

### III. Biological weapon disarmament and non-proliferation

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The principal legal instrument against biological warfare is the 1972 Biological and Toxin Weapons Convention (BWC).<sup>1</sup> It crept closer to universality in 2023, with South Sudan's accession taking the number of states parties to 186.<sup>2</sup> A further four states have signed but not ratified the convention, leaving only eight states that have neither signed nor ratified the convention.

In 2022 the ninth BWC Review Conference established a working group on the strengthening of the convention, open to all states parties and which was to conduct its work by consensus.<sup>3</sup> The first three sessions of that group took place in 2023, spanning a total of 17 days in March, August and December. Other key biological disarmament and non-proliferation activities in 2023 were carried out in connection with the First Committee of the United Nations General Assembly and the Meeting of States Parties (MSP) of the BWC. These forums all provided opportunities for the Russian Federation to continue its campaign to undermine the international architecture against biological weapons.

This section reviews these developments, beginning with the most recent allegations of non-compliance with the BWC. It then explores the latest proposals to establish a BWC verification mechanism, before discussing the working group sessions and the MSP. It concludes with a brief assessment of the outlook for the international architecture against the proliferation and use of biological weapons.

#### **Allegations of non-compliance with the Biological Weapons Convention**

Russia's allegations of non-compliance with the ban on biological weapons and its misuse of disarmament instruments for its own disinformation purposes continued in all biological weapon-related forums in 2023. Its long-standing campaign about what it considers nefarious activities at Western 'biolabs' had already significantly escalated in 2022, leading in September to a formal consultative meeting under Article V of the BWC and to several rounds of discussions in the UN Security Council. This culminated in October 2022 in an unprecedented request from Russia to the Security Council for an investigation into 'military biological activities in Ukraine'. However, the

<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 (BWC) see annex A, section I, in this volume.

<sup>2</sup> For a full list of BWC parties see annex A, section I, in this volume.

<sup>3</sup> 9th BWC Review Conference, Final document, BWC/CONF.IX/9, 22 Dec. 2022, part II, paras 8, 11.

other members of the Security Council, with the exception of China, did not find Russia's evidence convincing and rejected Russia's proposal.<sup>4</sup> While, at first glance, the fact that the council's 10 non-permanent members abstained from the vote—along with 3 negative votes (France, the United Kingdom and the United States) and 2 affirmative votes (China and Russia)—might seem like a sign that Russia still had some support, that was not the case: the abstentions were a protest against Russia's diplomatic manoeuvres, not an indication of indecisiveness or lack of engagement.<sup>5</sup>

Nonetheless, Russia doubled down on its allegations in 2023. For example, in August Russia submitted a working paper to the second session of the new BWC working group (see below) in which it raised concerns about the compliance of the USA and Ukraine with their BWC obligations.<sup>6</sup> The US and Ukraine delegations orally rebuffed these during the meeting. Similarly, at the third session of the working group, in December, one of the working papers submitted by Russia was on 'Military biological activities of the United States and Ukraine on the Ukrainian territory in violation of the convention'.<sup>7</sup> Again, it elicited strong rebuttals from both the USA and Ukraine. The USA repeated that it had fully addressed the unfounded concerns raised by Russia at the BWC formal consultative meeting in 2022 and went on to note that:

it was clear from the outset of the Article V process that Russia never intended to engage constructively with Ukraine and the United States. It came to our attention on the very first day of the meeting that the Russian delegation had already made up its mind and circulated a draft of a proposed 'joint statement' to select delegations regarding the outcome of this Article V consultation. In this draft joint statement, the Russian Federation explicitly concluded that Ukraine and the United States had failed to answer questions regarding the activities of biological laboratories in Ukraine—a conclusion it reached before the United States and Ukraine even began our joint presentation.<sup>8</sup>

The USA concluded that it did not intend to engage any further on the matter with Russia, considering the consultation process to be 'completed and closed'. Ukraine equally rejected Russia's allegations, characterizing

<sup>4</sup> Lentzos, F., 'Biological weapon allegations', *SIPRI Yearbook 2023*, pp. 403–405.

