

## The Eight Review Conference of the Biological Weapons Convention: A Missed Opportunity

**Mr. Kapil Patil**

*The author is a researcher at the Indian Pugwash Society, New Delhi. His research focuses on issues related to nuclear energy, arms control and disarmament.*

### Summary

The recently concluded Eighth Review Conference of the Biological Weapons Convention (BWC) held in Geneva reached a disappointing outcome as the participant states failed to adopt any meaningful programme of work for the next inter-sessional period, 2017-2021. The failure of the conference is clearly a missed opportunity in terms of reinforcing the norm against the use and spread of bio-weapons.

The recently concluded Eighth Review Conference of the Biological Weapons Convention (BWC) held in Geneva during 7-25 November 2016<sup>1</sup> reached a disappointing outcome as the participant states failed to adopt any meaningful programme of work for the next inter-sessional period, 2017-2021. Although the review conference came up with a final outcome document, it did not contain any substantive forward-looking measures in line with the outcome of the previous review conference. The meeting also failed to agree upon initiating any structural reforms that are needed to reinvigorate a long-stagnant bio-weapons regime. Consequently, against much hope for revival, the review conference only ended up in enduring a status-quo that threatens grave irrelevance for the bio-weapons convention.

By the 2016 Review Conference, the BWC review process had clearly reached a point where adopting a forward-looking programme for another inter-sessional period while disregarding the long-standing demand among several states for negotiation of a legally binding mechanism covering verification and other aspects was no longer possible. This plot, thus, eventually played out at the three-week-long review conference leading to an outcome that impinged squarely on the programme of the inter-sessional process, as the conference failed to forge any consensus on reopening the negotiations on a legally binding instrument.

The inter-sessional process was adopted by the BWC state parties in the aftermath of failed negotiations for a verification instrument to the BWC in 2001, and the unsuccessful fifth review conference that followed it in 2002. Given the political

difficulties entailed in the path of multilateral negotiations, the process turned to issues that could bring about more clarity on various issues of national implementation, international assistance, cooperation etc, and have been widely recognised for adding value to the review process. As a result of a beneficial first and second inter-sessional process, its scope was increased for the third period, though there was no concomitant increase in the resources of the Implementation Support Unit (ISU) responsible for administering the process.

In the run up to Eighth Review Conference, however, there have been renewed calls from several states to strengthen the BWC regime by addressing its various structural shortcomings. Some of the recent developments such as the use of chemical weapons in Syria have particularly amplified the concerns over weaknesses of the BWC to effectively verify compliance with treaty obligations. The Syrian incident has demonstrated that the taboo against the use of chemical and, by extension, biological weapons can be violated by both states as well as non-state parties.<sup>2</sup> Additionally, a number of scientific and technological developments, in recent years, such as the CRISPR gene editing system, gain-of-function experiments, advances in synthetic biology, etc. have generated concerns about their potential dual-purpose nature and the ease with which state and non-state actors can acquire and use bio-weapons.<sup>3</sup>

### **Agenda-Setting for the Conference:**

Against such divergent preferences for the review and revamp of the BWC, seeking a balanced outcome that strengthens the convention thus assumed a foremost priority for the review conference. The two preparatory committee meetings held before the review conference discussed at length various national positions on issues

concerning the BWC regime. The summary report prepared by the chairman of the second preparatory committee under his responsibility for the consideration of delegations during the review conference flagged as many as seven different themes relevant to various articles of the Convention, namely Science and technology developments; Cooperation and assistance; National implementation; CBMs, consultation and cooperation; Investigating alleged use; Provision of assistance; Geneva Protocol and universalization, on which the review conference could make significant progress.<sup>4</sup> The tone for the conference was set by the United Nations Under-Secretary-General and High Representative for Disarmament Affairs, Mr. Kim Won-soo who outlined four gaps in the bio-weapons regime, namely the 'universality gap', 'implementation gap', 'response gap', and the 'institutional gap', and urged the states to “explore new ways to address and close these gaps.”<sup>5</sup>

### **Conference Debates & Key Issues:**

Among a number of key issues raised during the general debate of the conference, the following four were featured quite prominently. Firstly, several states referred to the absence of any effective verification mechanism within the BWC. The verification issue saw at least two distinct positions: one propounded by the U.S. which reiterated its long-standing view that traditional forms of verification are of limited effectiveness in the biological realm and so a verification arrangement for the BWC is not worth pursuing, while some countries expressed their desire to start negotiations on verification arrangements at the soonest possible.<sup>6</sup> In this context, India's position drew the attention of the conference wherein New Delhi outlined that the CBMs, “though an important transparency measure to enhance trust, are not a substitute for an

effective mechanism for verification of compliance.”<sup>7</sup>

The second important issue that saw widespread reference was the activities for the next inter-sessional period as well as the mandate of a three-member ISU. In recent years, the ISU has reported serious difficulties in carrying out its functions mandated for the assigned period owing to the serious crunch of resources. In addition to the resource problem, the statements also outlined certain new tasks that the ISU could take up for the next inter-sessional process.

