

BIOLOGICAL WEAPONS CONVENTION

BACKGROUND INFORMATION

As a result of prolonged efforts by the international community to establish a new instrument that would supplement the 1925 Geneva Protocol, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, better known as the Biological Weapons Convention (BWC), opened for signature on 10 April 1972. The BWC was the first multilateral disarmament treaty to ban the production and use of an entire category of weapons. It entered into force on 26 March 1975. Over the intervening years, increasing numbers of States joined the Convention. There are currently 159 States Parties and 15 Signatory States. The BWC effectively prohibits the development, production, acquisition, transfer, stockpiling and use of biological and toxin weapons and is a key element in the international community's efforts to address the proliferation of weapons of mass destruction.

States Parties to the BWC have strived to ensure that the Convention remains relevant and effective, despite the changes in science and technology, politics and security since it entered into force. Throughout the intervening thirty years, States Parties have met at five yearly intervals to review the operation of the BWC. Between these review conferences States Parties have pursued various activities and initiatives to strengthen the effectiveness and improve the implementation of the Convention.



THE REVIEW CONFERENCE PROCESS

Under Article XII of the BWC, a conference was mandated to occur within five years of entry into force of the Convention to review its operation, relevant scientific and technological developments, as well as progress towards the negotiation of a convention to prohibit the development, production, stockpiling and use of chemical weapons. This First Review Conference took place in Geneva from 3 to 21 March 1980. It decided that a Second Review Conference would take place about five years later, as well as concluding that texts of national implementation measures should be provided to the United Nations.

The Second Review Conference took place in Geneva from 8 to 26 September 1986. The Final Document of the conference asserted that the provisions of the BWC cover all relevant current and future scientific and technological developments as well as applying to all international, national and non-State actors, thereby bringing the issue of bioterrorism within the scope of the Convention. It also permitted the World Health Organization to coordinate emergency response measures in cases of the alleged use of biological and toxin weapons. The Second Review Conference laid down procedure for resolving doubts about compliance, known as the Formal Consultative Process, and established an annual exchange of information, known as Confidence-Building Measures (CBMs). The CBMs were intended to reduce the occurrence of ambiguities, doubts and suspicions, and improve international cooperation in the field of peaceful biological activities. An Ad Hoc Meeting of Scientific and Technical Experts was held (31st March to 15th April 1987) to establish the precise format of the CBMs.

The Third Review Conference, held in Geneva from 9 to 27 September 1991, asserted that the BWC covers agents relating to humans, animals and plants; requested States Parties to re-examine their national implementation measures; revised the format for Formal Consultative Meetings; revised the CBMs; indirectly encouraged the United Nations Secretary-General to conduct investigations into allegations of the use of biological and toxin weapons; expanded upon the coordinating role of intergovernmental organizations in the response to such occurrences; asserted that information on the implementation of Article X on peaceful uses of the biological sciences should also be provided to the United Nations; and established an Ad Hoc Group of Governmental Experts to identify and examine potential verification measures from a scientific and technical standpoint (VEREX).

The Fourth Review Conference, held in Geneva from 25 November to 6 December 1996, established that the BWC effectively covers the *use* of biological and toxin weapons, as well as asserting that all destruction and conversion activities of former weapons and associated facilities should take place prior to accession to the Convention. It recommended a series of specific measures to enhance the implementation of Article X.

The Fifth Review Conference opened in Geneva on 19 November 2001, but because of divergent positions on the Ad Hoc Group (see next section), it was suspended on 7 December 2001. A resumed session was held in

The Implementation Support Unit of the Biological Weapons Convention, in the United Nations Office for Disarmament Affairs, has created this document as a convenient quick-reference guide only. For the authoritative version of the Convention and the additional texts please see the relevant official documents.

Geneva from 11 to 22 November 2002, which decided that a series of annual Meetings of Experts and Meetings of States Parties would be held to discuss, and promote common understanding and effective action on a range of topics to strengthen the Convention.

