

Ninth Review Meeting of Biological and Toxin Weapons Convention: Expectations and Challenges

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Summary

The ninth BWC review conference would get an opportunity to relook at the Convention in terms of its success and challenges ahead. The world is witnessing Russia-Ukraine war and China-Taiwan conflict in the shadow of Covid 19. A holistic global defence against biological attacks is much needed. It includes a stringent normative framework, innovative technologies, broad-spectrum vaccines, a strong public and community health system, and general awareness. Developing a global mechanism to communicate with the relevant stakeholders at the earliest also is a critical objective. Retrospecting the present scenario and developing a futuristic roadmap accordingly can make BWC pertinent, powerful and prevailing.

It is speculated that the threat of biological weapons has seen the dusk of the day, after the world ushered in the era of globalization, highly advanced technologies and a neo-liberal wave, promoting collaborative economic progress among countries. After all, who would be interested in waging wars against each other in a world of complex interdependence and multilateralism? And even if needed, who would be using deadly biological weapons that can create mayhem for the host as well. But COVID-19 changed all such thoughts and the world, forever. Despite a debate whether it was a planned biological weapons attack, or an accidental leak, or a natural attack, one thing is clear, biological agents have the capabilities to initiate drastic and dramatic change forever.

Based on their usage in history, the biological agents hold the potential to completely alter political, social and economic systems of the countries. Since they cannot be controlled once deployed, the scale of destruction cannot be predicted or calculated. Their covert use and long-time impact also add to their devastation power. Biological weapons have always been considered as 'unethical' weapons used by rogue nations or organizations, and have always been discarded at international platforms for their potential to create havoc. Considering these aspects, an international normative framework to prepare a robust defence against the production, stockpiling, usage and transfer of biological weapons was devised. For the last 47 years, the Biological Weapons Convention (BWC) has been trying to provide a comprehensive defence against biological weapons; however, there have been challenges and possibilities that should be discussed and addressed proficiently. The

upcoming ninth Review Conference of the BWC most likely would open the window of hope and positive developments, for the world to ensure holistic security against lethal biological weapons.

The BWC has been questioned by many experts for loopholes in the Convention, related to the dual-use dilemma and verification protocols. However, undeniably, it still provides a platform to countries to reject biological weapons. The United Nations (UN) has always regarded the BWC as a competent normative framework to contain usage of biological weapons. “The BWC effectively prohibits the development, production, acquisition, transfer, stockpiling and use of biological and toxin weapons. It was the first multilateral disarmament treaty banning an entire category of weapons of mass destruction (WMD). It is a key element in the international community’s efforts to address WMD proliferation and it has established a strong norm against biological weapons. The Convention has reached almost universal membership with 184 States Parties and four Signatory States.”¹

This seems to be apt, considering the effectiveness of the BWC in making member countries at least understand the significance of abiding by the set norms against development, production or usage of biological weapons. With ten key articles, the BWC imposes a complete ban on any kind of development, production, stockpiling, usage and transfer of biological weapons. It also asks the member countries to “consult bilaterally and multilaterally and cooperate in solving any problems which may arise in relation to the objective, or in the application, of the BWC; and to request the United Nations Security Council to investigate alleged breaches of the BWC, and undertaking to cooperate in carrying out any investigation initiated by the Security Council.”²

The BWC (the earlier BTWC that entered into force on 26 March 1975), can be quoted as the developed form, or the next step of the Geneva Protocol that only prohibited the usage of chemical and biological weapons. Since there were no provisions to ban research and development, production, stockpiling and transfer of chemical and biological agents for hostile purposes, the Protocol could not provide a potential normative defence against biological weapons. Later, these provisions were added in the BTWC.

The BWC also made sure that the member countries meet once every five years to review the progress of the BWC, the upcoming challenges in the light of the new global and technological developments, and ways to address the same. With the same objective, the ninth Review Conference is scheduled to be held from 28 November to 16 December 2022 in Geneva, Switzerland.³

The Review Conferences in the past have faced a few basic hindrances related to the nature and usage of biological weapons. First, there is the issue of dual-use dilemma associated with biological weapons. The same agents that are used to produce medicines or cosmetics can be used as biological weapons. Botulinum toxin is a classic example here, usually used as ‘Botox’ for cosmetic treatments. However, it is one of the deadliest poisons in the world, and can create unbelievable destruction if used.⁴ This provides a safe escape to the country that wants to develop biological weapons from the Convention, as it is almost impossible for the Convention to make a distinction whether a particular country is developing medicines or biological weapons.