<sup>5</sup> Littlewood, J. and Lentzos, F., 'Russia (again) peddles its debunked US–Ukrainian bioweapons claims at the United Nations', *Bulletin of the Atomic Scientists*, 15 Nov. 2022.

<sup>6</sup> BWC Working Group on the Strengthening of the Convention, 'Questions of the Russian Federation to the United States and Ukraine regarding the compliance with their obligations under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC) in the context of the activities of biological laboratories in the territory of Ukraine', Submitted by Russia, BWC/WG/2/WP.25, 18 Aug. 2023.

<sup>7</sup> BWC Working Group on the Strengthening of the Convention, 'Military biological activities of the United States and Ukraine on the Ukrainian territory in violation of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction', Submitted by Russia, BWC/WG/3/WP.3, 28 Nov. 2023.

<sup>8</sup> BWC Working Group on the Strengthening of the Convention, US right of reply to Russia, BWC/WG/3/WP.12, 6 Dec. 2023.

them as ‘provocative, false and groundless’.<sup>9</sup> Ukraine also emphasized that the formal consultative meeting had ‘convincingly debunked’ Russia’s allegations and that it considered the process ‘completed’.

Meanwhile, at the First Committee of the UN General Assembly—which considers disarmament and international security and convened from 2 October to 3 November 2023 in New York—Russia again spoke of a ‘military biological programme’ in Ukraine in violation of the BWC, supported by ‘the Pentagon and its affiliated structures, including private companies’.<sup>10</sup> It asserted that its ‘justified questions . . . have remained unanswered so far . . . and require settlement’. Iran, too, accused the USA of developing biological weapons and urged it to withdraw its reservation from the 1925 Geneva Protocol, which prohibits the use of chemical and biological weapons.<sup>11</sup> Iran also said that the USA should ‘refrain from opposing’ a BWC verification regime.

Disinformation, allegations of non-compliance and investigations of suspected biological weapons attacks also loomed large in the First Committee’s thematic cluster on ‘other [i.e. non-nuclear] weapons of mass destruction’.<sup>12</sup> The USA said, as it had done previously, that it was ‘deeply concerned’ that some countries—referring to Russia—‘continue to pursue biological weapons in violation of the BWC’.<sup>13</sup> Russia was more direct, accusing the USA again of engaging in a ‘military biological programme’ in Ukraine and developing biological weapon components in close proximity to Russian territory.<sup>14</sup> Russia reiterated that its questions about the US programme remained unresolved and needed to be addressed. Supporting Russia, China said that ‘the international community put forward a series of questions about the United States’ bio-military activities, but [the US government] has neither provided meaningful clarifications nor taken measures to improve transparency’.<sup>15</sup> China ‘supports the international community in its continued review of US compliance in a serious and fair manner’.<sup>16</sup>

The USA responded to Russia that it is ‘in full compliance with its obligations under the BWC and does not develop or possess such weapons in Ukraine or

<sup>9</sup> BWC Working Group on the Strengthening of the Convention, Ukraine’s comments on working paper BWC/WG/3/WP.3 submitted by Russia, BWC/WG/3/WP.15, 8 Dec. 2023.

<sup>10</sup> United Nations, General Assembly, First Committee, Statement by Russia, 4 Oct. 2023.

<sup>11</sup> United Nations, General Assembly, First Committee, Statement by Iran, 6 Oct. 2023. For a summary and other details of the 1925 Geneva Protocol see annex A, section I, in this volume. Like some other states, the USA reserves the right to retaliate in kind against a state that breaches the protocol’s prohibitions.

<sup>12</sup> Lentzos, F., ‘Biological weapons’, *First Committee Monitor*, 21 Oct. 2023, p. 21.

<sup>13</sup> United Nations, General Assembly, First Committee, Statement by the USA, 18 Oct. 2023.

<sup>14</sup> United Nations, General Assembly, First Committee, Statement by Russia, 18 Oct. 2023.

<sup>15</sup> United Nations, General Assembly, First Committee, ‘Biological, chemical agents of war morally repugnant, terrorist breeding ground, say First Committee speakers, pointing fingers at convention offenders’, Press release, GA/DIS/3721, 18 Oct. 2023.

