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Universalization: states parties' role in shoring up the norm against biological weapons

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Official BTWC tally :

- **161** states parties
- **14** signatories
- **20** non-signatories parties

- 2007: Trinidad & Tobago, Kazakhstan, Montenegro, Gabon.
- 2008: Madagascar, Zambia.



UNIVERSALIZATION & THE NORM AGAINST BW

- BTWC cornerstone of international efforts to combat biological and toxin weapons and enshrines the norm against them
- In order to be customary international law, a multilateral treaty must be fully universal
- in order for a norm to be a norm and effective it must be universally held
- Therefore universalization is critical for: pursuing multilateral disarmament and non-proliferation objectives; strengthening customary international law; and reinforcing the norm against biological and toxin weapons.

BEFORE THE 6th REVIEW CONFERENCE...

- Previously no centralized, sustained campaign to attract new States Parties
- No permanent organization to conduct or coordinate universalization activities - entirely in the hands of States Parties.
- piecemeal demarches by depositories (Russia, UK, USA) and other States Parties
- RevCon Final Reports merely called upon signatory states to ratify “without delay” and non-signatories to accede “at an early date.”
- New EU Joint Action in support of the BTWC (Feb 2006) = 1st campaign



AFTER THE 6TH REVIEW CONFERENCE...

- Adoption of Action Plan on universalization
 - Activities for States Parties
 - Coordinating role for Chair
 - Support provided by ISU

- 2007: chairman letters, OPCW visit, other meetings
marginal meetings

- 2008: letters, bilateral contacts, continue to seek
sponsorship to engage signatory and non-signatory
states

- Information deficit
- Administrative burden & capacity deficit
- Lack of political interest or will
- Constitutional hindrances
- Disincentives



STATE PARTY ACTION TO RESPOND TO REASONS AND REMOVE IMPEDIMENTS

- Information deficit: provide information to non-state parties - translate into other languages
- Administrative burden & capacity: assess national capabilities & offer any assistance you can
- Lack of political will/interest: continue to engage reluctant states & provide info on what the value specifically for them is
- Constitutional hindrances: continue to engage to keep high on political agendas
- Disincentives: assist with national implementation and any other assistance.

- Report bilateral demarches & regional efforts to ISU as central repository for universalization information
- States & regional groups should consider options for providing technical assistance to non-states parties and signatories (training (workshops), advice, country visits, pecuniary) - (in)formal sponsorship?
- Important to be regularly addressed in regional and inter-regional forums in order to place higher on national agendas

- Establish a voluntary, discretionary sponsorship fund to attend BTWC meetings
- Develop information & awareness raising package - seen as precondition to accession/ratification (languages!)
- Ensure all docs in as many languages as possible
- Sustained follow-up: ISU, regional organizations, states parties

- Decolonization
- Assumption of treaty obligations from the former colonial power

- Should these be considered States Parties?
 - Tuvalu (Gilbert Islands)
 - Kiribati (Ellice Islands)

Tuvalu (Gilbert Islands): independence 1978

“The Government of Tuvalu desires that it should be presumed that each treaty purported or deemed to bind Tuvalu before Independence has been legally succeeded to by Tuvalu and that action should be based on the presumption unless and until [itals added] the Government of Tuvalu decides that any particular treaty should be treated as having lapsed. Should the Government of Tuvalu be of opinion that it has legally succeeded to any treaty, and wish to terminate the operation of such treaty, it will in due course give notice of termination...”

➤ Kiribati (Ellice Islands): independence 1979

“... the Government of the Republic of Kiribati declares that, with regard to multilateral treaties applied or extended to the former Gilbert Islands it will continue to apply the terms of each such treaty provisionally... until such time as it notifies the depository authority of its decision with respect thereto.”

Sustained, focused attention on universalization produces a consistent message on the importance of joining the BTWC and results in States ratifying and acceding.