

I. Biological weapon arms control and disarmament

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The principal activity in 2011 in biological arms control was the Seventh Review Conference of the 1972 Biological and Toxin Weapons Convention (BTWC) in December and preparation for it, which included considering and structuring relevant topics and drafting background text. Much of this activity was procedural and referred to long-standing implementation principles contained in the various articles of the convention, such as those dealing with the strengthening of national implementation and economic cooperation and development. Lack of consensus continued to affect the parties' ability to consider possible specific compliance concerns regarding past, current or planned activity by states, or specific consideration of known or suspected bioterrorist activity. The parties also remained divided on the question of whether and how to put in place permanent or legally binding mechanisms to encourage a more substantive exchange of views on such concerns. The review conference nevertheless continued to provide the parties with a framework in which to exchange views and experience on the implementation of the convention, and the Seventh Review Conference agreed that another intersessional programme should continue this practice. Two new parties joined the BTWC in 2011: Burundi and Mozambique. A further 12 states had signed but not ratified the convention.¹

Before the Seventh Review Conference the Implementation Support Unit (ISU) collated support documentation and various analyses and proposals concerning biosecurity and biosafety, science and technology (S&T), disease and health surveillance, dual-use issues, the intersessional meeting process, confidence-building measures (CBMs), education and awareness, and non-state actor threats.² The BioWeapons Prevention Project (BWPP), a coalition of non-governmental organizations, developed a list of 12 topics, each introduced by a briefing paper, to discuss prior to the review conference: (a) exploring the influence of technological developments on the BTWC; (b) ascertaining whether verification is needed and its nature; (c) determining the requirements for reporting; (d) implementing Article X successfully; (e) studying how countering bioterrorism and the BTWC

¹ For a summary and list of parties and signatories of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction see annex A in this volume. The states that had signed but not ratified the BTWC were Central African Republic, Côte d'Ivoire, Egypt, Guyana, Haiti, Liberia, Malawi, Myanmar, Nepal, Somalia, Syria and Tanzania. The states that had neither signed nor ratified the convention were Andorra, Angola, Cameroon, Chad, Comoros, Djibouti, Eritrea, Guinea, Israel, Kiribati, Marshall Islands, Mauritania, Micronesia, Namibia, Nauru, Niue, Samoa, South Sudan and Tuvalu.

² UN Office at Geneva, 'Disarmament: think zone for the Seventh Review Conference', <<http://www.unog.ch/bwc/thinkzone>>.

relate to each other; (f) establishing how national implementation, or its absence, affects the strength of the BTWC; (g) educating life scientists, including how to conduct that process and its content; (h) determining the place of public health issues in bioweapon control forums; (i) ensuring global accountability of biodefence activities; (j) learning how existing United Nations investigation mechanisms can be used to fortify the convention; (k) ascertaining the role that biosecurity plays in preventing bioweapon development; and (l) assessing the effectiveness of the inter-sessional process in strengthening the BTWC.³ Together with their associated comments, the BWPP-moderated discussion presents an up-to-date review of the various political and legal nuances associated with the BTWC.

In the lead-up to the review conference many parties signalled their expectations for preferred outcomes. The common position of the European Union (EU) called for 'examining annual CBM declarations as the regular national declaration tool on implementation and compliance and developing them further with this objective in mind'.⁴ In its opening statement, Iran cautioned that CBMs, while important, 'shall not constitute a mechanism for verification of compliance'.⁵ The United States stated that it viewed the review conference 'as an opportunity to bolster' the convention, 'to take on the challenge of encouraging scientific progress, but constraining the potential for misuse of science'.⁶ The US representative went on to say that:

We will ask for member states to come together and focus on new ways to enhance confidence in compliance through richer transparency, more effective implementation, an improved set of confidence building measures, and cooperative use of the BWC's consultative provisions. We need to work together, moreover, on measures to counter the threat of bioterrorism, and to detect and respond effectively to an attack should one occur.⁷

Russia criticized the US focus on 'raising the so-called transparency of bioresearch' and said it was no 'substitute for full verification'.⁸ Some of the

³ BioWeapons Prevention Project, 'Civil society preparations for the 7th BWC Review Conference 2011', [n.d.], <<http://www.bwpp.org/revcon.html>>.

