

### III. Biological weapon arms control and disarmament

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The principal activity in 2013 in the field of biological arms control was work carried out in connection with the meeting of experts (12–16 August) and the meeting of parties (9–13 December) to the Third Intersessional Process of the 1972 Biological and Toxin Weapons Convention (BTWC).<sup>1</sup> The three standing agenda items for the meetings are (a) cooperation and assistance, (b) science and technology review, and (c) strengthening national implementation.<sup>2</sup> The biennial topic for 2013 was consideration of how to enable fuller participation in the regime's legally non-binding confidence-building measures (CBMs). Several parties tabled papers at both meetings under the rubric 'We need to talk about compliance'.<sup>3</sup> This prompted discussion and consultation on the meaning of 'compliance' in the BTWC context (e.g. procedurally, structurally and in terms of specific convention compliance concerns). As in previous years, the intersessional meetings largely consisted of an exchange of views and background material with the support of a three-person Implementation Support Unit (ISU). In addition, the parties can, at present, only take legally binding decisions at quinquennial review conferences—the next one being scheduled for 2016.<sup>4</sup>

In 2013 four states acceded to the BTWC: Cameroon, Guyana, Malawi and Nauru. An additional 10 states had signed but not ratified the convention, while 16 had neither signed nor ratified it.<sup>5</sup>

#### Confidence-building measures

The August meeting of experts considered whether the politically binding information-exchange CBMs should be viewed as compulsory (i.e. 'legally

<sup>1</sup> For a summary and other details 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. Documents related to the BTWC are available at <<http://www.unog.ch/bwc>>. For daily summaries of the meetings see BioWeapons Prevention Project (BWPP), 'Daily reports from BWC meetings', <<http://bwpp.org/reports.html>>.

<sup>2</sup> Seventh BTWC Review Conference, Final document, BWC/CONFVII/7, 13 Jan. 2012, para. 8.

<sup>3</sup> See also BTWC, Meeting of the States Parties, 'Australia: BWC compliance—a conceptual discussion: preliminary views by Australia', BWC/MSP/2013/MX/WP.2, 29 July 2013.

<sup>4</sup> For Implementation Support Unit (ISU) and official BTWC meeting documentation see United Nations Office at Geneva (UNOG), 'Disarmament: Implementation Support Unit', <<http://www.unog.ch/bwc/isu/>>. The intersessional meetings could take decisions or draft legally binding commitments if authorized to do so by a review conference.

<sup>5</sup> The states that had signed but not ratified the BTWC are the Central African Republic, Côte d'Ivoire, Egypt, Haiti, Liberia, Myanmar, Nepal, Somalia, Syria and Tanzania. The UN member states that have neither signed nor ratified the convention are Andorra, Angola, Chad, Comoros, Djibouti, Eritrea, Guinea, Israel, Kiribati, Mauritania, Micronesia, Namibia, Niue, Samoa, South Sudan and Tuvalu. For a full list of parties see annex A, section I, in this volume.

binding' rather than 'voluntary'). The United Kingdom argued that compliance with the BTWC should be understood partly as a function of annual submission of information that includes 'additional declassified details on any past offensive and defensive [biological warfare] programmes'.<sup>6</sup> South Africa considers the annual CBM declaration to possess 'limited utility nationally and in terms of the building of confidence among States Parties'.<sup>7</sup> Switzerland tabled suggestions on how the current CBMs could be modified to make them better focused towards enhancing compliance evaluations.<sup>8</sup> Japan proposed that compliance could be considered in terms of (a) regulatory and legal measures to fully support and implement the BTWC's prohibition against biological warfare (as specified in Article I), (b) comprehensive national export controls, (c) appropriate biosafety and biosecurity measures, and (d) the establishment and implementation of an effective system to achieve these objectives. It also expressed support for 'mutually agreed visits to sites of compliance concern' and emphasized the importance of supporting the United Nations Secretary-General's investigative mechanism for allegations of use of chemical or biological weapons.<sup>9</sup> There were 65 CBM returns for 2013, slightly lower than the 69 returns for 2012.<sup>10</sup>

In discussions of the CBMs, the parties generally avoided the term 'verification', partly because some states and observers maintain that a high degree of confidence in confirming compliance with the BTWC is not generally technically feasible in the multilateral biological arms control framework. At the operational level, many delegations have refrained from using the word since the United States delegation, in particular, does not support text that includes the term.

