

## II. Biological arms control

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The principal legal instrument against biological warfare is the 1972 Biological and Toxin Weapons Convention (BTWC).<sup>1</sup> Myanmar acceded to the BTWC in 2014 and as of December 2014, 171 states were party to the treaty; an additional 9 states had signed but not ratified it; and 16 had neither signed nor ratified it.<sup>2</sup> Participation in the BTWC regime's politically binding confidence-building measures (CBMs)—a means by which states parties demonstrate treaty compliance to each other—remained uneven. As of 15 September 2014, 67 parties (39.4 per cent) had submitted a CBM for the 2013 calendar year, while 52 parties had never submitted a CBM.<sup>3</sup>

The main activity in 2014 in the biological arms control field was work carried out in connection with two meetings: the Meeting of States Parties to the Third Intersessional Process of the BTWC (hereafter referred to as the MSP) and the Meeting of Experts. Participants of the Meeting of Experts and the MSP were cognizant of the need to prepare for the Eighth Review Conference that will be held in 2016. By that time, the total membership of the treaty regime will have risen by at least five states as compared to the number of members at the previous review conference; the number and variety of stakeholders will also have increased. This has human and other resource implications for the treaty regime during and following the next review conference.

The three standing agenda items for the current intersessional meetings are (a) cooperation and assistance (with particular focus on Article X of the BTWC), (b) review of developments in science and technology, and (c) strengthening national implementation.<sup>4</sup> The biennial topic for 2014 was the strengthening of Article VII of the BTWC (assistance to those threatened with biological weapons), including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation. At side events, international, regional and national govern-

<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 (BTWC) see annex A, section I, in this volume. Documents related to the convention are available at <<http://www.unog.ch/bwc>>.

<sup>2</sup> The states that had signed but not ratified the BTWC were: the Central African Republic, Côte d'Ivoire, Egypt, Haiti, Liberia, Nepal, Somalia, Syria and Tanzania. The states that had neither signed nor ratified the BTWC were: Andorra, Angola, Chad, the Comoros, Djibouti, Eritrea, Guinea, Israel, Kiribati, Mauritania, Micronesia, Namibia, Niue, Samoa, South Sudan and Tuvalu.

<sup>3</sup> BTWC, Implementation Support Unit, '2014 Report of the Implementation Support Unit', BWC/MSP/2014/4, 28 Nov. 2014, para. 19, p. 4.

<sup>4</sup> Seventh BTWC Review Conference, Final document, BWC/CONF.VII/7, 13 Jan. 2012, para. 8, p. 21.

ment and non-governmental bodies tabled statements and reported on BTWC-relevant activities and priorities.<sup>5</sup>

More than 400 participants from 91 states attended the Meeting of Experts held on 4–8 August, including representatives from the World Health Organization, the World Organisation for Animal Health (OIE), Interpol, the Organisation for the Prohibition of Chemical Weapons and the International Committee of the Red Cross.<sup>6</sup>

A notable development, particularly with respect to the Eighth Review Conference in 2016, was a proposal by Russia tabled at the Meeting of Experts, which called for a reconsideration of treaty compliance issues. The proposal was based partly on work carried out in the early 1990s by the Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint (VEREX). The work done by VEREX formed the foundation for the creation of an ad hoc group to negotiate a protocol to strengthen compliance with the convention.<sup>7</sup> This ad hoc group's final draft protocol text was later rejected as politically and technically untenable, and is considered to be problematic by the United States especially.

In its proposal, Russia suggested renewing discussions on a legally binding protocol to strengthen compliance with the convention. Russia stated that, as of late July 2014, it had received 28 oral and written replies from 28 states that indicate interest in opening negotiations on such an instrument as part of the preparations for the Eighth Review Conference.<sup>8</sup> Russia further proposed that such negotiations cover seven thematic areas: (a) investigation of alleged use, (b) investigation of suspicious disease outbreaks, (c) promotion of international cooperation for peaceful purposes, (d) assistance and protection against biological weapons, (e) CBMs

<sup>5</sup> See United Nations Office at Geneva, <<http://www.unog.ch/80256EE600585943/%28httpPages%29/F837B6E7A401A21CC1257A150050CB2A?OpenDocument>>; and <<http://www.unog.ch/80256EE600585943/%28httpPages%29/E75AAA1D8234B830C1257D63002C7DEF?OpenDocument>>.

<sup>6</sup> BTWC, Implementation Support Unit, 'Biological Weapons Convention Expert Meeting concludes', Press release, 8 Aug. 2014 <[http://www.unog.ch/80256EDD006B9C2E/%28httpNewsByYear\\_en%29/E85A411CED5E9405C1257D2E004BD358?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/%28httpNewsByYear_en%29/E85A411CED5E9405C1257D2E004BD358?OpenDocument)>.

<sup>7</sup> Sims, N. A., *The Evolution of Biological Disarmament*, SIPRI Chemical & Biological Warfare Studies, no. 19 (Oxford University Press: Oxford, 2001), pp. 82–118. Proposals by Russia were circulated and discussed several times during the meeting. BTWC, Meeting of Experts, Russia, 'Strengthening the BWC through a legally binding instrument (Protocol, discussion points)', 5 Aug. 2014; BTWC, Meeting of Experts, Russia, 'Statement by the Russian delegation at the meeting of experts of the Biological and Toxin Weapons Convention', 4 Aug. 2014 (in English and Russian); and BTWC, Meeting of Experts, Russia, 'Statement by the Russian delegation at the meeting of experts of the Biological and Toxin Weapons Convention under agenda item "strengthening national implementation"', 7 Aug. 2014.

<sup>8</sup> The states that Russia had received replies from were: Algeria, Australia, Belarus, Brazil, Cambodia, China, Colombia, Cuba, Cyprus, Estonia, India, Iraq, South Korea, Latvia, Lebanon, Lithuania, Malaysia, Mexico, New Zealand, Pakistan, Rwanda, Saint Lucia, Peru, South Africa, Sweden, Switzerland, the UK and the USA. BTWC, Meeting of Experts, Russia, 'Statement by the Russian delegation at the meeting of experts of the Biological and Toxin Weapons Convention' (note 7), p. 3.

(existing or modified), (f) national implementation, and (g) science and technology developments.<sup>9</sup> Russia did not include verification of facilities in this proposal.

The proposal generated some positive reaction, including among delegations from the Non-Aligned Movement caucus and a number of Western Group states (e.g. Australia, New Zealand, Sweden and Switzerland). While Russia's proposal is an interesting development, states parties should be cognizant of the implications of any scenario leading to a multi-track process in the longer term, whereby not all the parties agree common measures to strengthen treaty compliance.

In December 2014 the MSP issued a final report summarizing the mandate of the 2014 meetings. The report includes an outline of how the meetings were organized and listings of principles and activities that can be undertaken to strengthen the regime.<sup>10</sup>

<sup>9</sup> BTWC, Meeting of Experts, Russia, 'Strengthening the BWC through a legally binding instrument (Protocol), discussion points' (note 7) p. 3-5.

<sup>10</sup> BTWC, Meeting of Experts, 'Report of the Meeting of States Parties', BWC/MSP/2014/5, 15 Dec. 2014.