

The 1972 Biological Weapons Convention

A view from the South

by **Achilles Zaluar and Roque Monteleone-Neto**

Before addressing the 1972 Biological Weapons Convention (BWC) itself, we should point out that any view of the treaty from a Southern perspective can be only partial, that is, one perspective among many possible others. Developing and non-aligned countries may have different — and equally legitimate — interests and expectations regarding a particular international instrument. In fact, this diversity is itself one of the defining characteristics of the “South”, a term we use to categorize developing States whose main point in common is the absence of alignment with any great power and, indeed, with each other.

In the area of disarmament, the different positions adopted by the various blocs of developing countries¹ represents a series of attempts to define a common denominator on a number of issues. They are themselves the result of a negotiating process, sometimes laborious, but indispensable

Achilles Zaluar, a career diplomat in the Brazilian Ministry for External Relations, was a member of Brazil's delegation to the 1994 Special Conference of the BWC and the first session of the Ad Hoc Group. — **Roque Monteleone-Neto**, an Associate Professor in the Genetics Department at the Federal University of Sao Paulo, Brazil, is currently working for the United Nations Special Commission on Iraq (UNSCOM) in New York. He was previously a member of the Brazilian delegation to various conferences of the BWC.

The opinions expressed in this article are personal and do not necessarily reflect the positions of the Brazilian government or UNSCOM.

¹ The Group of 21 or G-21 (actually numbering 28) in the Geneva Conference on Disarmament; the caucus represented by the Movement of Non-Aligned Countries in the General Assembly of the United Nations; and the various groupings of non-aligned and other developing countries in connection with multilateral treaties such as the BWC and the Non-Proliferation Treaty.

if Southern countries wish to avoid being pushed aside by the great powers and the more cohesive alliances of the North. One should not confuse the general principles articulated by the group coordinators — often with eloquence and foresight — with the diverse meanings that a particular treaty may have for different developing countries.

Nevertheless, we will attempt here to define a number of points common to the Southern views — we stress the plural — of the BWC. These common views will have to be understood as a first attempt, which must be interpreted according to each country's security environment, diplomatic tradition and world-view. It seems appropriate for the subject, therefore, to present our conclusions as a list of generalizations, which are then supplemented and in some cases even corrected by the commentary that follows.

Generalization No 1: Developing countries have no interest in biological disarmament

This view seems to result from the generally low-key approach of developing countries to biological disarmament issues, as compared, for instance, with the traditionally keen interest of Non-Aligned and G-21 positions in the nuclear area. The Final Document of the 11th Conference of Heads of State or Government of the Non-Aligned Countries, held in Cartagena, Colombia in 1995, contains sixteen paragraphs on nuclear issues, but only one on the BWC.²

The number of States party to the BWC has risen only marginally (from 125 in 1992 to 138 at the time of the Fourth Review Conference, in 1996), in the same post-Cold War period that saw the Non-Proliferation Treaty — following the accession of China and France — approach the United Nations Charter in the number of States party to it. No less than 18 signatories — all developing countries — have not yet ratified the BWC.³ More disturbingly, the Middle East, where some major regional powers prefer to keep their distance from the Convention, contains a significant gap in geographical coverage.

² Non-Aligned Movement, "Cartagena 95 — Basic Documents", Colombia, 1995, pp. 61-69.

³ United Nations, "List of States Parties to the BWC as of 25 November 1996", BWC/CONF.IV/INF.2, background document of the Fourth Review Conference, Geneva 1996.

The simple number of participating States, moreover, gives the impression of greater involvement on the part of developing countries in BWC affairs than is actually the case. Of the 65 States present at the April 1996 session of the Preparatory Committee for the Fourth Review Conference, only 31 were from the South. Of the 77 States present at the Conference itself, no more than 35 were developing countries,⁴ some of which may have sent a delegate only to collect the documents. Almost all the absentees were from the South. The participation of developing countries is still less numerous in VEREX (1992-94, established by the Third Review Conference) and in the Ad Hoc Group (1995 to present, established by the 1994 Special Conference), where most of the work in developing the BWC regime has taken place. Of the 33 countries that sent experts to the latest meeting of the Ad Hoc Group, in September 1996, only seven were from the South.