<sup>16</sup> Lentzos (note 12), p. 22.

anywhere else' and that BWC states parties had made it overwhelmingly clear at the 2022 BWC formal consultative meeting that Russia's claims against the USA and Ukraine were not credible.<sup>17</sup> The USA made it clear that it considers the processes under BWC Article V (on consultations) and Article VI (on investigations) 'to have been completed and closed'. Several states challenged Russia on its disinformation, including Australia, Austria, Canada, Czechia, Germany, Spain, Ukraine and the UK, as well as the European Union (EU).<sup>18</sup>

The annual resolution on the BWC was adopted in the First Committee without a vote, as usual, on 30 October 2023.<sup>19</sup> As well as several new paragraphs reflecting outcomes of the ninth BWC Review Conference, the resolution contains a more contentious paragraph on Russia's complaint to the Security Council under Article VI of the BWC. The paragraph notes that Russia had lodged questions to the USA and Ukraine about 'fulfilment of their respective obligations under the Convention in the context of the operation of biological laboratories in Ukraine'. It further notes that Russia had requested the Security Council to consider setting up a commission to investigate its claims against the USA and Ukraine. In neutral and matter-of-fact terms, the paragraph describes how the Security Council considered the complaint and that 'on 2 November 2022 the Council took action on the draft resolution submitted by the Russian Federation and that it was not adopted' but gives no details on the vote (see above).

Finally, at the 2023 Meeting of States Parties, in December (see below), Russia again submitted a working paper repeating claims about US 'military biological activities' in Ukraine in violation of the BWC, as well as another presenting a 64-page report on a Russian parliamentary commission's investigation of US-funded biological laboratories in Ukraine.<sup>20</sup> The USA and Ukraine reiterated their rejection of the allegations in the working papers, making similar points to those made the previous week in the working group.<sup>21</sup>

<sup>17</sup> Lentzos (note 12), p. 22; and Lentzos (note 4), pp. 398–402.

<sup>18</sup> Lentzos (note 12), p. 22.

<sup>19</sup> United Nations, General Assembly, First Committee, 'Convention on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxin weapons and on their destruction', Draft resolution, A/C.1/78/L.59, 12 Oct. 2023. The draft was later adopted without a vote as UN General Assembly Resolution 78/67, 4 Dec. 2023.

<sup>20</sup> 2023 Meeting of BWC States Parties, 'Military biological activities of the United States and Ukraine on the Ukrainian territory in violation of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction', BWC/MSP/2023/WP.3, 28 Nov. 2023; and 2023 Meeting of BWC States Parties, 'Outcome report of the parliamentary commission of the Russian Federation on the investigation into the circumstances related to the creation of biological laboratories by United States specialists on the territory of Ukraine. Moscow, 2023', BWC/MSP/2023/WP.1/Rev.1, 5 Dec. 2023.

<sup>21</sup> 2023 Meeting of BWC States Parties, Statement by the USA, BWC/MSP/2023/WP.6, 13 Dec. 2023; and 2023 Meeting of BWC States Parties, Ukraine's comments on working papers BWC/MSP/2023/WP.1/Rev.1 and BWC/MSP/2023/WP.3 submitted by Russia, BWC/MSP/2023/WP.28/Rev.1, 14 Dec. 2023.

## Proposals for a compliance and verification mechanism for the Biological Weapons Convention

Although a large majority of states have clearly shown interest in and have voiced support for strengthening verification under the BWC, only limited progress has been made since the early 2000s.<sup>22</sup> The UN Secretary-General's Mechanism for Investigation of Alleged Use of Chemical and Biological Weapons (UNSGM) remains the only independent international instrument for investigating allegations of biological weapon use.<sup>23</sup> Several proposals on compliance and verification, some old and some new, were discussed in biological weapon-related meetings in 2023.

