

# **Strengthening the Biological Weapons Convention**

## **Review Conference Paper No 29**

### **A 2020 Vision for the Biological and Toxin Weapons Convention**

**March 2011**

**Series Editors**

**Graham S Pearson and Malcolm R Dando**

Division of Peace Studies, University of Bradford

# **Strengthening the Biological Weapons Convention**

## **Review Conference Paper No 29**

### **A 2020 Vision for the Biological and Toxin Weapons Convention**

Graham S. Pearson & Nicholas A. Sims

Series Editors

Graham S Pearson and Malcolm R Dando

Division of Peace Studies

University of Bradford

Bradford, UK

March 2011

# A 2020 VISION FOR THE BIOLOGICAL AND TOXIN WEAPONS CONVENTION

by Graham S. Pearson\* and Nicholas A. Sims†

## Introduction

1. In Bradford Review Conference Paper No. 20<sup>1</sup> entitled *Towards a New Implementation Mechanism for the BTWC* prepared in November 2007 it was concluded that:

*The States Parties to the BTWC are urged to recognize that there is broad agreement on the value of a resumed effort to strengthen the effectiveness and improve the implementation of the Convention. However, realistically they also need to recognize that a **fresh start with no preconditions** is needed in the light of all the developments over the past sixteen years. Such a **fresh start** will not happen before the Seventh Review Conference but States Parties can help to prepare the ground for such a **fresh start** by including proposals for the resumption of the Ad Hoc Group, and planning for a new implementation mechanism, in their preparations for the 2011 Review Conference, and meanwhile being careful in their statements to the intersessional meetings and elsewhere to recognize the benefits to all States Parties of efforts to strengthen the effectiveness and improve the implementation of the Convention. They should not needlessly continue in such statements to use words like verification, when they could use validation instead, or definitions, when they could make it clear that definitions apply to what the measures in a future system will entail, or refer to resumption of negotiations without making it clear that a fresh start is necessary. It will be better to emphasize at every opportunity the value of joining together in a **fresh start with no preconditions to consider a system of measures for a new implementation mechanism to strengthen the effectiveness and improve the implementation of the Convention.** [Emphasis in original]*

2. As we are now approaching the Seventh Review Conference in 2011, it is timely to consider the situation today in regard to what steps might be taken to move towards strengthening the effectiveness and improving the implementation of the Convention. This Review Conference Paper examines the current situation in regard to this topic and puts forward a proposal that might enable the first steps towards progress to be made at the Seventh Review Conference in 2011.

## Developments since 2007

3. As there is increasing acceptance that novel ideas put forward at the Review Conference itself are unlikely to find consensus, there has been increased encouragement to States Parties to put forward their ideas for ways in which the Convention might be enhanced in Working

---

\* Graham S. Pearson is a Visiting Professor of International Security in the Division of Peace Studies at the University of Bradford, Bradford, West Yorkshire BD7 1DP, UK.

† Nicholas A. Sims is an Emeritus Reader in International Relations in the Department of International Relations at the London School of Economics and Political Science, University of London, Houghton Street, London WC2A 2AE, UK.

<sup>1</sup> Graham S. Pearson and Nicholas A. Sims, *Towards a New Implementation Mechanism for the BTWC*, University of Bradford, Division of Peace Studies, Review Conference Paper No. 20, November 2007. Available at <http://www.brad.ac.uk/acad/sbtwc/briefing/RCPapers.htm>

Papers submitted during the intersessional process. Switzerland has led the way with a series of four working papers. The first two were one at the Meeting of Experts<sup>2</sup> and one at the Meeting of States Parties<sup>3</sup> respectively in 2007 which described a Swiss Government study carried out by experts at the LSE and at VERTIC on national data collection processes for CBMs based on a survey of 10 States Parties that have consistently submitted returns since 1986. Two further papers were submitted in 2008 at the Meeting of Experts<sup>4</sup> and at the Meeting of States Parties<sup>5</sup> respectively. The papers described another Swiss study on CBMs, again carried out by experts at the LSE, which considered the kind of information that builds confidence. The two studies were part of efforts to prepare well in advance for the consideration of CBMs at the Seventh Review Conference, as it was recognised that at the Sixth Review Conference in 2006 it had been very difficult to agree on solutions regarding CBMs in an already packed agenda.

