

## Preparations for the Eighth Review Conference to the Biological and Toxin Weapons Convention

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### Summary

The States Parties to the 1972 Biological and Toxin Weapons Convention are preparing for the Eighth Review Conference in November. Their focus remains on institutional capacity and exchange of views and information, rather than on possible specific compliance concerns. Consultations and proposals are reviewed. Treaty norms and appropriate capacity must be maintained.

\* The views expressed are the author's and do not necessarily reflect those of SIPRI.

Numerous planning documents and policy statements are being generated in the lead-up to the Eighth Review Conference to the 1972 Biological and Toxin Weapons Convention (BTWC) for which Ambassador György Molnár of Hungary is the President-Designate. The Preparatory Committee (PrepCom) is being held in two sessions: 26-27 April and 8-12 August, while the Review Conference itself will take place on 7-25 November in Geneva. The treaty currently has 174 States Parties. Of the non-parties, eight are signatories.<sup>1</sup>

The April session of the PrepCom elected the Review Conference officials and adopted the Review Conference agenda. The two PrepCom Vice Chairmen are Ambassador Michael Biontino of Germany and Ambassador Boujemâa Delmi of Algeria. During the Review Conference, they will serve as the Chairman of the Committee of the Whole (CoW) and the Chairman of the Drafting Committee, respectively. The Review Conference will also have 20 Vice-Presidents distributed geographically as follows: 10 from the Group of Non-Aligned Movement and Other States, 6 from the Western Group and 4 from the Eastern European Group. Geographically balanced workshops and consultations are being convened this year to help facilitate the process of ensuring a successful Review Conference outcome. Such an outcome will probably entail a fourth series of annual inter-sessional political and technical meetings (i.e., until the 9th Review Conference) with revised agenda items.

The criteria for a successful outcome include ensuring:

- (a) the principle of not harming the regime (perhaps inadvertently) is observed;

- (b) preparations are well managed (e.g., through constructive consultations among relevant actors, and the timely availability of relevant documents); and
- (c) the Review Conference outcome maintains and strengthens the relevance (perceived and actual) of the regime, including to the broader public, international actors and government communities.

Notable developments in the third inter-session process which ended in December 2015 include discussions and papers on compliance, including a joint Belgium-Luxembourg-Netherlands peer review system to assess national implementation of the Convention based, in turn, on a December 2013 pilot-peer review exercise hosted by France and involving the participation of experts from Canada, China, Germany, India, Mexico, Switzerland, the United Kingdom and the United States. The Benelux peer review proposal is being implemented in two phases: (a) a written consultation based on 2015 CBM submissions (Form A and Form E) of these states, and (b) an 'event' in which this information is discussed which is then followed by on-site visits to 'installations declared in Form A in the host country'.

The EU maintains that verification 'remains a central element of a complete and effective disarmament and non-proliferation regime'. It has also noted the importance of strengthening the operational capabilities of the UN Secretary-General's mechanism for investigating alleged chemical and/or biological weapon use by expanding the pool of qualified experts, as well as carrying out training, table-top and field exercises. The EU has also pledged to support implementation of Article X by inter alia supporting the development of the Cooperation and Assistance Database, the

relevant actors for the implementation of the World Health Organization's (WHO) International Health Regulations (IHR) (revised 2005), and the relevant goals of the G7 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction. The EU supports putting in place 'more frequent and focused assessments' of relevant science and technology developments which could, in principle, incorporate 'a standing science and technology advisory function' in the Implementation Support Unit (ISU). Finally, the EU supports a comprehensive review of confidence-building measure (CBM) formats, including moving the regime towards a position where annual CBM forms act as 'the regular declaration tool' which inform consideration of the Convention's 'implementation and compliance'. This implies that the parties should eventually make CBMs legally binding.