### **Cooperation and assistance activity**

The meeting of experts also shared experiences and views on cooperation and assistance activity that, to varying degrees, may be understood to fall

<sup>6</sup> BTWC, Meeting of the States Parties, 'United Kingdom: We need to talk about compliance, a response to BWC/MSP/2012/WP.11', BWC/MSP/2013/MX/WP.1, 2 July 2013, para. 11(c). The working paper elaborates points raised in a joint 2012 working paper by Australia, Canada, Japan, New Zealand and Switzerland that called for an initial conceptual discussion on what constitutes compliance with the BTWC.

<sup>7</sup> BTWC, Meeting of the States Parties, 'South Africa: implementation of the BTWC in South Africa', BWC/MSP/2013/MX/WP.10, 7 Aug. 2013, para. 17.

<sup>8</sup> BTWC, Meeting of the States Parties, 'Switzerland: confidence-building measures, enabling fuller participation', BWC/MSP/2013/MX/WP.13, 9 Aug. 2013.

<sup>9</sup> BTWC, Meeting of the States Parties, 'Japan: preliminary views on the paper entitled "We need to talk about compliance"', BWC/MSP/2013/MX/WP.18, 13 Aug. 2013, para. 5, paras 3–4.

<sup>10</sup> United Nations Office at Geneva (UNOG), 'Disarmament: CBM returns', <<http://www.unog.ch/bwc/cbmsreturns>>.

under the provisions of Article X of the BTWC (which covers economic cooperation and development).<sup>11</sup>

The Group of the Non-aligned Movement and Other States Parties observed that the full implementation of an ISU database—established in accordance with a decision taken by the 2011 Seventh Review Conference to facilitate assistance and cooperation (i.e. by listing and matching offers and requests from the parties)—remains to be achieved.<sup>12</sup>

The European Union (EU) summarized its chemical, biological, radiological and nuclear (CBRN) Centres of Excellence initiative, which aims to enhance the institutional capacity of other states to mitigate CBRN risks. At least 34 projects totalling €40 million (\$53 million) were under way or in the contracting phase around the world.<sup>13</sup>

During the meeting of parties the USA summarized the biosecurity-related changes to its Select Agent Regulations, which govern the measures to prevent unauthorized access to biological select agents and toxins (BSAT).<sup>14</sup> France reported on a peer review process that involved representatives from nine states and aimed to improve best practices in BTWC implementation.<sup>15</sup> Canada, the Czech Republic and Switzerland reported on the status of a compliance assessment pilot project.<sup>16</sup>

<sup>11</sup> The meeting of experts' final report summarizes the intersessional mandate and provides a compendium of views expressed. BTWC, Meeting of Experts, Report, BWC/MSP/2013/MX/3, 11 Sep. 2013.

<sup>12</sup> BTWC, Meeting of the States Parties, 'Group of the Non-aligned Movement and Other States Parties: measures for full, effective and non-discriminatory implementation of the Article X', BWC/MSP/2013/MX/WP.17, 13 Aug. 2013.

<sup>13</sup> BTWC, Meeting of Experts, 'European Union: statement by Mr Andras Kos, Minister Counsellor, Permanent Delegation of the European Union to the United Nations', 12 Aug. 2013, p. 3. See also European Union, CBRN Centres of Excellence (COE), <<http://www.cbrn-coe.eu/>>. The UN Interregional Crime and Justice Research Institute (UNICRI) is the regional coordinator for the South East Asia COE. See the interview with María Eugenia de los Angeles Rettorri in Winfield, G., 'Asian cradle: the EU/Unicri's Asian COE', *CBRNe World*, Dec. 2013, pp. 12, 14.

<sup>14</sup> BTWC, Meeting of the States Parties, 'United States of America: key biosecurity-related changes made to the USA select agent regulations', BWC/MSP/2013/MX/WP.4, 29 July 2013.

<sup>15</sup> BTWC, Meeting of Experts, 'France: intervention de M. Jean-Hugues Simon-Michel, Ambassadeur, Représentant permanent de la France auprès de la Conférence du désarmement à Genève', Geneva, 9 Dec. 2013, p. 2.

<sup>16</sup> BTWC, Meeting of the States Parties, 'Czech Republic', Geneva, 9 Dec. 2013. The final report of the meeting of parties comprised a factual summary of the intersessional process mandate and activities, a 'synthesis' of the 'considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topics under discussion at the Meeting of Experts', and a list of official intersessional documents. BTWC, Meeting of the States Parties, Report, BWC/MSP/2013/5, 24 Dec. 2013.