⁴ Council Decision 2011/429/CFSP of 18 July 2011 relating to the position of the European Union for the Seventh Review Conference 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 (BTWC), *Official Journal of the European Union*, L188, 19 July 2011, p. 44.

⁵ Seventh BTWC Review Conference, Statement by H. E. Mr. Mohammed Reza Sajjadi, Permanent Representative of Iran, 7 Dec. 2011.

⁶ Gottemoeller, R., US Department of State, 'Remarks by delegation of the United States of America First (Disarmament and International Security) Committee', 4 Oct. 2011, <<http://www.state.gov/t/avc/rls/175000.htm>>.

⁷ Gottemoeller (note 6).

⁸ Russian Ministry of Foreign Affairs, 'Russian MFA Press and Information Department comment in relation to the publication of the US State Department reports on adherence to and compliance with arms control, non-proliferation and disarmament agreements and commitments', Press Release

other parties to the convention remain, at the margins (i.e. informally), interested in learning further details of the fate of the former Soviet offensive biological weapon programme. However, such consultation has been largely absent during the past decade.⁹ Finally, the parties broadly supported another intersessional process and the inclusion of S&T in it.¹⁰

Ambassador Paul van den IJssel of the Netherlands chaired the Seventh Review Conference, which considered the legal and political implications associated with efforts to achieve universal membership for the convention and what constitutes ‘full’ and ‘balanced’ implementation of its provisions under the chairman’s theme of ‘ambitious realism’. In the final two days it became evident that a number of political markers, indicated earlier in the conference, were in fact firm ‘red lines’ not to be crossed, including no decision-making power for the intersessional programme meetings and minimization of further transparency measures via CBMs. Five delegations notably coordinated their positions during the conference: China, India, Iran, Pakistan and Russia.

The review conference agreed to conduct an intersessional meeting process, the third such process, which will explicitly consider cooperation and assistance, S&T review, and strengthening national implementation.¹¹ Annual meetings of the parties and annual meetings of experts will be held in 2012–15 until the Eight Review Conference, to be held in 2016. The review conference also agreed modified formats for CBMs, including more detailed reporting of disease outbreaks. The existing three-person ISU will support the new process and remain the same size (the non-expansion reflects political constraints and ongoing international financial uncertainty). The ISU will compile a database of information relevant to economic and technological development to assist in strengthening cooperation and assistance under Article X of the BTWC, which calls for the convention to be implemented in a manner that avoids hampering economic and technological development while facilitating the exchange of information, material and equipment for peaceful purposes. Text that allowed for conceptual discussion on verification and compliance with the BTWC was dropped from the final review conference document because some states had proposed alternative text that diverged from an essentially conceptual exchange of views. The parties were generally aware that such a

1292-02-09-2011, 2 Sep. 2011, <http://www.in.mid.ru/brp_4.nsf/0/f53d23a14bf702b8c32579010047c468>. Available in Russian at <http://www.in.mid.ru/brp_4.nsf/0/C2356A2C34FC35A6C32578FF005CA2E9>.

⁹ See Kelly, D. C., ‘The trilateral agreement: lessons for biological weapons proliferation’, eds T. Findlay and O. Meier, *Verification Yearbook 2002* (Verification Research, Training and Information Centre (VERTIC): London, 2002), pp. 93–109.

¹⁰ E.g. ‘Proposal for structured and systematic review of science and technology developments under the convention: submitted by India’, Working paper, Think Zone for the Seventh BTWC Review Conference, 2011, <<http://www.unog.ch/bwc/thinkzone>>.

¹¹ Seventh BTWC Review Conference, Final Document, Advance copy, 22 Dec. 2011, p. 19.

shift would risk US rejection.¹² The new intersessional process will consist of an exchange of views and best practice among the parties. Notably, the parties will consider S&T developments systematically for the first time since the 1992–93 Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint (VEREX) meetings on the BTWC.

¹² BioWeapons Prevention Project, 'The Seventh BWC Review Conference: outcome and assessment', RevCon Report no. 16, 31 Dec. 2011, <<http://http://www.bwpp.org/reports.html>>, p. 2.