In the general debate at the First Committee, seven groups of states and 72 individual states referred to biological weapons in their statements, in both cases an increase on 2022.<sup>24</sup> Most states emphasized the importance of the BWC, and many reaffirmed their commitment to the treaty and expressed support for its universalization. The statement by the Non-Aligned Movement (NAM) reiterated familiar language on the need for a BWC verification mechanism and emphasized Article X commitments (on peaceful cooperation of BWC member states on biotechnology).<sup>25</sup> This was echoed by several states, including Belarus, Cuba, Ghana, Nepal, Russia, South Africa and Thailand, as well as the Association of Southeast Asian Nations (ASEAN) and the Community of Latin American and Caribbean States (Comunidad de Estados Latinoamericanos y Caribeños, CELAC).<sup>26</sup>

Russia, continuing to drive the narrative on BWC verification, asserted that 'there is an urgent need' to strengthen the UNSGM.<sup>27</sup> It reported sending a note on 14 June 2023 to the secretary-general calling on him to organize a review of the current principles and procedures of the UNSGM with a view to updating them. Several states, including Chile, Norway, Portugal, Slovakia and South Africa, pushed back on the need for a revision to the UNSGM.<sup>28</sup> No

<sup>22</sup> See e.g. Littlewood, J., 'A stepping stone approach', Revisiting BWC Verification Policy Briefs no. 1, King's College London, Aug. 2018; and other briefs in that series.

<sup>23</sup> On the UNSGM see UN Office for Disarmament Affairs, 'Secretary-General's Mechanism for Investigation of Alleged Use of Chemical and Biological Weapons (UNSGM)', [n.d.].

<sup>24</sup> Lentzos, F., 'Biological weapons', *First Committee Monitor*, 7 Oct. 2023, p. 13; Lentzos, F., 'Biological weapons', *First Committee Monitor*, 14 Oct. 2023, p. 14; Lentzos, F., 'Biological weapons', *First Committee Monitor*, 8 Oct. 2022, p. 13; and Lentzos, F., 'Biological weapons', *First Committee Monitor*, 15 Oct. 2022, p. 17.

<sup>25</sup> United Nations, General Assembly, First Committee, Statement by Indonesia on behalf of the Non-Aligned Movement, 2 Oct. 2023. For a brief description and list of members of NAM see annex B, section I, in this volume.

<sup>26</sup> All statements are available on the website of the UN Office for Disarmament Affairs (UNODA) Meetings Place.

<sup>27</sup> United Nations, Statement by Russia (note 10). On the narrative see Lentzos, F. and Francese, T., 'Biological Weapons Convention: In the crosshairs of geopolitical tensions', *Georgetown Journal of International Affairs*, 17 May 2023.

<sup>28</sup> Lentzos, 14 Oct. 2023 (note 24), p. 14.

resolution on the UNSGM was introduced in the First Committee in 2023, but Russia signalled that in 2024 it may bring back its draft resolution that has already failed three times.<sup>29</sup>

‘Compliance and verification’ was one of the key topics discussed at the December meeting of the BWC working group. Three working papers submitted to the session by Russia were on the BWC’s confidence-building measures (CBMs), a possible verification mechanism and verification experiences from the 1990s.<sup>30</sup> The USA working paper on its approach to strengthening the BWC recognized that ‘the verification challenge for biological weapons is unique in comparison to other classes of weapons of mass destruction (WMD) and warrants a different approach to addressing verification’.<sup>31</sup> The working paper thus emphasized and outlined what the USA saw as the differences between verification measures and transparency measures and laid out a ‘toolbox’ approach to verification. It also laid out the continued US view that periodic inspections of ‘biological facilities—either identified in annual CBM submissions or selected through some other criteria—would not provide the information needed to verify a State Party’s compliance with the Convention’.<sup>32</sup>

Two of the EU’s three working papers concerned confidence-building and verification.<sup>33</sup> The UK submitted a working paper offering a conceptual framework to approach compliance, confidence building and verification and some guiding principles for the working group’s discussions.<sup>34</sup> China, noting that ‘Disputes among States Parties over compliance in recent

<sup>29</sup> Lentzos, F. and Littlewood, J., ‘How Russia worked to undermine UN bioweapons investigations’, *Bulletin of the Atomic Scientists*, 11 Dec. 2020.

