificity of a particular case may require judicial interpretation

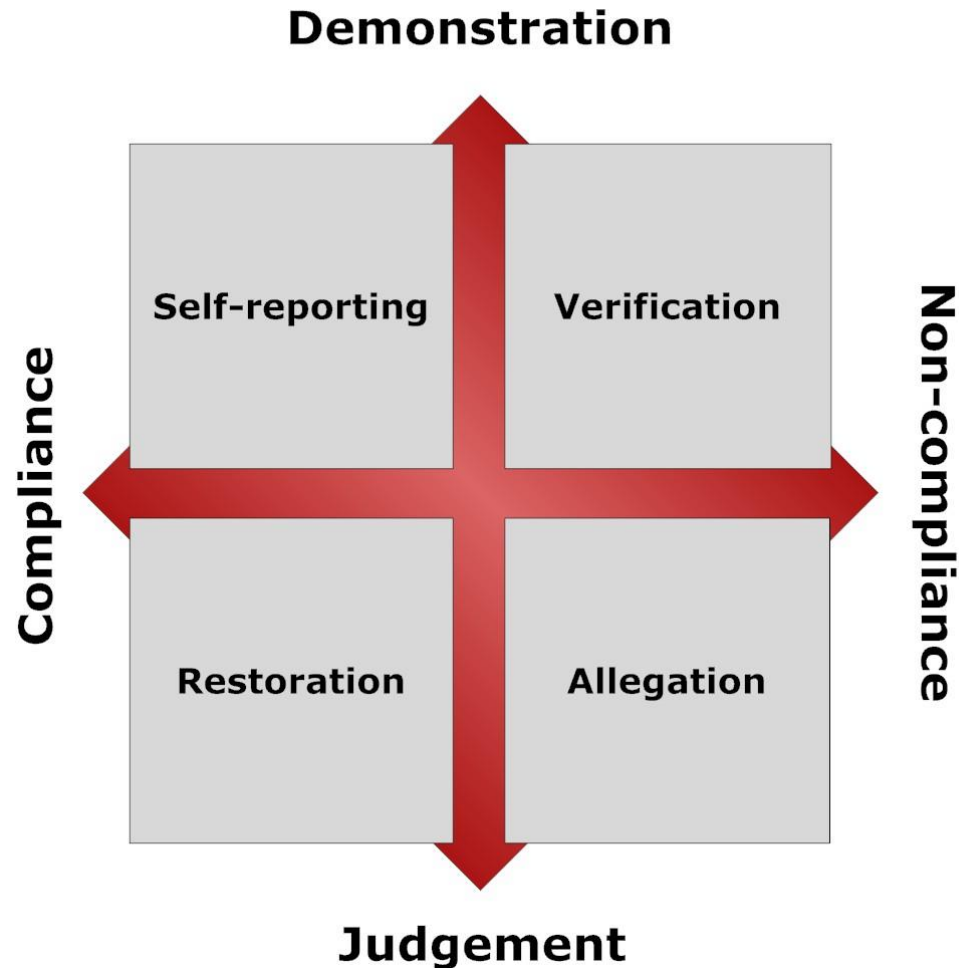
- **Lack of verification tools and institutional setup**

- No means for States Parties to have facts established independently
- Since First Review Conference, States Parties have adopted two approaches:
 - Demonstration of compliance by individual States Parties
 - Strengthening of verification capacities
- However, circumstances in which BTWC had to function sometimes changed dramatically, making measures under consideration impractical even before they could be implemented

- **Future of debate**

- Will remain unproductive if states maintain absolutes on compliance or security
- **Compliance expectations** need to be understood before concrete proposals to fulfil them can be devised
 - Compliance expectations need to be managed in an environment of continuously changing parameters for judging compliance (e.g., adequacy & sufficiency vs. 100% certainty)
 - Need to devise frameworks within which governments are willing to consider and accept BTWC improvements, bearing previous point in mind

Focus of current ideas & proposals



Example of differing expectations

- **MX 2015: USA offers background information on inadvertent distribution of live anthrax spores to laboratories in USA and abroad**
 - Elaboration of measures taken
 - To establish where failures in procedures and oversight occurred
 - To establish responsibilities of individuals and agencies, if possible
 - To prevent recurrence of events
 - Wish to be transparent to international community in order to demonstrate that
 - Events were an accidental confluence of several factors
 - National authorities were taking all necessary steps to rectify the situation
 - Essentially demonstration of compliance with **BTWC Article IV**
- **However,**
 - One BTWC State Party asked questions
 - Why live anthrax bacteria production?
 - How much anthrax is being produced?
 - How many facilities where such production activities take place?
 - Why was agent shipped overseas as part of military exercises?
 - Etc.
 - Essentially interrogation of compliance with **BTWC Article I (and III)**
- **Just one illustration of how compliance expectations need to be managed**

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