The Sixth Review Conference took place in Geneva from 20 November to 8 December 2006. It adopted a final declaration covering the full scope of the Convention as well as a series of decisions and recommendations to strengthen the implementation of the Convention. The Sixth Review Conference importantly reaffirmed that not only does the BWC apply to all relevant scientific and technological developments, now and in those that will occur in the future, but that it also effectively prohibits the use of biological weapons by anyone, anywhere, at anytime for any purpose. This complete prohibition explains why the BWC underpins every effort made by the international community to confront the threat posed by these weapons. The 2006 conference also saw the creation of the Implementation Support Unit (ISU), which some commentators have suggested was its greatest success. It also saw the adoption of a plan of action to turn earlier commitment towards expanding the membership of the treaty into practical action. The output of this meeting has, therefore, significantly expanded the platform built upon the foundations of the Convention, shorn up the principles on which it is built as well as extending and strengthening the impact of the BWC, including through: Confidence-Building measures; national implementation; universalization; institutional support; and a new intersessional process. More information on the Review Conferences can be found at the BWC ISU website, online at: www.unog.ch/bwc.



CONFIDENCE-BUILDING MEASURES

As early as the Second Review Conference in 1986 States Parties realised that enhanced transparency and information sharing would help reduce the occurrence of ambiguities, doubts and suspicions, in order to improve international co-operation in the field of peaceful biological activities. This prompted them to develop annual Confidence-Building Measures.

The format and content of the information to be exchanged has been revised and updated over the years. Since the Third Review Conference, in 1991, there have been seven CBMs covering: research centres and laboratories, and national biological defence research and development programmes; outbreaks of infectious diseases and similar occurrences caused by toxins; the encouragement of publication of results and promotion of use of knowledge; active promotion of contacts; legislation, regulations and other measures; past activities in offensive and/or defensive biological research and development programmes; and vaccine production facilities. Various improvements to the reporting mechanism were agreed at the Sixth Review Conference in 2006. The Implementation Support Unit (ISU) was tasked with developing a mechanism for the electronic submission and distribution of CBMs. At present, using this system States Parties can submit their CBMs by e-mail and will eventually be able to provide data directly online. To streamline access to the CBM information, a restricted access area has been added to the BWC ISU website where States Parties can access up to date information using their usernames and passwords. States Parties have committed themselves to a thorough review of the CBM mechanism at the Seventh Review Conference in 2011.

The first CBM returns were collated by the UN Office for Disarmament Affairs (then the Department for Disarmament Affairs) in 1987 and have been compiled every year since. A total of 105 States have submitted CBMs at least once. Only 5 States have submitted a CBM every year since 1987. 26 States submitted CBMs every year between the Fourth and Fifth Review Conferences, whilst 26 States have submitted CBMs every year since the Fifth Review Conference. 58 States have submitted CBMs since the Sixth Review Conference. Submissions for 2006 and 2007 have the highest number of returns ever. More information on the CBMs can be found at the BWC ISU website, online at: www.unog.ch/bwc.



NATIONAL IMPLEMENTATION

The text of the BWC itself, through Article IV, requires each State Party to take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition, retention, transfer or use of biological weapons by anyone under their jurisdiction, as well as parallel measures to prohibit and prevent encouraging, inciting or assisting others in any of these acts. The precise details of what measures are necessary to accomplish such a complicated task has been left to the discretion of individual States Parties. Different national circumstances and legal systems will necessitate different approaches to implementing the provisions of the Convention. Over the course of the Review Conferences, various additional understandings have developed. This has included the identification of a number of specific areas which should be addressed by national implementation, including: legislative, administrative and other measures, including penal legislation, to enhance domestic compliance with the BWC; national export control systems; biosafety and biosecurity provisions; extraterritoriality; education, awareness raising and outreach measures; as well as disease surveillance and detection.

The BWC also dictates that these national measures must be assembled in such a manner as not to unduly impinge upon the use of the biological sciences for peaceful, prophylactic and defensive purposes or to hamper the economic or technological development of States Parties. The BWC also protects the rights of all of its States parties to facilitate and participate in the exchange of materials for peaceful purposes.

To assist States Parties in accomplishing effective national implementation, States Parties have agreed to provide one and other with support. Several States Parties have listed the resources that they can make available to others upon request. At least one regional organisation has initiated more a formalised mechanism for the provision of assistance. A great deal of work on this issue has also occurred at the bilateral level. The ISU has been allocated a clearinghouse role in national implementation - matching requests for assistance against offers to provide such resources. Furthermore, at the Sixth Review Conference, States Parties agreed to designate national points of contact for implementation and inform the ISU not only as to who had been designated but what national measures have been taken under both the proscriptive and promotional aspects of the Convention.

More information on national implementation can be found on the BWC ISU website, online at: www.unog.ch/bwc.