Russia has expressed continued support for a reconsideration of compliance issues that takes into consideration the work of the Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint (VEREX). In December 2015 Armenia, Belarus, China and Russia tabled a proposal for inclusion in the final document of the 8th Review Conference (The proposal does not include visits (i.e. routine inspections), which was one of the most difficult issues during negotiations on a protocol to strengthen compliance with the Convention between 1995 and 2001.) They proposed that an open-ended working group elaborate on a consensus basis 'appropriate measures and draft proposals' to strengthen the Convention as a legally binding instrument. Such a working group shall consider:

- (a) the incorporation of existing and potentially further enhanced confidence

building and transparency measures, as appropriate, into the regime;

- (b) measures to achieve effective national implementation of the Convention;
- (c) measures for considering the implications of developments in areas of science and technology relevant to the Convention and agreeing in that regard appropriate steps to enhance the effective implementation of the Convention;
- (d) measures for strengthening international cooperation for peaceful purposes in accordance with Article X of the Convention;
- (e) procedures and mechanisms for assistance and protection against biological weapons in accordance with Article VII of the Convention; and
- (f) mechanism for investigating alleged use of biological weapons (to be initiated by the affected State and conducted on its territory) pursuant to Article VI of the Convention.

In 2015 China proposed that the Review Conference develop a template for a biological scientists' code of conduct. China also recommended that a 'non-proliferation export control regime under the framework of the BWC' be incorporated into the international cooperation agenda at the Review Conference and that the resources of existing international regimes and organizations, including the 1540 Committee and the Australia Group, be fully utilised.

In 2015, the United States proposed that the Review Conference establish a Steering Group comprising of the Chairman, Vice-Chairmen and leaders of expert groups to

'liaise' with the ISU in order to assist it to prepare for further annual inter-sessional meetings. It also called for the parties to agree on the parameters or guidelines to inter-sessional annual meetings of the states parties, which should be able to take decisions (e.g. with respect to the implementation of the ISU Cooperation and Assistance Database). (The ISU has worked to establish a database with offers and requests for assistance in accordance with a decision by the Seventh Review Conference in 2011.)

Also in 2015, eighteen states parties provided views and proposals concerning implications of the spread of technology and disease outbreak, including the proposal that 'States Parties should agree to discuss the role of the BWC and the Implementation Support Unit in an investigation determining whether a disease outbreak' is naturally occurring or deliberate. The same year another grouping of states parties encouraged all the parties to submit comprehensive annual CBMs and to build 'an operational capability (i.e. through a select list of experts) that could be called upon to assist in responding to a biological incident, in the absence of a full-time inspectorate'. Finally, Switzerland outlined structural and cost elements employed at the international level for science and technology expert-led processes, in order to facilitate understanding and possible future action on strengthening the institutional capacity of the treaty regime.

There has been periodic interaction between actors supporting the BTWC and the Chemical Weapons Convention, respectively. Both treaties cover toxins. The Organisation for the Prohibition of Chemical Weapons (OPCW), including its Scientific Advisory Board (SAB), continues to monitor changes in the chemical industry that involve the use of biological and biologically-mediated

processes, as well as the modalities for how such developments can or should be incorporated into the treaty's routine declaration and verification system.

In 2015 the Director-General of the OPCW outlined procedures to implement the recommendations made by the SAB in its latest report on verification. While the science and technology (S&T) developments highlighted by the SAB are less relevant to the BTWC regime, a number of the *implementation strategies*—some of which are process-oriented, and *principles for measuring outcomes/results* could serve as a useful basis for informal consultations in the lead-up to the Review Conference (e.g., in the context of sampling and analysis of best practices, nomenclature standards, and peer review consultative strategies directly relevant to CBMs). At the April 2016 PrepCom Russia and other countries expressed support for the establishment of a BTWC 'scientific advisory committee.' Russia has also proposed making available biomedical units to help protect against biological threats (e.g., to investigate allegations of weapon use).

If the States Parties wish to agree a further inter-sessional process for 2017-2020, a short list of operational activities could be developed that are mainly focused on Article I and Article X as a basis for consultations with governments and other relevant actors.

Such consultations could be structured according to:

- (a) a general discussion and exchange of views reviewing basic questions such as:
  - i. What is the state of the treaty regime?
  - ii. What are preferred Review Conference outcomes?

- iii. What political cross-linkages are known or likely?

- iv. Are such linkages constructive? How can they be managed?

- (b) the balance and nature of Review Conference outcomes. For example, the balance between process or capacity-oriented activity versus specific outcomes that more closely accord to standard understandings of a 'decision';
- (c) exploration of the feasibility of focusing the planning process on 2-3 operationally-relevant activities that are of most relevance to Articles I and X.

The results could then inform prioritization and analysis with a view towards ensuring that the regime possesses appropriate operational capacity and that treaty norms are maintained.

## Endnotes:

- 1 The signatories are: Central African Republic, Egypt, Haiti, Liberia, Nepal, Somalia, Syria, and Tanzania.