As regards the voluntary confidence-building measures (CBMs) established by the Second and Third Review Conferences, total participation increased in 1995 from 42 to 51, but of the 70 States participating at least once (for instance with simple "nothing to declare" forms), only 35 are from Asia, Africa and Latin America. Important developing countries have never submitted information under the CBM regime.⁵ There is thus nothing surprising about the conclusion that "many small nations do not consider the BWC to have any relevance to them and ignore the CBM's completely rather than utilize scarce human resources on what they see as an irrelevant issue".⁶ Thus the BWC may be regarded as having the dubious distinction of being one of the few whose participating States constitute a multilateral forum, with universal vocation, in which developing countries are — voluntarily, it is true — in a minority.

One should not think, however, that developing countries are altogether absent from BWC discussions. There were working papers and proposals submitted to the Ad Hoc Group and the Fourth Review Con-

⁴ United Nations, "Fourth Review Conference of the Parties to the BWC — Final Document", BWC/CONF.IV/9, Geneva, 1996, pp. 8-10.

⁵ I. Hunger, "Article V: Confidence Building Measures", in G. Pearson and M. Dando (eds), *Strengthening the BWC: Key Points for the Fourth Review Conference*, Geneva, 1996, pp. 78-79. See also United Nations, "Background information on the participation of States Parties in the agreed confidence-building measures (1992-96)", BWC/CONF.IV/INF.2, background document of the Fourth Review Conference, Geneva, 1996.

⁶ A. Duncan and R.J. Matthews, "Development of a Verification Protocol for the BWC", in J.B. Poole and R. Guthrie (eds), *Verification 1996 — Arms Control, Peacekeeping and the Environment*, Westview Press/VERTIC, Boulder, USA, 1996, p. 167.

ference by Brazil, Chile, China, Cuba, India, Iran and South Africa, among others, as well as by a signatory State, Egypt.

Two important provisions in the mandate of the Ad Hoc Group resulted directly from the action of developing countries at the 1994 Special Conference. One is the inclusion, as point 4 of the Ad Hoc Group's mandate, of the consideration of "specific measures designed to ensure effective and full implementation of Article X", dealing with technological exchange and international cooperation for peaceful purposes. The second, no less important, is the inclusion of the term "non-discriminatory" in point 3, which deals with "measures to promote compliance with the Convention" or, as some would prefer, verification measures.⁷

Participation by developing countries in the BWC regime will certainly increase in the future, particularly if the current work of the Ad Hoc Group, due to move to a negotiating format during 1997, progresses well enough that the conclusion of a compliance protocol comes within sight. A compliance regime would have important implications, both in financial and security terms, and attention to BWC issues can be expected to rise accordingly in the foreign ministries of developing countries. Furthermore, the inclusion of Article X and other cooperative measures in the compliance regime will promote participation on the part of the national authorities, without whose active cooperation the regime would simply not work.

Generalization No. 2: *Biological disarmament is not important for developing countries*

It might be useful to start by showing that the converse of this statement is false, i.e. even if not all developing countries attach a great importance to the BWC, developing countries in general are certainly important to the effectiveness of the Convention, indeed more so than to that of the Non-Proliferation Treaty.

When comparing the two fields, it is safe to assume that the development of a nuclear device remains a complicated endeavor, requiring large expenditure, technological expertise, the acquisition of special materials (highly enriched uranium and/or plutonium) and a sustained

⁷ United Nations, "Special Conference of the States Parties to the BWC — Final Report", BWC/SPCONF/1, Geneva, 1994.

effort over a number of years. Although not impossible for a developing country with industrial capabilities (as the now-defunct South African nuclear weapons programme showed), the combination of the requirements listed above and the need to circumvent IAEA safeguards puts the nuclear option out of reach of all but a few countries. Moreover, the diminished role of nuclear weapons in present circumstances (witness the recent military defeat suffered by a State equipped with nuclear weapons) makes it likely that conventional weaponry will be preferred over nuclear weapons by almost all countries seeking to upgrade their military power.

The difference between the nuclear and the biological options can also be illustrated by the Iraqi case. Although Iraq devoted large amounts of resources to its clandestine nuclear programme, while receiving considerable foreign technological advice and equipment, by the start of the Gulf War it had still not produced even a prototype warhead. Although some elements still require further clarification and supervision, the International Atomic Energy Agency (IAEA) was able to effectively supervise the neutralization of the Iraqi programme, among other things by removing all stocks of special materials and attesting to the destruction of the industrial infrastructure needed to produce them.⁸

By contrast, Iraq (which was then a signatory, but had not yet ratified the BWC) was able, with smaller resources, to develop a "secret offensive biological programme" comprising "a large-scale production of biological warfare agents, the filling and deployment of missile warheads and aerial bombs with agents, as well as biological research and development activities of considerable width and depth".⁹ Moreover, verification of the destruction of the biological stockpile and infrastructure proved to be so difficult that to this day, the UN Special Commission working to eliminate Iraqi weapons of mass destruction is not able to assure the world that "such weapons and their components do not remain".¹⁰

On the other hand, new discoveries and biotechnology now "make it possible to develop and mass-produce agents and toxins which would be

⁸ United Nations, "Second consolidated report of the Director of the IAEA under paragraph 16 of resolution 1051 (1996)", S/1996/833, New York, 1996, p. 11.