<sup>30</sup> BWC Working Group on the Strengthening of the Convention, ‘Proposal to enhance the format of confidence-building measures under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction’, Submitted by Russia, BWC/WG/3/WP.4, 29 Nov. 2023; BWC Working Group on the Strengthening of the Convention, ‘Conceptual and methodological aspects of a possible mechanism of verification of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction’, Submitted by Russia, BWC/WG/3/WP.5, 29 Nov. 2023; and BWC Working Group on the Strengthening of the Convention, ‘Contemporary problems of verification under the BTWC. Historic work experience of the VEREX and the Ad Hoc Group of States Parties to the BTWC’, Submitted by Russia, BWC/WG/3/WP.13, 6 Dec. 2023.

<sup>31</sup> BWC Working Group on the Strengthening of the Convention, ‘US approach to the working group on the strengthening of the Biological Weapons Convention’, Submitted by the USA, BWC/WG/3/WP.9/Rev.1, 4 Jan. 2024, para. 3.

<sup>32</sup> BWC Working Group on the Strengthening of the Convention, BWC/WG/3/WP.9/Rev.1 (note 31), para. 13.

<sup>33</sup> BWC Working Group on the Strengthening of the Convention, ‘Position of the European Union on transparency and confidence-building within the Biological and Toxin Weapons Convention’, Submitted by the EU, BWC/WG/3/WP.16, 8 Dec. 2023; and BWC Working Group on the Strengthening of the Convention, ‘Position of the European Union on compliance with and verification under the Biological and Toxin Weapons Convention’, Submitted by the EU, BWC/WG/3/WP.17, 8 Dec. 2023.

<sup>34</sup> BWC Working Group on the Strengthening of the Convention, ‘Building global biosecurity via confidence in compliance with the Biological and Toxin Weapons Convention’, Submitted by the UK, BWC/WG/3/WP.6, 30 Nov. 2023.

years have . . . highlighted the necessity and urgency of establishing a verification mechanism', submitted a working paper setting out its vision for a verification mechanism and recommendations for future work.<sup>35</sup> Iran submitted a working paper making the case that 'Prioritizing a [legally] binding framework is essential to replacing unilateral approaches with a cooperative and enforceable mechanism'.<sup>36</sup>

At the 2023 Meeting of States Parties, in December, Russia submitted a joint statement originally submitted to the First Committee by several states sympathetic to Russia's views on 'efforts to strengthen' the UNSGM.<sup>37</sup> Covering some similar ground, it also submitted a working paper on behalf of the Collective Security Treaty Organization (CSTO) making plain some of Russia's strategic goals in biological disarmament:

The CSTO Member States consider it unacceptable to create international mechanisms that duplicate the functions of the BTWC and bypass the UN Security Council. In particular, they oppose attempts to use so-called 'voluntary assessment visits' to dual-use microbiological facilities as an alternative to verification under the BTWC, as well as the creation of a structural unit in the UN Secretariat to conduct investigations into the alleged use of biological weapons.<sup>38</sup>

### **The working group on the strengthening of the Biological Weapons Convention**

The working group on strengthening the BWC met for the first time in Geneva on 15–16 March 2023. The meeting adopted an agenda for the working group and an indicative schedule of activities, confirmed the dates of the remaining working group meetings in 2023 as well as the applicable rules of procedure, and elected a chair (Ambassador Flávio Soares Damico of Brazil) and two vice-chairs (from France and Georgia) for 2023–24.<sup>39</sup>

<sup>35</sup> BWC Working Group on the Strengthening of the Convention, 'Verification mechanism of the Biological Weapons Convention under new circumstances', Submitted by China, BWC/WG/3/WP.10, 4 Dec. 2023.

<sup>36</sup> BWC Working Group on the Strengthening of the Convention, 'Strengthening compliance with the Biological Weapons Convention through a legally binding instrument', Submitted by Iran, BWC/WG/3/WP.11, 5 Dec. 2023.

<sup>37</sup> 2023 Meeting of BWC States Parties, Joint statement in support of the efforts to strengthen the United Nations Secretary-General's Mechanism for Investigation of the alleged use of chemical and biological weapons', Submitted by Russia, BWC/MSP/2023/WP.20/Rev.1, 14 Dec. 2023.

<sup>38</sup> 2023 Meeting of BWC States Parties, Working material of the Secretariat of the Collective Security Treaty Organization, Submitted by Russia, BWC/MSP/2023/WP.49, 14 Dec. 2023. For a brief description and other details of the CSTO see annex B, section II, in this volume.