UNIVERSALIZATION

Since the inception of the BWC, it has been recognised that to be truly successful, an international instrument must include amongst its members all the countries of the world. The BWC review conferences have regularly asserted that increasing the membership of the BWC is therefore of the greatest importance. In 2006, States Parties to the BWC decided that they would have to commit themselves to better coordinated and comprehensive action, if they were going to realise this goal. Included in the Final Document of the Sixth Review Conference was an agreement to promote the universality of the Convention. The plan of action was three pronged: States Parties agreed to undertake a series activities themselves; the Chairs of the annual meetings were mandated to coordinate universalization efforts; and the ISU was tasked with supporting the efforts of the Chairs and States Parties. States undertook to promote membership through bilateral contacts and through regional and multilateral activities, and to report to provide the newly-established Implementation Support Unit with all related information. The Chairman of the annual meetings of States Parties was charged with overseeing the membership drive, lobbying non-members to join, and reporting to States Parties on collective progress. The ISU was mandated to support the Chairs and States Parties, in part, by maintaining a list of national points of contact and consolidating and making available information on universalization progress.

Ambassador Khan, Chair of the 2007 meetings, presented an interim report on universalization to the Meeting of Experts in August 2007 prior to a full report at the Meeting of States Parties in December 2007. He noted that since the decision on promoting universality for the BWC had been taken, four States had joined the Convention. Ambassador Khan further reported that he had written to the Foreign Ministers of States not party to the BWC and had received responses from two - one of which reported that the State in question was at an advanced stage along the path towards accession; and the other indicated that regional considerations were currently preventing the possibility of acceding.



INSTITUTIONAL SUPPORT

A long-standing institutional deficit of the regime was addressed by the Sixth Review Conference. In 2006, a historic agreement was reached to create and fund an Implementation Support Unit (ISU) for the BWC. The ISU is made up of three full-time staff members, housed within the Geneva Branch of the United Nations Office for Disarmament Affairs. The ISU was officially launched on 20 August 2007 in a ceremony in Geneva, Switzerland. The unit is tasked with administrative, CBM-related, implementation and universalization functions.

The administrative tasks allocated to the ISU include: supporting and preparing documentation for meetings of the BWC; facilitating communication among States Parties and, upon request, with international organizations; facilitating, upon request, States Parties' contacts with scientific and academic institutions, as well as non-governmental organizations; serving as a focal point for submission of information by and to States Parties related to the Convention; and supporting, as appropriate, the implementation by the States Parties of the decisions and recommendations of the Sixth Review Conference.

With regards to CBMs, the ISU is tasked with: receiving and distributing CBMs to/from States Parties; sending information notices to States Parties regarding their annual submissions; compiling and distributing data on CBMs, including the preparation of a report to Meetings of States Parties; developing and maintaining a secure

website on CBMs; serving as an information exchange point for assistance related to preparation of CBMs; and promoting participation in the CBM process.

The ISU has also been given a role in assisting States Parties in implementing the Convention, through: consolidating and maintaining details of domestic measures relevant to the Convention, including under Articles IV & X; maintaining a list of national points of contact for national implementation; and acting as a clearinghouse for national implementation assistance.

In addition, the ISU has been mandated to support the Chairs of Meeting of States Parties in promoting universalization, to maintain a list of national points of contact for universalization; and to consolidate and make available information on progress in encouraging other to join the treaty.

More information on the ISU, and the activities it undertakes in these and other areas, can be found at its website, online at: www.unog.ch/bwc.



INTERSESSIONAL MEETINGS

Since the Third Review Conference in 1996, it has become somewhat of a practice for BWC States to meet, for some reason, every year. During the 25 years between the Third and Seventh Review Conferences (1996 - 2011), some sort of intersessional meeting will have occurred.

Meetings prior to the Fifth Review Conference (2001)

A group of governmental experts (VEREX) was established at the Third Review Conference to identify and examine potential verification measures from a scientific and technical standpoint. The Final Report of VEREX concluded that there were some potential verification measures which would contribute to strengthening the effectiveness and improve the implementation of the Convention. At a Special Conference (September 1994) States Parties, on the basis of the VEREX findings, agreed to establish the Ad Hoc Group of the States Parties to the BWC in order to negotiate and develop a legally-binding verification regime for the Convention. To this end, the Ad Hoc Group was mandated to consider four specific areas, namely: definitions of terms and objective criteria; incorporation of existing and further enhanced confidence-building and transparency measures, as appropriate, into the regime; a system of measures to promote compliance with the Convention; and specific measures designed to ensure the effective and full implementation of Article X on international cooperation and exchange in the field of peaceful bacteriological (biological) activities. The Ad Hoc Group was destined to hold 24 working sessions over the next seven years.

