

The First Intersessional Process of the BTWC 2003 – 2005

Lecture No. 9

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2. Introduction: VEREX

- In 1991, the Third Review Conference established a group of Verification of Governmental Experts (VEREX) “to identify and examine potential verification measures from a scientific and technical standpoint.”
- They concluded: “that potential verification measures as identified and evaluated could be useful to varying degrees in enhancing confidence, through increased transparency, that States Parties were fulfilling their obligations under the BWC.”
- These cautious conclusions were enough to open a political discussion.

3. Introduction: AHG

- Based on the scientific work of VEREX, political negotiations were initiated through the Ad Hoc Group (AHG) in January 1995.
- The AHG was tasked with negotiating a legally binding protocol to the BWC to strengthen the convention.
- Group developed a protocol which envisaged an international body that could conduct challenge inspections* of suspect facilities and activities.
- Perspectives on the AHG varied considerably.

4. The Collapse of the Protocol Negotiations: 5th Review Conference (i)

- At the 24th AHG session the US stated that:
“After extensive deliberation, the United States has concluded that the current approach...is not, in our view, capable of ...strengthening confidence in compliance with the Biological Weapons Convention.”

5. The Collapse of the Protocol Negotiations: 5th Review Conference (ii)

- Compounded at the Fifth Review Conference in 2001 when the US stated that: “The time for ‘better than nothing’ protocols is over. It is time for us to consider serious measures to address the BW threat. It is time to set aside years of diplomatic inertia. We will not be protected by a ‘Maginot treaty’ approach to the BW threat.”

6. The Collapse of the Protocol

Negotiations: Resumed 5th Rev Con (iii)

- Following agreement of the 5th Review Conference in 2001, bilateral negotiations were conducted.
- 5th Review Conference was resumed in 2002 and based on bilateral negotiations states parties were able to agree a: “Fresh approach to combat the deliberate use of disease as a weapon.”
Rather than international negotiations for a verification regime, the focus turned to national implementation.

7. The Intersessional Process (i)

- The Fifth Review Conference decided to three annual meetings of one week duration each year commencing in 2003 until the Sixth Review Conference on the following agendas:
 - “i. the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation;
 - ii. national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins;

8. The Intersessional Process (ii)

- iii. enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease;
- iv. strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants;
- v. the content, promulgation, and adoption of codes of conduct for scientists.”

9. The Intersessional Process (iii)

- Several states were disappointed at the failure to agree a protocol to the Biological Weapons Convention.
- However, others more positive recognising this new approach “provided for a qualitatively different outcome”.
- The more nationally focused approach is significant for the scientific community .

10. The BTWC 2003 Meetings (i)

- In 2003 States Parties met twice to “discuss, and promote common understanding and effective action” on agenda items one and two.
- “The States Parties agreed ... on the value of the following: To review, and where necessary, enact or update national legal, including regulatory and penal, measures which ensure effective implementation of the prohibitions of the Convention, and which enhance effective security of pathogens and toxins.”

11. The BTWC 2003 Meetings (ii)

“The States Parties agreed ... on the value of the following: The need for comprehensive and concrete national measures to secure pathogen collections and the control of their use for peaceful purposes. There was a general recognition of the value of biosecurity measures and procedures, which will ensure that such dangerous materials are not accessible to persons who might or could misuse them for purposes contrary to the Convention.”

12. The BTWC 2004 Meetings (i)

- In 2004, Parties met twice to “discuss, and promote common understanding and effective action” on agenda items agenda items three and four.
- States Parties recognised that: “strengthening and broadening national and international surveillance, detection, diagnosis and combating of infectious disease may support the object and purpose of the Convention.”
- “scientific and technological developments have the potential to significantly improve disease surveillance and response.”

13. The BTWC 2004 Meetings (ii)

- The states parties agreed to the value of “supporting the existing networks of relevant international organisations for the surveillance, detection, diagnosis and combating of infectious diseases”
- “improving, wherever possible, national and regional disease surveillance capabilities”
“continuing to develop their own national capacities for response, investigation and mitigation [of disease outbreaks]”

14. The BTWC 2005 Meetings (i)

- In 2005 States Parties met twice to “discuss, and promote common understanding and effective action” on codes of conduct for scientists.
- Twenty-three scientific, professional, academic and industry bodies attended the Experts Meetings.
- More than 280 scientific and other experts from capitals and international agencies attended this meeting.
- Greater participation from scientists because of the focus on codes for scientists.

15. The BTWC 2005 Meetings (ii)

- “Many experts agreed on the general need to raise awareness and increase education amongst the scientific community and the public at large on biological weapons issues”
- Other issues included whether there can be any “one size fits all” approach to codes.
- Definitional issues, for some this refers to a legally binding code, others a set of detailed guidelines and other still an ethical code.
- Issues of Authorship, Promulgations and target.

16. The BTWC 2005 Meetings (iii)

- “...the States Parties recognised that: codes of conduct, voluntarily adopted, for scientists in the fields relevant to the Convention can support the object and purpose of the Convention by making a significant and effective contribution, in conjunction with other measures including national legislation, to combating the present and future threats posed by biological and toxin weapons, as well as by raising awareness of the Convention, and by helping relevant actors to fulfil their legal, regulatory and professional obligations and ethical principles;”

17. The BTWC 2005 Meetings (iv)

- “...science should be used for peaceful purposes only but has the potential to be misused in ways that are prohibited by the Convention, and therefore codes of conduct should require and enable relevant actors to have a clear understanding of the content, purpose and reasonably foreseeable consequences of their activities, and of the need to abide by the obligations contained in the Convention.”

18. The BTWC 2005 Meetings: IAP *“Statement on Biosecurity”* (v)

“1. **Awareness.** Scientists have an obligation to do no harm. They should always take into consideration the reasonably foreseeable consequences of their own activities. They should therefore:

- always bear in mind the potential consequences – possibly harmful – of their research and recognize that individual good conscience does not justify ignoring the possible misuse of their scientific endeavour;
- refuse to undertake research that has only harmful consequences for humankind.”

19. The BTWC 2005 Meetings: IAP *“Statement on Biosecurity”* (vi)

“2. **Safety and Security.** Scientists working with agents such as pathogenic organisms or dangerous toxins have a responsibility to use good, safe and secure laboratory procedures, whether codified by law or common practice.

3. **Education and Information.** Scientists should be aware of, disseminate information about and teach national and international laws and regulations, as well as policies and principles aimed at preventing the misuse of biological research.”

20. The BTWC 2005 Meetings: IAP *“Statement on Biosecurity”* (vii)

“4. **Accountability.** Scientists who become aware of activities that violate the Biological and Toxin Weapons Convention or international customary law should raise their concerns with appropriate people, authorities and agencies.

5. **Oversight.** Scientists with responsibility for oversight of research or for evaluation of projects or publications should promote adherence to these principles by those under their control, supervision or evaluation and act as role models in this regard.”

Sample Questions

- 1. Think of an example of research being conducted at your institution which could be misapplied? Describe this research and what you consider should be done about it.**
- 2. To what extent are life scientists responsible for the results of their research? Discuss.**
- 3. How is the BTWC implemented in your country, specifically what has export controls, national legislation, biosecurity/biosafety regulations does your country have?**
- 4. Do you agree the Inter Academy Panel Code “*Statement on Biosecurity*”? Does your national academy of science subscribe to this code?**

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