

**Pakistan Security Research Unit (PSRU)**

**Brief Number 1**



**Pakistan, Biological Weapons and  
the BTWC**

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# Pakistan, Biological Weapons and the BTWC

James Revill<sup>1</sup>

## Introduction

The Biological and Toxins Weapons Convention of 1972 prohibits the development, production, stockpiling or otherwise acquiring or retaining of biological and/or toxin weapons, whereas the Geneva Protocol explicitly prohibit the use of bacteriological weapons. These instruments are underpinned by a long standing moral opprobrium on ‘poison’<sup>2</sup> weapons. Such a moral opprobrium is not a purely Western centric notion. Islam prohibits the use of indiscriminate means and methods of warfare generally, and poison was specifically prohibited by the first Caliph Abu-Bakr who is understood to have “exhorted his troops to overcome their enemies by bravery and *never by poison* in a campaign”<sup>3</sup>. The existence of a legal prohibition and a normative opprobrium necessitates that no state is likely to overtly reveal a BW programme and such accurate assessment of compliance with the BTWC based on open sources material is fraught with difficulty.

Pakistan has a developing biotechnology infrastructure located in plants such as Pakistan's National Institute for Biotechnology and Genetic Engineering (NIBGE), the Centre for Advanced Molecular Biology (CAMB) and the Nuclear Institute for Agriculture and Biology (NIAB). As with many other states, Pakistan has taken steps to show that the BTWC and the Geneva Protocol are important to the peace and security of Pakistan. Consequently, Pakistan is unlikely to have any interest in biological weapons as:

- Effective weaponisation of BW in the form of a strategically or tactically usable weapon would be costly and difficult;
- Pakistan has nuclear weapons which are likely to be both more reliable and militarily effective than BW;
- Pakistan's historic adversary and primary target for its weapons, India, shares a border with the east of Pakistan and the use of BW against India may have a boomerang effect with catastrophic consequences for Pakistan;
- Pakistan has been at the fore of BTWC negotiations most recently with the remarkable leadership of Ambassador Masood Khan steering the 6<sup>th</sup> Review Conference to a successful conclusion. In this sense, the consequences of a

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<sup>1</sup> The views expressed are entirely those of James Revill and should not be construed as reflecting the views of the PSRU, Department of Peace Studies or the University of Bradford.

<sup>2</sup> At the time of writing the distinction between Chemical and Biological weapons was not likely to be clearly elucidated and such it seems safe to assume that poison covers both biological chemical and toxin weapons.

<sup>3</sup> See: Zanders, J. P (2003) “INTERNATIONAL NORMS AGAINST CHEMICAL AND BIOLOGICAL WARFARE: AN AMBIGUOUS LEGACY”, *Journal of Conflict & Security Law* (2003), Vol. 8 No. 2, 391–410. [emphasis added]

revelation regarding Pakistani BW projects would be politically highly embarrassing.

- As per any other state, the use of BW would be met with strong international condemnation and, at the very least, Pakistan is likely to experience sanctions.

### **Non-state actors**

Although these factors suggest a state programme is unlikely, the logic applied to the Pakistani state cannot be applied to non-state actors such as Al Qaeda and the Taliban, who are, according to some sources<sup>4</sup>, operating within the territory of Pakistan. Such groups are not constrained by deterrence or politics, and the normative opprobrium on BW may have been undermined by the influence of individuals such as Qutb, advocating a non-discriminatory approach to jihad. They are, however, constrained by controls on and access to agents, expertise, equipment and facilities. Therefore, it is crucial that adequate national measures are implemented to minimise the possibility of such groups developing or otherwise obtaining BW.

Under Article IV of the BTWC, states are obligated to “take any necessary measures *to prohibit and prevent* the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in article I of the Convention, *within the territory of such State, under its jurisdiction or under its control anywhere*”<sup>5</sup>. Over the evolution of the convention, this article has primarily been interpreted as legislative measures, particularly criminalisation of development, production and use. However, increasingly states are being required to move beyond this narrow legal definition towards improvements in biosafety/biosecurity and raising life scientist’s awareness and education.

Pakistan reported to the BTWC Sixth Review Conference that it has begun the process of implementing a broad definition of obligations under Article IV: “Various statutes are- being implemented to check any proliferation and diversion. Biosafety Rules have been finalized and notified for enforcement. A National Biosafety Committee supervises their compliance...we enacted a comprehensive Export Control Law covering biological and toxin agent”<sup>6</sup>. However, because Pakistan is of particular significance in relation to the “war on terror”, these measures need to be of proven efficacy and as such Pakistan needs to go further and quicker to assuage the concerns of other states. Based on the discussion on national implementation in 2003, *inter alia* the demonstrable efficacy of the following measures could provide reassurance to other states:

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<sup>4</sup> See, for example: Negroponte. J (2007) IN: BBC (2007) “Al-Qaeda 'rebuilding' in Pakistan”, ‘BBC World’, Friday, 12 January 2007. Internet resource, available from: [http://news.bbc.co.uk/1/hi/world/south\\_asia/6254375.stm](http://news.bbc.co.uk/1/hi/world/south_asia/6254375.stm) ; Gregory. S (2007) “Al-Qaeda in Pakistan”, ‘Pakistan Security Research Unit (PSRU) Brief Number 5’, 1st March 2007. Internet resource, available from: <http://spaces.brad.ac.uk:8080/download/attachments/748/Brief5finalised.pdf>

<sup>5</sup> Text of the BTWC available from: <http://disarmament2.un.org/wmd/bwc/BWCtext.htm>

<sup>6</sup> Janjua. T [Pakistan] (2006) “statement by Ms. Tehmina Janjua deputy permanent representative of Pakistan at the 6<sup>th</sup> Review Conference of the BTWC”, BTWC Sixth Review Conference 20 November 2006, internet resource, available from: <http://spaces.brad.ac.uk:8080/display/ssispsru/Pakistan+Biological+Weapons+Resources>

- National procedures, based on risk assessments of pathogens and toxins, for, among other things, the oversight of facilities and of personnel possessing and handling dangerous materials as well as of transport systems
- National licensing/registration of facilities and persons;
- National internal and external monitoring of facilities;
- National penal legislation to limit possession and handling of dangerous biological materials to licensed/registered facilities and authorized personnel only;
- Support for international bodies that have already developed guidelines for securing dangerous microorganisms and toxins in improving and expanding their efforts.<sup>7</sup>
- Education programmes to ensure life scientists are aware of their responsibilities under the BTWC and Pakistani domestic law.

### Article X

If Pakistan is going to undertake national measures that go beyond the global standard, then there needs to be incentives from those developed states pushing the non-proliferation agenda. Although Pakistan shares the concerns of Western states over bioterrorism<sup>8</sup>, it is likely to be equally, if not more concerned about natural outbreaks of disease affecting health, food staples and/or raw materials which form part of its exports. Already the website of Pakistan's key biotech institutes the NIBGE, the CAMB and the NIAB indicate frustration at what is perceived as Western monopoly on biotechnology which functions to the detriment of developing countries, something which is a longstanding grievance amongst several states amongst the Non-Aligned Movement (NAM). In this sense, if developed Western states are to continue to demand more of developing countries to satisfy concerns over bioterrorism then more tangible peaceful cooperation is a prerequisite.

Such incentives are a *quid pro quo* for national implementation and must go beyond the textual basis outlined in article X which contains both a promotional and regulatory paragraph dealing with international cooperation and transfers. Indeed, over the evolution of the BTWC the two paragraphs of Article X have, in the eyes of the developing south at least, been conflated into a single understanding that Article X serves a promotional purpose. For Pakistan such incentives could include an exchange of expertise in projects related to agricultural biotechnology or improving health infrastructure by, for example, assistance in the "implementation of TB, HIV and malaria programmes in districts"<sup>9</sup> or supporting emergency plans to respond to polio re-infection. Whichever such demands are prioritised, they should be specific rather

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<sup>7</sup> Germany (2003) "Core Elements of National Mechanisms to Establish and Maintain the Security and Oversight of Dangerous Microorganisms and Toxins" Working Paper Submitted by the Federal Republic of Germany', 'BTWC states parties meeting 2003' internet resource, available from: <http://disarmament2.un.org/wmd/bwc/annualmeetings/listofdocs-meeting%20of%20States%20Parties.html>

<sup>8</sup> Janjua. T [Pakistan] (2006) "statement by Ms. Tehmina Janjua deputy permanent representative of Pakistan at the 6<sup>th</sup> Review Conference of the BTWC", BTWC Sixth Review Conference 20 November 2006, internet resource, available from: <http://spaces.brad.ac.uk:8080/display/ssidpsru/Pakistan+Biological+Weapons+Resources>

<sup>9</sup> WHO (2006) "Country Profile – Pakistan", 'WHO REPORT 2006', Internet resource, available from: <http://www.who.int/countries/pak/en/>

than general as this makes it difficult for state parties to dismiss in forums such as the BTWC. Cooperation in these areas not may not only contribute to socio-economic development and wellbeing in the short term, but in the long term may also build trust between scientific communities and contribute to demonstrating benign munificence by the West towards the Muslim world, something countries such as the UK and the US are, in the eyes of many, failing with.

### **Conclusions**

Pakistan is an active participant in the BTWC and, based on publicly available sources, unlikely to have active BW programmes. However, sources suggest that “terrorist” groups are functioning in the territory of Pakistan and this raises concerns over the adequacy of the implementation of national measures to prohibit and prevent BW development within Pakistani territory. Whilst Pakistan is implementing national measures to assuage concerns, more needs to be done in states on the frontline of the War on Terror. Yet, if the West is going to demand more from state with developing biotechnology infrastructures, then there needs to be incentives to do more. There are a range of areas where peaceful cooperation in the life sciences has taken place and these should be acknowledged, equally there is a need for more to be done in exchange for verified assurances on biosecurity and biosafety.