Due to this dual-use dilemma, the BWC faces a big lacuna in terms of verifying the purpose of research and development of any such

biological agent by any member country. Then, the Convention covering 184 countries, however cannot include countries supporting any terrorist organizations into its normative framework. Terrorism has expanded across the globe in the past few years, with organized terrorist groups possessing sophisticated technologies, a well-managed organizational structure and sufficient funds. Next-generation technological advancements have also added to apprehensions about usage of biological agents by terrorist organisations. They are cheaper, deadlier and can be covertly used. Despite being aware of these challenges, member countries could not address them competently in the past review meetings of the CWC.

It has to be understood that apart from norms or any normative framework, technologies and civil defence can also contribute effectively in building a comprehensive defence against biological weapons. But at the same time, the fact that the norms provide a multilateral platform to the member countries to collaborate and work together in achieving the set objectives while developing and using technologies and strengthening civil defence, cannot be neglected. Considering the same, the ninth Review Conference provides a significant opportunity to the member countries to work on the challenges and take the BWC to the next level.

So far, Review Conferences of the past have achieved varied outcomes. The First Review Conference in 1980, came up with a general outcome that, “the States Parties to the Convention reaffirmed their strong determination for the sales of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons. They reaffirm their strong support for the Convention, their

continued dedication to its principles and objective and their commitment to implement effectively its provisions.”⁵

The Second Review Conference, held in 1986, called upon member states that had not ratified or acceded to the Convention, to do so. As mentioned in the final document, “the [C]onference calls upon the [member] states which have not yet ratified [or] acceded to the Convention to do without delay and upon those states who have not signed the [C]onvention to join the State Parties thereto thus contributing to the achievement of the universal adherence to the Convention.”⁶

“The Third Review Conference in 1991 decided to establish an Ad Hoc Group of Governmental Experts to identify and examine potential verification measures from a scientific and technical standpoint. The Ad Hoc Group of Governmental Experts held four sessions in 1992 and 1993. At its last session, the report of the Group (VEREX Report) was adopted by consensus and later circulated to all States Parties for their consideration.”⁷

The Fourth Review Conference, held in 1996, came up with the understanding under Article IV that extended national measures are required to exclude use of biological and toxin weapons in terrorist or criminal activity. After the use of biological weapons by Aum Shinrikyo in Japan, the member states of the BWC realised that they need to discuss the usage of biological weapons by terrorist organizations.⁸

The Fifth Review Conference was held in 2002, and it was decided to hold annual meetings of state parties to discuss and promote common understanding and effective action plans to ensure comprehensive biodefence. The subsequent

Review Conferences repeatedly discussed similar objectives, and related issues. The ninth Review Conference was planned for 2020 during the Eighth Review Conference, held in 2016. However, the Conference had to be postponed due to the outbreak of the COVID-19 pandemic.⁹

The ninth Review Conference, scheduled in November-December 2022, would get an opportunity to relook at the Convention in terms of its success, as well as the challenges ahead. The Russia-Ukraine war does not seem to be ending any time soon. Apart from the nuclear threat, both sides have also accused each other of developing bio-weapons capabilities. On the other hand, China seems to be very aggressive, especially in the context of Taiwan. Although it has been using its core military capabilities so far in threatening Taiwan and the countries that are offering it any kind of aid, it cannot be denied that it has bio-weapons capabilities. The whole world has been facing the brunt of a virus that is said to have leaked from a laboratory in Wuhan, China; and nobody knows if it was accidental or deliberate.

The Convention is at a juncture where the world seems to be facing multiple crises and challenges. COVID-19 has shown the world that even the most developed countries like the US and Italy are incapable of managing a biological attack on a mass scale. The pandemic made it very clear that a holistic global defence against biological attacks is the need of the hour. It includes stringent a normative framework, development of innovative technologies, research, development and production of broad-spectrum vaccines, strengthening public and community health systems, and creating general awareness so that people can respond effectively to such attacks at an early stage. Developing a global mechanism to communicate with the relevant

stakeholders at the earliest in case of such emergencies, also seems to be a critical objective. Large-scale funding and mutual trust are required for such preparedness. The upcoming Review Conference of the Convention must discuss all this, in order to make the Convention relevant and comprehensive. Retrospection of the present scenario and development of a futuristic roadmap accordingly, can make the Convention pertinent and all-encompassing.

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