Third, the statements extensively dwelled upon the review of scientific and technological (S&T) developments pertinent to the BWC. The statements saw divergent views on the how decisions related to S&T might be taken, and whether such review, as well as decisions, could be taken up during the inter-sessional process. The fourth issue that was highlighted widely was the Confidence-Building Measures (CBMs) aimed at fostering the exchange of information among States Parties. Several statements raised concerns about the muted response from states with less than one-third of state parties taking part in such measures and even less than that making their CBM reports public. In this regard, concerns were also expressed about providing assistance and information assistance in the event of use of biological weapons.

The end of the general debate also saw a heated exchange between Russia and its allies the one hand, and the U.S. and western European nations on the other, over the alleged violations of the convention.<sup>8</sup> This rift reportedly threatened to eclipse the outcome of the conference. However, as the conference further progressed with the convening of the 'Committee of Whole' (CoW), the clouds of U.S.-Russia rift cleared

out thus raising considerable hopes for the fruitful outcome.

### **Weak Outcome & Uncertain Future:**

From the various national positions outlined at the beginning of the conference, it became clear that forging a consensus through multilateral negotiations on key outstanding issues such as verification of compliance, CBMs and International Cooperation was no more feasible. However, the insistence on part of the Iranian delegation to seek a mandate for negotiating a legally binding instrument on verification reportedly stalled the prospects for adopting a meaningful programme for the next inter-sessional period.<sup>9</sup> As a result, the conference arrived not only at an extremely weak final outcome document but contained inter-sessional activities which were less than what was agreed in the previous conference. Also, the conference did not assign any agenda for Annual Meeting of States Parties (MSP), except for the first year, nor did it strengthen the ISU for the better administration of the convention. Many participant states, therefore, described the outcome as 'disappointing' and well below their expectations.

At the Review Conference, the statement from the U.S. noted, 'If we fail to come to a consensus this month, it will not damage this Convention.' While it is true that the failure of the conference hasn't damaged the convention in any way, it has nevertheless, deepened the contradiction of legal versus informal means for strengthening the regime. The inability of the member states to strengthen the convention through a meaningful political process will likely result in the quest for alternate means of seeking bio-security. The emboldened state and non-state actors willing to exploit scientific knowledge for hostile purposes as a result of

a weak BWC may well be another scary prospect facing the regime. If anything, therefore, the Eighth Review Conference is clearly a missed opportunity in terms of reinforcing the global norm against the use and spread of bio-weapons.

[www.globalresearch.ca/us-russia-clash-on-the-biological-weapons-convention/5558641](http://www.globalresearch.ca/us-russia-clash-on-the-biological-weapons-convention/5558641)

9. Reports from the Eighth Review Conference (2016), CBW Events, URL: <http://cbw-events.org.uk/bwc-rep.html>

## Endnotes:

1. See, Eighth Review Conference, The United Nations Office at Geneva, URL: <http://www.unog.ch/bwc/rc8>
2. Interview: The Syrian forces and ISIL used toxic chemicals as weapons - report UN News Centre, 30 August 2016, URL: <http://www.un.org/apps/news/story.asp?NewsID=54795#.WFcaxfmGOyI>
3. Malcolm Dando, "Find the time to discuss new bioweapons", Nature, July 05, 2016, URL: <http://www.nature.com/news/find-the-time-to-discuss-new-bioweapons-1.20206>
4. Summary Report Submitted by the Chairman of the Preparatory Committee under his responsibility, URL: [http://www.unog.ch/80256EDD006B8954/\(httpAssets\)/2849BD4D60AFE4A5C1258014002CCB43/\\$file/Advance+version+of+summary+report.pdf](http://www.unog.ch/80256EDD006B8954/(httpAssets)/2849BD4D60AFE4A5C1258014002CCB43/$file/Advance+version+of+summary+report.pdf)
5. 8th Review Conference of the Biological Weapons Convention: Remarks by Mr. KIM Won-soo, High Representative for Disarmament Affairs, 7 November, 2016, Geneva, URL: <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/2016/11/wsk-bwc-8th.pdf>
6. Reports from the Eighth Review Conference (2016), CBW Events, URL: <http://cbw-events.org.uk/bwc-rep.html>
7. Statement by Ambassador D.B. Venkatesh Varma, Permanent Representative of India to the Conference on Disarmament, At the Eighth Review Conference of the BWC, November 07, 2016, URL: [http://www.unog.ch/80256EDD006B8954/\(httpAssets\)/ED5619983B388CEEC125807A004C036E/\\$file/India.pdf](http://www.unog.ch/80256EDD006B8954/(httpAssets)/ED5619983B388CEEC125807A004C036E/$file/India.pdf)
8. Janet Phelan, US-Russia Clash at Biological Weapons Convention Meeting, Global Research, November 24, 2016, URL: <http://www.globalresearch.ca/us-russia-clash-on-the-biological-weapons-convention/5558641>