<sup>39</sup> BWC Working Group on the Strengthening of the Convention, Procedural report of 1st session, BWC/WG/1/2, 17 Mar. 2023.

One independent observer of the meeting noted how the debate on strengthening the BWC has changed in recent years.<sup>40</sup> For example, the United States, which has long opposed efforts to develop legally binding verification measures, seemed to have modified its stance, noting that the working group should ‘identify the building blocks that could be taken up in a subsequent formal negotiation to “finally achieve an implementation agreement for the BWC”’.<sup>41</sup> As the observer notes, ‘This is a perspective that [the USA] would not have brought into a BWC meeting for much of the past two decades.’<sup>42</sup>

### *The second session*

The first substantive meeting of the working group was held on 7–18 August 2023 in Geneva. As agreed in March, it covered several topics: international cooperation and assistance; an international cooperation and assistance mechanism; scientific and technological developments; a science and technology review mechanism; and national implementation. The meeting issued a procedural report, adopted by consensus, which made no comment on substantive issues.<sup>43</sup>

Russia submitted 5 of the 27 working papers submitted to the meeting. These included a paper on synthetic biology technologies and a proposal to establish a scientific advisory committee.<sup>44</sup> The USA submitted working papers on advances in science and technology since the 1990s to inform measures to strengthen the BWC and on measures to strengthen national implementation.<sup>45</sup> It also jointly submitted a working paper on strengthening

<sup>40</sup> Guthrie, R., ‘The first day of the BWC working group organizational meeting’, BioWeapons Prevention Project Report no. 2023-2, 16 Mar. 2023.

<sup>41</sup> Guthrie (note 40).

<sup>42</sup> Guthrie (note 40).

<sup>43</sup> BWC Working Group on the Strengthening of the Convention, Procedural report of 2nd session, BWC/WG/2/1, 23 Aug. 2023.

<sup>44</sup> BWC Working Group on the Strengthening of the Convention, ‘Contemporary challenges to the objectives of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC) related to the development of synthetic biology technologies and practical approaches to overcome them’, Submitted by Russia, BWC/WG/2/WP.15, 7 Aug. 2023; and BWC Working Group on the Strengthening of the Convention, ‘Strengthening the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction. Proposal for the establishment of a scientific advisory committee’, Submitted by Russia, BWC/WG/2/WP.16, 8 Aug. 2023.

<sup>45</sup> BWC Working Group on the Strengthening of the Convention, ‘Advances in science and technology: Background for discussion of measures to strengthen the Biological and Toxin Weapons Convention (BWC)’, Submitted by the USA, BWC/WG/2/WP.4, 28 July 2023; and BWC Working Group on the Strengthening of the Convention, ‘Measures to strengthen national implementation of the Biological Weapons Convention: Information, expectations, and international cooperation’, Submitted by the USA, BWC/WG/2/WP.20, 8 Aug. 2023.

cooperation and assistance.<sup>46</sup> Other states' working papers covered a range of national implementation measures and strategies.<sup>47</sup>

There were no collective conclusions or concrete recommendations at the end of the 10-day session. Two 'friends of the chair' groups circulated informal food-for-thought papers on a possible Article X mechanism and on a possible science and technology review mechanism.<sup>48</sup> The chair also submitted two conference room papers that compiled proposals by states parties on the two proposed mechanisms but made no judgement on where consensus might lie.<sup>49</sup>

### *The third session*

The second of the substantive working group meetings was held on 4–8 December 2023 in Geneva. It covered topics, agreed in March, that had not been covered in the August session: confidence building and transparency; compliance and verification (as discussed above); and organizational, institutional and financial arrangements. Like the August session, the meeting issued a simple procedural report, adopted by consensus.<sup>50</sup>

As with the second session, in August, there were no collective conclusions or concrete recommendations at the end of the five-day session. No informal food-for-thought paper was produced and the chair did not issue a compilation of proposals. However, even adoption of the procedural report became unexpectedly difficult, when Russia raised questions about the status of the EU working papers that had been published on the final day of the session, suggesting that they were inadmissible under the rules of procedure. No other delegation took the floor to support the Russian position. An observer noted that 'Russia phrased its objections in a way that seemed intended to provoke a strong reaction from EU member states'—which

<sup>46</sup> BWC Working Group on the Strengthening of the Convention, 'Proposal for establishing a mechanism for strengthening international cooperation and assistance', Submitted by Australia and others, BWC/WG/2/WP.3/Rev.1, 15 Aug. 2023.