4. The NAM and other States have followed the example of Switzerland, with its Working Papers on Confidence Building Measures, by putting forward WP.24 at the Meeting of Experts in August 2009. Significantly, in introducing this WP, the NAM said that *The Group of NAM and other States parties is ready to initiate discussion on this mechanism as part of negotiations to strengthen the Convention*. Given that Sweden on behalf of the EU at the same Meeting of Experts said that *The European Union also remains committed to working with a long term view to develop measures to verify compliance with the BTWC* it is evident that both the NAM and the EU are showing a willingness to start on discussions to strengthen the Convention. Russia at the August 2009 Meeting of Experts said that *The Russian Federation remains committed to the establishment of such mechanism*.

5. **Meeting of Experts August 2010.** In 2010, the Chairman for the Meeting of Experts and of States Parties in February 2010 pointed out in regard to the subject of preparation for the Review Conference that:

*Preparation for the Review Conference is not formally on our agenda for 2010, and is not part of my mandate as Chairman. Nevertheless, it is natural and welcome that States Parties should wish to start informal discussions on the Review Conference in the course of this year. I encourage delegations to consider holding seminars and other events to begin considering options for 2011, including on the margins of the Meeting of Experts and Meeting of States Parties.*

---

<sup>2</sup> Switzerland, Meeting of Experts of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, *National Data Collection Processes for CBM Submissions*, BWC/MSP/2007/MX/WP.10, 15 August 2007. Available at <http://www.unog.ch/bwc> and at <http://www.opbw.org>

<sup>3</sup> Switzerland, Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, *National Data Collection Processes for CBM Submissions*, BWC/MSP/2007/WP.11, 7 January 2008. Available at <http://www.unog.ch/bwc> and at <http://www.opbw.org>

<sup>4</sup> Switzerland, Meeting of Experts of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, *National Data Collection Processes for CBM Submissions*, BWC/MSP/2008/MX/WP.5, 30 July 2008. Available at <http://www.unog.ch/bwc> and at <http://www.opbw.org>

<sup>5</sup> Switzerland, Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, *Preparing the Ground for the CBM Content Debate: What Information Builds Confidence?*, BWC/MSP/2008/WP.6, 9 December 2008. Available at <http://www.unog.ch/bwc> and at <http://www.opbw.org>

It was therefore not surprising that at the Meeting of Experts in August 2010 in the opening statements eleven (Cuba (NAM), Belgium (EU), Australia (WG), Russian Federation, China, Saudi Arabia, Pakistan, Iran, India, Algeria and Norway) of the 24 States Parties who spoke looked ahead, either explicitly or indirectly, to the Seventh Review Conference in 2011.

6. Some of those statements addressed included ideas as to how to strengthen the effectiveness and improve the implementation of the Convention. **Cuba** (on behalf of the NAM and other States) said *The Group of Non-Aligned States Parties and other States Parties to the BTWC recognizes the particular importance of strengthening the Convention. We strongly believe that the only sustainable method to reach this goal is through multilateral negotiations aimed at concluding a non-discriminatory, legally-binding agreement, dealing with all the Articles of the Convention in a balanced and comprehensive manner that can not exclude the negotiation and establishment of a verification mechanism.* **Belgium** (on behalf of the EU) said that *The European Union ... remains committed towards identifying effective mechanisms to strengthen and verify compliance with the Convention.* In statements by individual States Parties, **Pakistan** said that *Next year we will hold the seventh Review Conference. .... The Review Conference must positively address the issue of verification protocol, seek enhanced implementation of the Convention, particularly Article X and promote universalization.* **Iran** said that *We hope the multilateral negotiations would be resumed on a legally binding instrument to comprehensively strengthen the convention including in the area of international cooperation for peaceful purposes.* **India** said that *India attaches the highest priority to the further strengthening of the BWC, ensure its full implementation by all States Parties and make it universal. We believe that only a multilaterally agreed mechanism for verification of compliance can provide the assurance that all States Parties to the Convention are in compliance with their obligations under the BWC.* **Algeria** said that *The Algerian delegation believes that the goal of the process of our intersessional meetings ought to be to enable us to strengthen the normative framework for the Convention, including via a verification mechanism, because in the absence of such a mechanism the scope of the Convention will remain limited. On the eve of the Seventh Review Conference, it is our hope that States Parties will be able to reach a compromise in order to envisage relaunching negotiations on this subject.*