The work of the Ad Hoc Group was discussed at the Fourth Review Conference in 1996 and the progress made thus far was welcomed. It was also decided that the Ad Hoc Group should conclude its work on the future protocol, at the latest, by the Fifth Review Conference to be held in 2001. On 23 September 1998, an Informal Ministerial Meeting of the States Parties to the BWC was held in New York at the initiative of Australia in order to demonstrate high-level political support for the negotiations.

At its 24th session (23 July -17 August 2001), which was the last scheduled session before the Fifth Review Conference, the Ad Hoc Group was unable to conclude the negotiations on the draft protocol and could not reach consensus on the report of its work.

The Fifth Review Conference saw a change in direction of efforts to strengthen the Convention. States Parties adopted a Final Report that included a decision to hold annual meetings of States Parties and experts meetings in the years leading up to the Sixth Review Conference in 2006.

Between the Fifth and the Sixth Review Conference (2003-2005)

The first Meeting of States Parties, held in Geneva from 10 to 14 November 2003, was chaired by Ambassador Tibor Toth of Hungary. It developed the work begun at the Meeting of Experts, held from 18 to 29 August 2003, on two topics: (1) the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation; and (2) national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins.

At this meeting, States Parties stressed the need for undertaking national activities to strengthen and implement the Convention, including reviewing national regulatory and penal measures to ensure effective implementation of its prohibitions as well as those which enhance the security of pathogens and toxins. States Parties also noted the positive effect of cooperation between States Parties with differing legal and constitutional arrangements. The need for comprehensive and concrete national measures to secure pathogen collections and the control of their use for peaceful purposes was also acknowledged. There was a general recognition of the value of biosecurity measures and procedures, to ensure that such dangerous materials are not accessible to persons who might use them for purposes contrary to the Convention.

The second Meeting of States Parties was held in Geneva from 6 to 10 December 2004 and was chaired by Peter Goosen of South Africa. It developed the work begun at the Meeting of Experts, held from 19 to 30 July 2004, on two topics: (1) 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; and (2) 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.

On the first topic, the States Parties recognised that infectious disease outbreaks can be contained and suppressed through early detection, immediate response and co-operation and support at the national and international level; that strengthening and broadening national and international surveillance, detection, diagnosis and combating of infectious disease may support the object and purpose of the Convention; that the primary responsibility for surveillance, detection, diagnosis and combating of infectious diseases rests with States Parties, while intergovernmental organizations have global responsibilities, within their mandates, in this regard, and that the respective structures, planning and activities of States Parties and intergovernmental organizations should be co-ordinated with and complement one another; and that scientific and technological developments have the potential to significantly improve disease surveillance and response.

The States Parties consequently agreed on the value of: supporting the existing networks of relevant international organisations for the surveillance, detection, diagnosis and combating of infectious diseases and acting to strengthen intergovernmental organizations programmes, within their mandates, for the continued development and strengthening of, and research into, rapid, effective and reliable activities for the surveillance, detection, diagnosis and combating of infectious diseases, including in cases of emergencies of international concern; of improving, wherever possible, national and regional disease surveillance capabilities, and, if in a position to do so, assisting and encouraging, with the necessary agreement, other States Parties to do the same; and of working to improve communication on disease surveillance, including with intergovernmental organizations, and among States Parties.

On the second topic, the States Parties recognised that capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease promote the object and purpose of the Convention; that States Parties' national preparedness and arrangements substantially contribute to 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; and that the United Nations Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution A/Res/45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons.

The States Parties consequently agreed on the value of: continuing to develop their own national capacities for response, investigation and mitigation, in cooperation with the relevant international and regional organisations, and, if in a position to do so, assisting and encouraging, with the necessary agreement, other States Parties to do the same; and of the Sixth Review Conference considering, *inter alia*, the further development of current procedures for the provision of assistance, by those in a position to do so, to States Parties in cases of alleged use of biological weapons or suspicious outbreaks of disease

Moreover, the Meeting encouraged States Parties to inform the Sixth Review Conference of, *inter alia*, any actions, measures or other steps that they may have taken on the basis of the discussions at the 2004 Meeting of Experts and of the outcome of the 2004 Meeting of States Parties.