<sup>47</sup> A full list of the meeting's working papers is contained in BWC Working Group on the Strengthening of the Convention, BWC/WG/2/1 (note 43), annex I.

<sup>48</sup> These were later issued as conference room papers. BWC Working Group on the Strengthening of the Convention, 'Proposed considerations related to the development of an Article X mechanism', Submitted by the friends of the chair on international cooperation and assistance, BWC/WG/2/CRP.2, 11 Aug 2023; and BWC Working Group on the Strengthening of the Convention, Food-for-thought non-paper submitted by the friends of the chair on development of a mechanism to assess scientific and technological developments, BWC/WG/2/CRP.5, 18 Aug 2023.

<sup>49</sup> BWC Working Group on the Strengthening of the Convention, 'Compilation of proposals related to the development of an Article X mechanism', Submitted by the chair, BWC/WG/2/CRP.3, 17 Aug 2023; and BWC Working Group on the Strengthening of the Convention, 'Compilation of proposals relate to the development of a science and technology mechanism', Submitted by the chair, BWC/WG/2/CRP.4, 18 Aug 2023.

<sup>50</sup> BWC Working Group on the Strengthening of the Convention, Procedural report of 3rd session, BWC/WG/3/1, Advance version, 12 Dec. 2023.

it did.<sup>51</sup> Informal consultations led to the formal adoption of a decision to permit the EU to submit its views in writing.<sup>52</sup> Following this, the report was adopted by consensus.<sup>53</sup>

### **The 2023 Meeting of States Parties**

The 2023 Meeting of States Parties of the BWC was held on 11–13 December in Geneva, immediately after the third session of the working group. Russia's objections in the working group to the participation of the EU foreshadowed events to come at the MSP.

Unlike the second and third sessions of the working group, which operated under rules of procedure and an agenda confirmed at its first session, the MSP still needed to agree these. The meeting started with some brief opening remarks and a video message from Izumi Nakamitsu, the UN High Representative for Disarmament Affairs. The chair, Ambassador Cristian Espinosa Cañizares of Ecuador, then asked if the draft programme could be adopted, conscious of possible complications ahead and noting that there had been ample time to raise any problems with the draft in advance of the meeting. Russia took the floor asserting that the informal session set aside for non-governmental organizations (NGOs) to address the meeting was not within the rules of procedure and asked for it to be removed. The chair asked for views from other delegations; nearly 40 took the floor, all disagreeing with Russia's proposal and noting that it had been a long-standing practice—dating back to 1996—for NGOs to be given the opportunity to speak in an informal session.<sup>54</sup>

Temporarily setting aside adoption of the programme of work, the chair moved on to the adoption of rules of procedure, suggesting that they should be adopted along with the informal understandings that had been in place for BWC MSPs since 2003.<sup>55</sup> Russia took the floor to state that it would only agree to adoption of the rules if there was a clear understanding that they would be applied as written, with no exceptions or additions. This would apply especially to paragraphs 4 and 5 of Rule 44, which relate to attendance by regional intergovernmental organizations and NGOs. Neither paragraph refers to oral statements and Russia's interpretation was that regional organizations (including the EU) and NGOs could therefore not make statements. A number of delegations again took the floor, none agreeing with

<sup>51</sup> Guthrie, R., 'WG discussions on organizational, institutional and financial arrangements and adoption of the WG3 report', BioWeapons Prevention Project Report no. 2023-19, 11 Dec. 2023.

<sup>52</sup> Guthrie (note 55).

<sup>53</sup> BWC Working Group on the Strengthening of the Convention, BWC/WG/3/1 (note 54).

<sup>54</sup> Guthrie, R., 'The opening day of the BWC MSP—Procedure over substance', BioWeapons Prevention Project Report no. 2023-20, 12 Dec. 2023.