7. **Workshop in Beijing, November 2010.** Subsequent to the Meeting of Experts in August 2010, there was an excellent workshop held in Beijing, China on 4 to 6 November 2010 that was organised by the Government of China and the Government of Canada together with the Implementation Support Unit of the Biological Weapons Convention (BWC) and entitled *Strengthening International Efforts to Prevent the Proliferation of Biological Weapons: The Role of the Biological and Toxin Weapons Convention.* This was attended by 84 participants from 32 countries (Afghanistan, Algeria, Argentina, Australia, Brazil, Canada, Chile, China, Cuba, France, Germany, India, Indonesia, Iran, Japan, Jordan, Kyrgyzstan, Malaysia, Mexico, Morocco, Netherlands, Norway, Pakistan, Philippines, Republic of Korea, Romania, Russian Federation, Saudi Arabia, South Africa, Switzerland, Ukraine, United Kingdom and the United States) and nine organisations (European Union, InterAcademy Panel, International Federation of Biosafety Associations, Interpol, University of Bradford, United Nations Office for Disarmament Affairs, VERTIC, Wilton Park and the World Organisation for Animal Health (OIE)).

8. There were wide-ranging and frank discussions of many topics relating to the forthcoming Seventh Review Conference. It was also evident that there was a shared desire to take

advantage of the opportunity that will be offered by the Seventh Review Conference to strengthen the BTWC regime prohibiting biological weapons.

9. However, it was also evident in a number of the discussions considering which steps to take towards improving the implementation of the Convention and in building confidence in compliance, that a resource-benefit analysis needs to be applied in considering the relative merits of the various options – so that the benefits to the Convention regime from each option can be considered in terms of the resources and efforts required from the States Parties. This need to consider the resources required in the light of maximising the benefits was evident in discussions about the Confidence-Building Measure (CBM) regime where the order of magnitude increase in the size of the CBM submissions submitted by some States Parties – and the amount of effort needed to generate such submissions – needs to be assessed against the benefit that arises – how much more confidence is gained about the compliance of that State Party. Attention needs to be given to synergies as drawing upon information already provided under other agreements can help to reduce costs – as well as ensuring consistency. After all, the Sixth Review Conference in its Final Declaration<sup>6</sup> on Article IV said that “*The Conference also notes that information provided to the United Nations by states in accordance with Resolution 1540 may provide a useful resource for States Parties in fulfilling their obligations under this Article.*”

10. A similar consideration is very likely to apply in regard to Article X. It is already evident that many States Parties are already engaged in a very wide range of activities that promote the use of bacteriological (biological) agents and toxins for peaceful purposes. The question has to be asked whether putting effort into tracking down and listing all these activities will actually enhance confidence in compliance of a State Party that provides such information. It should be recognised that one of the benefits of the accountability framework<sup>7</sup> is that this would enable each State Party to decide for itself how to demonstrate what it is doing about Article X. And, furthermore, it is more likely to result in reports on their Article X activities being provided by many more States Parties.