⁹ United Nations, "Report of the Secretary-General on the status of the implementation of the Special Commission's plan for the ongoing monitoring and verification of Iraq's compliance with relevant parts of Section C of SC resolution 687 (1991)", S/1995/864, New York, 1995, p. 33.

¹⁰ United Nations, "Report of the Secretary-General on the activities of the Special Commission established by the Secretary-General pursuant to paragraph 9(b)(i) of resolution 687 (1991)", S/1996/848, New York, 1996, p. 23.

more lethal and easier to stockpile and to weaponize".¹¹ Recent technological advances include the easier identification of virulence factors, genetic manipulation techniques, the development of cheaper large-scale agent and toxin production facilities and methods to stabilize agents for aerosol delivery.¹² An offensive biological capability would be within reach of many countries, as well as of certain sub-national groups such as insurgent and terrorist movements.

This is perfectly plausible in the case of newly emerging infectious diseases since in military terms, the possession of an agent unknown to the enemy constitutes a definite advantage. This fact was very well understood by Shoko Asahara, head of the Aum Shynrikyo cult, and 40 of his followers who traveled to Zaire to "help treat the Ebola patients". According to a report dated 31 October 1995 to the U.S. Senate's Permanent Subcommittee on Investigations, the real intention of the group was to obtain samples of the Ebola virus in order to use this new contagion as a devastating bioweapon.¹³

It is well known that the natural reservoirs of new biological agents are located in areas of the South where there is remarkable biodiversity, such as the rainforest, found mostly in the Indo-Malayan sub-region of Southeast Asia, Central and West-Central Africa and tropical Latin America. It is striking that these are the regions in which the most recent and significant episodes of newly emerging viral diseases have occurred, such as Ebola fever, Lassa fever, Rift Valley fever, dengue fever, hantaviruses and illness caused by the Rocio, Guanarito and Sabia viruses.

While there is great need for humanitarian aid and international cooperation in dealing with such occurrences, there are also clear security problems involved that raise the question of how to prevent the misuse of newly emerging contagions as biological weapons.

However, the spread of biological technology cannot be contained, since relevant biological techniques (a) are simple enough to be mastered

¹¹ C.S. Duarte, "The Brazilian approach to strengthening the BWC: promoting cooperation and securing compliance", non-published paper presented at the Arms Control Conference of the Southern Methodist University, Dallas, 1995, p. 5.

¹² United Nations, "Background paper on new scientific and technological developments relevant to the BWC - Document by Sweden", BWC/CONF.IV/4/Add.1, Geneva, 1996, pp. 2-6.

¹³ L.A. Cole, "The Specter of Biological Weapons", *Scientific American*, December 1995.

locally with limited resources and (b) are essential for health care and veterinary and agricultural activities which benefit populations all around the world. A strategy of “technological denial”, open to consideration in the sphere of nuclear power and missile production, would be both inhumane and counter-productive in the biological area.

At the same time, it is important to avoid alarmism. While a crude biological terrorist device could be produced by a clever high-school student, the development of a militarily effective biological arsenal would require some research in fields such as means of delivery, agent stabilization, protection techniques and the integration of biological capability in the overall military doctrine.¹⁴ Moreover, the political fall-out from a biological attack would severely limit its strategic value.

Intelligence estimates placing in the twenties the number of countries possessing or seeking a biological arsenal may be inflated. It is no coincidence that such estimates are often published or leaked when the budgets of the intelligence agencies themselves, or of biological defence programmes, are being discussed. From the point of view of developing countries in relatively peaceful regions of the world, such as Latin America, there is an air of science fiction about the whole discussion about biological weapons, which risks engendering complacency.