BWC - LOOKING FORWARD TO A SUCCESSFUL FUTURE

The recent history of the BWC has been described as 'historic, both for the Biological Weapons Convention and for multilateral security and disarmament'. It is certainly true that considerable progress has been made in strengthening the Convention and opening doors to additional activities. The successes of the Sixth Review Conference, the launch of the ISU in August 2007, the upturn in CBM participation, and a positive start to the 2007 - 2010 intersessional process have all contributed to a can-do atmosphere. This attitude appears to pervade the current intersessional process and will hopefully ensure that the full potential of these meetings are realised. These 2007 - 2010 meetings offer an opportunity to view issues relevant to the BWC from the wider perspective; to see how complementary progress in top-down and bottom-up approaches are developing in different parts of the world; to hear about and learn from the experiences of various international organizations, States, and non-governmental organization in developing and implementing these measures; and to identify areas which might require further attention in the future as well as plan complimentary and supplementary activities. Providing the widest possible perspective on these issues, is a role which the BWC is uniquely positioned to perform. Due to continuing successes and its all-inclusive multilateral approach, the BWC is likely to perform such a role for years to come.

For more information on the BWC or any of the issues covered in this document, including details of how to get in touch with the ISU, please go to the BWC ISU website online at: www.unog.ch/bwc.

Ambassador John Freeman of the United Kingdom chaired the third Meeting of States Parties, held in Geneva from 5 to 9 December 2005. It developed the work begun at the Meeting of Experts, held from 13 to 24 June 2005, on the topic of the content, promulgation and adoption of codes of conduct for scientists.

States Parties recognised that codes of conduct can support the BWC in combating present and future threats posed by biological and toxin weapons. States Parties noted that a range of different approaches exist to develop codes of conduct in view of differences in national requirements and circumstances, and that whenever possible, existing mechanisms and frameworks should be used. It was understood that codes should avoid impeding scientific discovery, or placing undue constraints on research or international cooperation and exchange for peaceful purposes. Codes were considered to be most effective if they, and their underlying principles, are widely known and understood. It was recognized that all those with a responsibility for, or legitimate interest in, codes of conduct should be involved in their development, promulgation and adoption.

States Parties agreed on the importance of codes being: compatible with national legislation and regulatory controls and contributing to national implementation measures; simple, clear and easily understandable both to scientists and to wider civil society; relevant, helpful and effective for guiding relevant actors in making decisions and taking action in accordance with the purposes and objectives of the Convention; sufficiently broad in scope; and regularly reviewed, evaluated for effectiveness, and revised as necessary.

More information on the 2003 - 2005 intersessional process can be found on the BWC ISU website, online at: www.unog.ch/bwc.

[Between the Sixth and the Seventh Review Conference \(2007-2010\)](#)

The Sixth Review Conference adopted an intersessional programme from 2007 to 2010, which included four sets of annual meetings in the lead up to the Seventh Review Conference in 2011. Each set of annual meetings includes a one week Meeting of Experts and a one week Meeting of States Parties. The 2007 meetings were chaired by Ambassador Masood Khan of Pakistan and were mandated to discuss, and promote common understanding and effective action on: ways and means to enhance national implementation; as well as regional and sub-regional cooperation on implementation of the Convention. The Meeting of Experts was held in Geneva from 20 - 24 August 2007 and the Meeting of States Parties will take place in Geneva from 10 - 14 December 2007.

The 2008 meetings are to be chaired by a representative of the Eastern European Group and will discuss, and promote common understanding and effective action on: national, regional and international measures to improve biosafety and biosecurity; as well as oversight, education, awareness raising, and adoption and/or development of codes of conduct with the aim of preventing misuse of bio-science and bio-technology research.

The 2009 meetings are to be chaired by a representative of the Western Group and will, with a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, discuss, and promote common understanding and effective action on promoting capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases: for States Parties in need of assistance, identifying requirements and requests for capacity enhancement; and from States Parties in a position to do so, and international organizations, opportunities for providing assistance related to these fields.

The 2010 meetings are to be chaired by a representative of the Non-Aligned Movement and Other States and will discuss, and promote common understanding and effective action on the provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, including improving national capabilities for disease surveillance, detection and diagnosis and public health systems.

More information on the 2007 - 2011 intersessional process can be found at the BWC ISU website, online at: www.unog.ch/bwc.

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