11. **Meeting of States Parties December 2010.** At the Meeting of States Parties in December 2010, some fourteen statements expressed views about the strengthening of the implementation of the Convention through a legally-binding mechanism. Thus, in the group statements, **Cuba** (on behalf of the NAM) said *the Group recognized the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol and universal adherence to the Convention, as well as the strengthening and improving of the effectiveness of the Convention,... Regrettably the long sought aspiration of member States for resumption of the negotiation for convening a legally binding instrument to comprehensively strengthen the Convention was rejected again during the last December meeting. We urge the responsible of that situation to reconsider its policy towards this Convention in the light of persistent request of other Parties.* The statement went on to say that *The Group of the Non-Aligned and other States Parties to the BTWC*

---

<sup>6</sup> United Nations, Sixth Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, Geneva, 20 November – 8 December 2006, *Final Document*, BWC/CONF. VI/6, Geneva 2006. Available at <http://www.unog.ch/bwc> and at <http://www.opbw.org>

<sup>7</sup> Nicholas A. Sims, *An Accountability Framework for the BTWC Convention*, Bradford Review Conference Paper No. 23, October 2010. Available at <http://www.brad.ac.uk/acad/sbtwc> and at the Seventh Review Conference Think Zone at [http://www.unog.ch/80256EE600585943/\(httpPages\)/0FF9CBDC43026888C12577B5004E29E4?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/0FF9CBDC43026888C12577B5004E29E4?OpenDocument)

recognizes the particular importance of strengthening the Convention. We strongly believe that the only sustainable method to achieve this goal is through multilateral negotiations aimed at concluding a non-discriminatory, legally binding agreement, dealing with all Articles of the Convention in a balanced and comprehensive manner that can not exclude the negotiation and establishment of a verification mechanism. The adoption of such a mechanism could minimize the possibility of use of bacteriological (biological) agents and toxins as weapons. **Belgium** (on behalf of the EU) said *The European Union also remains committed towards identifying effective mechanisms to enhance and possibly verify compliance with the Convention.* **Canada** (on behalf of the JACKSNNZ group) said in regard to compliance and national implementation, that this should be taken up both at the Review Conference and in the subsequent intersessional process, including how to improve confidence in compliance with the BTWC.

12. In the statements made by individual States Parties, the **Russian Federation** said *We continue to believe that one of the key ways to improve the BWC remains the establishment of a legally binding mechanism for verification of compliance by the States Parties with the provisions of the Convention. If we want to make our regime really durable and capable to sustain in the changing environment we cannot achieve this without a comprehensive control mechanism. We are aware of the view of a number of states that it is impossible to develop an effective BWC verification regime, and since it lacks efficiency it can weaken the Convention. We do not share this view. We believe that in any disarmament or nonproliferation regime the essential element is the political will of the states to strictly comply with their obligations. As to the verification mechanism, it will give an additional impetus for the compliance with the BWC provisions and create an atmosphere of enhanced confidence, trust, transparency and, therefore, security. It then goes on to say We realize in the view of positions taken by a number of countries we will not be able to begin negotiations on the elaboration of a verification protocol to the Convention in the nearest future. Under these circumstances we must think together about alternatives and about what we can do already now to strengthen the BWC regime.*

13. The **United States** said that *Strengthening requires addressing the right issues, including enhancing efforts to strengthen national implementation and measures to counter the threat of bioterrorism, as well as efforts to increase confidence in States Parties' compliance with their Article I obligations. The United States remains convinced that a verification regime is no more feasible than it was in 2001, and perhaps even less so, given the evolution of technology and industry. However, we believe that there are pragmatic and constructive things that can be done to promote transparency and to strengthen mechanisms for consultation and clarification. This would be a constructive area to explore during the next intersessional period.* **Algeria** said that *These [intersessional] meetings should not be considered as some kind of contingency solution to the need to strengthen the Convention through the verification mechanism. The absence of such a mechanism leads to a climate of mistrust, fear and additional possibilities for the proliferation of biological weapons. On the eve of the Seventh Review Conference, we would like to express the wish that the States Parties reach a compromise in order to promote such negotiations. We need to have a verification mechanism under the Convention in order to ensure compliance with obligations in the area of non-proliferation. These negotiations should also promote cooperation and peaceful use of biological agents.* **Chile** said *This means that we must consider new forms of reaction, such as changing or bringing up to date our national reports, consider strengthening the confidence-building measures also, and also developing a multilateral verification mechanism that would improve the effective implementation of our Convention.*