Yet a degree of vigilance is needed. As technological advances make biological weapons easier to acquire and more effective, it is likely that the military incentives for the development of a biological arsenal will grow. The biological disarmament regime is currently hindered by a legal and political taboo arising from the absence of declared biological powers, the customary rule that bans the use of chemical and biological weapons, the international consensus that such use would be abhorrent and by the existence of the BWC and the Geneva Protocol. But the regime could unravel if even one State were able to use or openly deploy biological weapons and “get away with it” — exactly as the nuclear non-proliferation

¹⁴ The hurdles are similar to those encountered by a nation or movement seeking to initiate a chemical attack. As one commentator recently put it, “even the Aum Shynrikyo in Japan, which had conscientiously recruited trained scientists, held perhaps US 1 billion in assets, and conducted clandestine field trials prior to the Tokyo subway attack, was incapable of carrying out a technically sophisticated strike. The cult was only able to produce a rudimentary chemical weapon with a primitive method of dispersion.” See Leslie Rodrigues, “The emerging threat of chembio terrorism: is the U.S. prepared?”, *The Arena*, N° 6, November 1996, Washington, p. 2. On the other hand, any doubts about the contemporary military value of chemical weapons were put to rest by the effective battlefield use of chemical attacks by Iraq against Iran during the 1980s.

regime would be strained by the emergence of a sixth declared nuclear power or by the resumption of the nuclear arms race.

This brings us to a conclusion which is quite the opposite of *Generalization No. 2*. Whether they realize it or not, the effectiveness of the BWC is very important indeed for developing countries. There are three reasons for this.

The first is security. The collapse of the biological disarmament regime might result in offensive biological capabilities in regions of the world from which they are now absent, thus jeopardizing the security of all States in the affected region. The threat of weapons of mass destruction — be they nuclear, chemical or biological — from a regional or extra-regional power, could destabilize the strategic environment.¹⁵ It could force other States to embark on expensive biological defence programmes (presently non-existent or ineffective in most developing countries, unlike a number of richer countries). It could lead more developing States down the dangerous path of acquiring their own biological deterrent, thus multiplying the risk of eventual use. In this case, the citizens of developing countries, where standards of health protection are often lower than in the First World, could be among the more gravely affected.

The proliferation of biological arsenals would also threaten developing countries if it happened in far-away great powers. Developing effective defences against sophisticated biological weapons — even incapacitating agents such as haemorrhagic conjunctivitis virus — would be a maddeningly difficult task. It is in the nature of the biological threat, moreover, that the spread of the disease might not be confined to the targeted troops but could also spread to the civilian population and to other countries.¹⁶

¹⁵ As the Ambassador of Egypt said to the Conference on Disarmament, to explain why his country did not ratify the BWC or sign the 1993 Convention on Chemical Weapons, "security and peace cannot coexist with an imbalance of power and serious disparities among States belonging to the same region in regard to their rights and obligations under the various instruments of disarmament". United Nations, "Note verbale from the Permanent Mission of the Arab Republic of Egypt to the Secretariat of the Fourth Review Conference of the BWC", BWC/CONF.IV/8, Geneva, 1996, p. 2.

¹⁶ Mention should be made to the hypothesis that the Black Plague, which killed one third of Europe's population in the 14th century, apparently originated when the disease was deliberately spread in a biological attack during the siege of Caffa, in the Crimea, launched by the Tartars against the Genoese. See SIPRI, *The problem of chemical and biological warfare, Vol. I — The rise of CB weapons*, SIPRI, Stockholm, 1971, p. 215. The prospect of a global epidemic resulting from the spread of a genetically enhanced agent has been the theme of movie thrillers and cheap paperbacks, but is certainly not unfeasible.

The second reason is political. The BWC has great political and symbolic value because it is the first multilateral instrument to ban an entire category of weapons of mass destruction. Together with the 1993 Convention on Chemical Weapons, it constitutes the model which non-aligned and other developing countries would like to see applied in the nuclear area: a comprehensive, non-discriminatory, universal prohibition on development, production, stockpiling, deployment and use of all weapons of mass destruction. Even if the security concerns are different in scale, failure of the BWC could postpone progress in other disarmament areas indefinitely.