<sup>55</sup> The proposal was that the rules of the Review Conference be adopted *mutatis mutandis*. 9th BWC Review Conference, Draft rules of procedure, BWC/CONF.IX/2, 19 Apr. 2022.

the Russian interpretation of the rules.<sup>56</sup> Russia interrupted the MSP several times and eventually succeeded in blocking progress.

The MSP was suspended and only reconvened for a brief session later in the day for the chair of the working group to present his oral update on the substantive discussions in August and December. However, without approval of the rules of procedure, there was no ensuing discussion and the MSP was again suspended. The meeting only resumed in the afternoon of the third and final day. A thin procedural report, with a decision on dates for the BWC meetings in 2024, was eventually agreed and the meeting was closed.<sup>57</sup>

There was no general debate at the MSP, and no opportunity for international organizations and NGOs to deliver statements, which had been long-standing past practice. Instead, states submitted their statements as working papers, and the EU and NGOs laid out printed copies of their statements at the back of the room and actively promoted them on social media. A joint statement by nearly 60 states on ‘The value of inclusive participation’ in BWC meetings was submitted as a working paper.<sup>58</sup>

The chair submitted reports on universalization activities and on the overall financial situation of the BWC.<sup>59</sup> The BWC Implementation Support Unit submitted its annual report.<sup>60</sup> Without agreement on the programme of work and rules of procedure, they could not be presented to delegations during the meeting in the normal way.

## Conclusions and outlook

Current geopolitical tensions continue to affect biological weapon disarmament and non-proliferation efforts. Russia’s strategic campaign to disrupt and paralyse the BWC and the UNSGM ramped up in 2023 and seems set to continue.

The latest theatrics at the BWC’s 2023 MSP were, on the one hand, an attempt to target regional organizations as a response to a harshly worded statement made by the North Atlantic Treaty Organization (NATO) at the

<sup>56</sup> Guthrie (note 58).

<sup>57</sup> 2023 Meeting of BWC States Parties, Report, BWC/MSP/2023/6, 18 Dec. 2023; and Guthrie, R., ‘The closing day of the 2023 BWC MSP—A meeting of lost opportunities’, BioWeapons Prevention Project Report no. 2023-21, 16 Dec. 2023.

<sup>58</sup> 2023 Meeting of BWC States Parties, ‘The value of inclusive participation in meetings of the Biological and Toxin Weapons Convention’, Submitted by Australia on behalf of 59 states, BWC/MSP/2023/WP.10/Rev.1, 13 Dec. 2023.

<sup>59</sup> 2023 Meeting of BWC States Parties, Report on universalization activities, Submitted by the chair, BWC/MSP/2023/3, 12 Oct. 2023; and 2023 Meeting of BWC States Parties, ‘Report on the overall financial situation of the Biological Weapons Convention’, Submitted by the chair, BWC/MSP/2023/5, 13 Oct. 2023.

<sup>60</sup> 2023 Meeting of BWC States Parties, Annual report of the Implementation Support Unit, BWC/MSP/2023/4, 16 Oct. 2023.

2022 BWC Review Conference.<sup>61</sup> The impact on NGOs was simply collateral damage as they were the first in the sequence of any decisions about observers. While remaining BWC sessions in the 2023–26 intersessional cycle will still go ahead, they are likely to face similar politically motivated manoeuvres.

On the other hand, as one observer has pointed out, targeting regional organizations can only be part of the picture as Russia has raised similar objections in other disarmament bodies in Geneva.<sup>62</sup> Russia's strategic campaign on biological disarmament, actively supported by on-going disinformation on biological laboratories and 'military biological activities', is entangled with the war in Ukraine and has become 'a dimension of the clash between two different visions of the world'.<sup>63</sup> Ultimately, Russia's campaign risks significantly eroding the international architecture against the proliferation and use of biological weapons.

<sup>61</sup> 9th BWC Review Conference, Oral statement by the North Atlantic Treaty Organization, 29 Nov. 2022, UN Web TV, 2:34–2:53.

<sup>62</sup> Guthrie (note 61).

<sup>63</sup> Lentzos and Francese (note 27), part 2.