14. **India** said *We believe that only a multilaterally agreed mechanism for verification of compliance can provide the assurance that all States Parties to the BWC are in compliance of their obligations under the Convention and that emerging threats are effectively addressed.* **Switzerland** said *Another issue where we would like to see progress at the BWC Review Conference is how States can demonstrate compliance with the treaty obligations. Switzerland is of the view that this Convention is in need of stronger mechanisms for resolving concerns about implementation of, and compliance with, the BWC. In principle, Switzerland still welcomes working towards a legally binding compliance framework. Yet, we agree that simply copying arrangements that work fine for other conventions may not satisfy our needs regarding this Convention. As an alternative approach, future annual meetings could dedicate time for sessions in which compliance with the convention can be demonstrated, assessed and discussed. It may be beneficial for the BWC community to get inspiration from other multilateral arrangements in order to create such a framework aimed at improving accountability.*

15. **Bangladesh** said *We must develop an effective verification mechanism to respond to the challenges posed by rapid advancement in biological and toxin weapon technology. Pending this goal, the Confidence Building Measures (CBMs) of the Convention need to be strengthened. The ultimate goal of the CBMs should be to achieve a fully verifiable regime as the success of the Convention will depend on the effectiveness of that verification.* **Indonesia** said *We welcome the upcoming 7th Biological Weapons Convention Review Conference as a means to address the Convention's challenges. It is our view that it should appropriately address various issues pertaining to the Convention, particularly verification as well as cooperation and assistance under Article X in order to strengthen the regime and provide incentives for States to accede to the Convention.* **Pakistan** said that *The 5 year Review cycle of the BWC allows it to adapt to the growing technologies, as well as to evolving consensus on future course of actions. In particular, it provides an opportunity to address the issue of verification protocol and to work towards full implementation of all articles of the Convention.*

16. **Iran** said that *Due to the pivotal role of the BWC in international and regional peace and security we believe that multilateral negotiations should be resumed on a legally binding instrument to comprehensively strengthen the Convention including in the area of international cooperation for peaceful purposes. Therefore my delegation strongly urges the only Party opposing the above mentioned negotiations, to abide by the wish of international community resuming the multilateral negotiations on a legally binding instrument to comprehensively strengthen the convention should clearly be appeared on the agenda of the Conference. Piecemeal solutions or fragmented proposals are not an option.* **Brazil** said that *As stated by the Non-Aligned Movement, Russia, the European Union, among others, a verification mechanism could be envisaged. At this point, I would say that to transform the BWC into a cooperative mechanism for the development of biological sciences and technology does not solve the problem that the Convention is supposed to address.* **Ghana** said *We hope that the depth of the deliberations this week will demonstrate the importance of multilateral negotiations for a legally binding Protocol to strengthen the Convention while we also emphasize the need for its universal adherence.*

17. **Analysis.** It is evident that the majority of the States Parties who are active in the annual Meetings of States Parties are showing that they are looking ahead to the Seventh Review Conference. A number of States Parties are keen to re-start consideration of how best to



strengthen the effectiveness and improve the implementation of the Convention – or, in other words, how to move forward towards a new legally or politically binding mechanism. However, it seems to be widely appreciated that it is unrealistic to return to the point where the previous negotiations ceased and try to carry on from there. It has to be recognized that the world today – 20 years after the start of the earlier process – is quite different. It would be a good solution to look ahead to a world a decade hence and for the Seventh Review Conference to create a working group that looks ahead to what sort of regime would be appropriate and desirable for that time – a 2020 working group that looks ahead and identifies where there is consensus and builds on that.