The third and final reason is the increasing need for international cooperation in the fight against infectious disease in a globalized world. Pathological agents do not need passports to cross borders, and the ease of modern travel and mass transportation of goods is forcing the struggle against disease to go global if it is to be effective. The priorities for the international community, according to the World Health Organization (WHO), must therefore be the eradication of diseases for which vaccines or effective treatments already exist, the fight against re-emerging diseases which present new problems of drug resistance, and rapid action against outbreaks of new diseases. The WHO strongly recommends a global surveillance programme.¹⁷

It should be stressed that such cooperation serves the needs of all countries, including the developed world, because many of the problems it tackles — such as drug-resistant tuberculosis or AIDS — are global in nature. By contrast, a breakdown of the biological disarmament regime and the proliferation of biological weapons powers might well disturb the flow of knowledge and render unworkable the joint programmes required by global action. Besides, the poorest developing countries are comparatively more dependent upon international cooperation in meeting their health care needs, and would be more severely affected by the disruption of bilateral and multilateral exchanges.

In addition, according to the mandate of the Ad Hoc Group, the BWC compliance regime would have to include measures specifically designed to implement Article X on international cooperation. There is a growing consensus that such measures should at the same time increase transpar-

¹⁷ World Health Organization, *The World Health Report 1996*, Geneva, 1996, pp. 110-111.

ency and build confidence, while avoiding duplication and benefiting from synergy with measures, such as those advocated by the WHO.¹⁸

Generalization No. 3: A BWC verification regime would be too expensive and cumbersome for developing countries

It is often thought, though seldom expressed in public statements, that the expense and work involved in implementing a BWC compliance or verification regime — with mandatory annual declarations, on-site visits, several types of inspections, the need for legislative changes, etc. — would present a poor cost-benefit ratio, in particular for developing countries. The compilation of information on biological facilities and the preparation for inspections, in particular, are considered a potentially wasteful diversion of scarce human and financial resources which would be better employed, for instance, in fighting malaria or neonatal diseases. Besides, the costs of setting up and maintaining an eventual BWC organization, shared among all the member States, would by no means be negligible.

There is a grain of truth in this assessment, which also applies to other disarmament and non-proliferation mechanisms. Developing countries are being asked to increase their contributions for international organizations devoted to disarmament at a time when resources for development projects are shrinking; when leading industrial countries are withdrawing from the United Nations Industrial Development Organization; when these same countries are calling for budget cuts at the United Nations and in programmes, funds and agencies considered important by developing countries; and when donor fatigue and a generally mean-spirited mood pervade certain circles in traditional donor countries.

The prohibition on the testing of nuclear explosives, for instance, was generally welcomed by developing countries. But it soon transpired that the test ban carries a hefty price tag, to be borne not only by those actually involved in nuclear testing, but also by developing countries that were never involved in a test, never took part in a nuclear alliance and whose nuclear facilities, if any, are subject to IAEA safeguards, and that therefore would be unable to test, even if the Comprehensive Test-Ban Treaty (CTBT) did not exist. Some current estimates of the cost for the first years of the Preparatory Commission for the CTBT organization are larger than

¹⁸ R. Monteleone-Neto and J.E.M. Felicio, "Article X: international cooperation and development, exchange of equipment, materials and scientific and technological information", in G. Pearson and M. Dando (eds), *op. cit.* (note 5, above), pp. 116-117.

the 1997 budgets of five specialized agencies of the United Nations, including some whose usefulness to developing countries is more immediately evident, such as the World Meteorological Organization and the International Civil Aviation Organization.¹⁹

Similar considerations might apply to the Organisation for the Prohibition of Chemical Weapons and to the verification of an eventual fissile material cut-off treaty. After considering the alternative of not having such instruments, however, most developing countries are likely to conclude that these treaties nevertheless serve their interests by helping prevent the need for costly defence and deterrence measures. Overall, developing countries are in the process of learning how to demand value for their money in the security area, which may require keeping the budgets of some disarmament agencies within definite bounds.

The arguments outlined above against a compliance regime would be definitive had we established that the BWC offered little benefit to developing countries. It appears, however, that the opposite is true: the world in general and the South in particular would stand to lose a great deal from the collapse of the biological disarmament regime. And there is a general perception that this regime is under stress, brought about both by technological developments and by concerns about compliance.

There was a sense of disappointment when the Fourth Review Conference of the BWC failed to deal with the two cases of concern about compliance, brought to light since the Third Review Conference. One is the Iraqi case, discussed above. The other is the Soviet case, which resulted during 1992 in three specific corrective actions: the "Decree on fulfilling international obligations with regard to biological weapons" issued by the President of the Russian Federation; the Trilateral Statement, of 14 September 1992, by the three depository powers (Russia-USA-UK) following consultations under Article V of the BWC; and the declaration submitted by the Russian Federation to the United Nations under confidence-building measure Form F.²⁰

¹⁹ Estimates being discussed prior to the resumption of the First Session of the Preparatory Commission for the CBTB organization, in March 1997, put the budget for the first two years at between 70,000,000 and 90,000,000 US dollars per year. Compare that with the budget of the specialized agencies (United Nations, "Budgetary and financial situation of organizations of the United Nations system", A/51/505/Corr.1, New York, 1996, p. 2).

²⁰ M. Dando, "Article I: Scope", in G. Pearson and M. Dando (eds), *op. cit.* (note 5 above).

The United States delegation, in its submission to the Fourth Review Conference, had proposed the following language for the final document: "the Conference notes with concern that compliance with Article I, by some States Parties, has been subject to doubt in certain specific cases (...). The Conference also notes the important decree by the President of the Russian Federation in April 1992 indicating that his country would accomplish its obligations under the Convention. The Conference expresses the hope that objectives outlined in that decree would rapidly be fulfilled."²¹ The US proposal was not accepted, however.

Regarding the same problem, the British delegation informed the Conference that "in accordance with the provisions of Article V, the United Kingdom along with the other depositary powers (the United States and the Russian Federation) agreed in 1992 a Trilateral Statement which addresses issues arising from the Soviet Union's non-compliance with the Convention."²² In the course of the Conference, however, a "corrigendum" was circulated to the effect that the commentary on Article V should read: "in accordance with the provisions of Article V, the United Kingdom along with the other depositary powers (the United States and the Russian Federation) agreed in 1992 a Russian-American-British statement on biological weapons".²³

On the other hand, the submission by the Russian Federation stressed that "effective verification of compliance depends to a great extent on the presence of objective criteria, including definitions of basic terms, lists of microbiological and other biological agents and toxins and appropriate threshold quantities. In this context, the Conference notes the importance of continued work by the Ad Hoc Group on objective criteria with the aim of including them in a legally binding instrument."²⁴

In the absence of established procedures to investigate cases of questionable compliance, and with no international organization having an independent inspectorate to carry them out, developing countries will never be able to reach meaningful conclusions on compliance issues as they lack an advanced intelligence-gathering capability. Only a BWC organization in

²¹ See note 4, p. 43.

²² United Nations, "Background information document on compliance by States Parties with all their obligations under the BWC", BWC/CONF.IV/3, Geneva, 1996, p. 31.

²³ United Nations, "Background information document on compliance by States Parties with all their obligations under the BWC", BWC/CONF.IV/3/Corr. 2, Geneva, 1996.

²⁴ See note 4, p. 42.

which all member States take part on an equal footing would have the necessary credibility to establish and enforce compliance standards.

If developing countries are to support an eventual compliance regime, they would rightly insist that it be non-discriminatory, as required by the mandate of the Ad Hoc Group.²⁵ As stressed by the Fourth Review Conference, “non-compliance should be treated with determination in all cases, without selectivity or discrimination”.²⁶

This means that no State party to the BWC, not even permanent members of the Security Council, should be able to shield its biological establishment, including its defensive capabilities, from the regime’s transparency and compliance measures, which may include validation visits, compliance inspections and investigations of alleged use or of alleged release into the environment.

These requirements are essential if we are to develop an effective and credible regime. But are they compatible with the demand for cost-effectiveness? Could the financial and political costs of a regime intrusive enough to be credible be absorbed by all? The concept of increasing access (challenge inspections) in exchange for minimizing — and maybe eliminating — routine inspection effort might be useful here.

For example, the regime needs to consider how to cope with assessments such as that made by Kathleen C. Bailey on the UN inspections in Iraq which alleged that “a non-cooperative inspectee can succeed in defeating the aims of the inspection to some extent”, and that particularly in the biological field “there are inherent difficulties in distinguishing between peaceful and military biological research”,²⁷ then are the industrialized States prepared to face a regime that by nature is very intrusive and expensive in order to be effective and credible?

These are the type of questions that each State party to the BWC, and in particular each developing State, should answer for itself while taking part in the work of the Ad Hoc Group. The shape of a possible compliance or verification regime has not yet been determined. It will be up to developing countries to ensure that its features will advance both their practical interests and those of the international community.

²⁵ See note 7.

²⁶ See note 4, p. 16.

²⁷ K.C.A. Bailey, *The UN Inspections in Iraq — Lesson for on-site verification*, Westview Press, Boulder, USA, 1995.