### **A 2020 Vision for the Convention**

18. Although there is thus support for the idea of again starting to explore how best to strengthen the effectiveness and improve the implementation of the Convention, it is also evident that States Parties will want to consider this in the light of what resources and effort would be required in order to maximise the benefits in implementing a new approach to strengthening the Convention. Thus whilst some have simply argued that there is a need to resume negotiations on a legally binding instrument others have emphasised the need to focus on pragmatic and constructive approaches to promote transparency and to address clarification of compliance concerns. The Seventh Review Conference provides an opportunity for the States Parties to agree how best to move forward.

19. It is against this background that we consider that there is merit in considering a 2020 Vision working group. Such a working group should be charged with taking a look into the future – to the sort of regime that States Parties would aspire to have at a time a decade hence in 2020. Such a working group should look ahead to see what sort of mechanism – should it be legally binding or politically binding – should be in place. What sort of information should be shared amongst the States Parties in order to build confidence in compliance? Should there be a means whereby such information can be discussed and clarification obtained as necessary? And what should be anticipated or encouraged in the context of the convergence of the life sciences and chemistry – and the implications of this scientific convergence for closer working relationships between the BTWC and CWC treaty regimes? And how can the benefits be maximised from the resources necessary for individual States Parties to realise this vision of a mechanism in 2020?

20. It seems that the political will is clearly there. Indeed, in three of the statements made in the plenary session at the Meeting of States Parties in December 2010 there was support for creating such working groups. First, Canada speaking on behalf of the JACKSNNZ group (Japan, Australia, Canada, Republic of Korea, Switzerland, Norway and New Zealand) said<sup>8</sup> that:

*The JACKSNNZ are of the view that the **current arrangement of Meetings of Experts and Meetings of States Parties** has been useful. We would support the idea of MSPs taking decisions if necessary, without having to wait for Review Conferences. We would also be in favour of the States Parties creating **standing expert groups** to do ongoing work during Meetings of Experts and Meetings of States Parties, and if*

---

<sup>8</sup> Canada, *Statement*, Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, 6 December 2010. Available at <http://www.unog.ch/bwc>

*necessary, between Meetings, on an open-ended and voluntary basis, to discuss and report back on ongoing issues.* [Emphasis in original]

21. The United States also expressed a similar view in its statement when the USA said that:

*A “consensus and ambition” approach also means getting the process right. The United States believes that we need a strengthened, revitalized intersessional process that builds on the success of the past four years. Such a process would have the following characteristics*

- *Greater flexibility to address sets of related issues, and to return to specific issues to solve problems instead of delaying resolution for a future intersessional process, including through the establishment of standing working groups to deal with specific issues*

In addition, during the consideration at MSP/2010 on the dates and Presidency of the Seventh Review Conference, Chile in the subsequent discussion on the Review Conference said that they also felt that there was a role for standing groups to do intersessional work.

22. What is needed is for ideas to be put forward as to how best to move forward. Is it necessary to start again with an investigative exercise along the lines of the 1992-93 VEREX – *to identify and examine potential verification measures from a scientific and technical standpoint* – as agreed at the Third Review Conference in 1991? Whilst the world has undoubtedly moved on considerably over the last two decades, it is also clear that the emphasis today should be more on transparency building confidence in compliance. An excellent outcome from the Seventh Review Conference would be for the States Parties to agree – either in the Article V section of the Final Declaration or in the *Part III: Decisions and Recommendations* of the Final Document that:

A working group of national experts open to all States Parties should be established to look ahead to 2020 and to identify and examine what sort of mechanism should be in place in 2020 to build confidence in compliance and thereby strengthen the effectiveness and improve the implementation of the Convention.

23. By establishing such a working group looking ahead from the Seventh Review Conference beyond the next Review Conference in 2016, to a world in 2020, it should be possible to identify the desirable regime then for the BTWC – and then after the working group has reported on the desirable mechanism for 2020, the States Parties can then decide how best to get from here to there.