

Beyond Forty Years of the BWC

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Summary

The 40th anniversary of Biological Weapons Convention (BWC) was convened recently in Geneva. Representatives from various nations and non-government organisations participated to discuss future challenges for the convention. Considering the same, the convention needs to be fortified with measures related to combating bio-terrorism, belligerent use of technology and collective efforts in combating outbreaks at global level to ensure holistic biological disarmament and security worldwide.

In shadow of many unprecedented terrorattacks, disastrous toll taken by Ebola across the globe and dreadful spread of Swine Flu in India, the 40th anniversary of Biological Weapons Convention (BWC) was convened on 30 March 2015 in the Council Chamber of the Palais des Nations in Geneva, the same place where the BWC was originally negotiated. Representatives from various countries, research institutes and non-government organisations participated to celebrate the anniversary of this famous multilateral treaty against biological weapons and discussed prospective future challenges and their probable solutions.

The event registered remarks from Michael Moller, Acting Director-General, United Nations Office at Geneva, Ambassador Mazlan Muhammad of Malaysia, Chairman of the 2015 BWC Meeting of States Parties, Mr. Mikhail Ulyanov, Ministry of Foreign Affairs, Russian Federation, Ambassador Robert A. Wood, representing the US, Ambassador Masood Khan from Pakistan among others. The event also included speeches from Angela Kane, Acting Director-General, United Nations Office at Geneva and the UN High Representative for Disarmament Affairs and Dr. McLeish, the Sussex Director of the Harvard Sussex Program along with Mr. Nicholas Sims, Emeritus Reader in International Relations, London School of Economics and Political Science and Dr. Iris Hunger, Robert Koch Institute. In the afternoon of 30 March, the Centre on Conflict, Development and Peacebuilding (CCDP) of the Graduate Institute of International and Development Studies, the Geneva Centre for Security Policy (GCSP) and the United Nations Institute for Disarmament Research (UNIDIR) convened an academic seminar to mark the anniversary.¹

The BWC entered into force on 26 March 1975 to ban usage, development, production, stockpiling and transfer of biological weapon agents for hostile purpose. Currently 172 states parties and nine signatory states are a part of the convention. The BWC is known as the first multilateral disarmament treaty against biological weapons; however, it is not the very first treaty to ban usage of biological weapons. It is a result of prolonged efforts by the international community to establish a new instrument to supplement the 1925 Geneva Protocol, which prohibits use but not possession or development of chemical and biological weapons.² The BWC came in to existence to offer an all-inclusive ban against biological weapons. However, because of various shortcomings related to verification procedures, dual use dilemma and involvement of non-state actors (terrorist organisations), the convention still seems to struggle in fulfilling its core objective. Then, in view of the fact that cutting-edge technological advancements and terrorism may add to further challenges at a different level for the convention in ensuring biological disarmament and security, it becomes crucial to discuss its relevance and future.

The issues that were discussed during the event were indeed focussed on the same. While discussing the soul nature and purpose of the convention, Iris Hunger mentioned, "The BWC, fundamentally, is about preventing the most devious form of disease. It embodies a norm that is at least 40 years older than the BWC itself, the norm that human beings should not be subject to disease intentionally caused, should not be subject to biological warfare. This norm has survived the ups and downs of the BWC remarkably well, and we should make sure this continues for many decades to come. For this, it is important to refocus the BWC on what it is designed for: preventing biological warfare. The BWC is not a biosafety treaty,

nor is it development assistance or an education treaty. Equally it is not an anti-terrorism treaty or a disaster assistance treaty or an ethics council. It is a disarmament treaty and we need to enable it to comprehensively fulfil its main purpose".³

Undeniably, despite its shortcomings, the BWC still remains the most preferred instrument of biological disarmament. As mentioned by Ambassador Wood, "While not yet universal, the BWC is the centrepiece of a global norm that possession and use of these weapons are unacceptable".⁴ Nicholas Sims discussed the strengths as well as weaknesses of the convention during the event and suggested, "Nothing is more important than the efforts to find solutions to the problem of reassurance to develop a common understanding and effective action to remedy this main weakness of the convention".⁵ Also, everyone understands the dual-use dilemma, the fact that certain technologies, data, agents and information along with implicit and explicit knowledge (irrespective of the reality that they are developed, produced, and distributed for the benefit of public health) could be misused for biological weapons development. Although governmental and nongovernmental experts have produced quite a few lists of 'dangerous' activities and agents, none of them is generally accepted internationally as guidance for control efforts. Even less agreed are the control measures themselves; one can think about continuous international on-site presence of observers, regular international project reviews, or international on-site inspections. An urgent task for the parties to the BWC is to develop and update a list of activities that may be conducted only under international scrutiny. Likewise, parties to the treaty need to prioritise an agreement on procedures for international oversight of these activities.⁶

The key speakers also shared their concerns related to the future of biological disarmament in general aligning with the future of the BWC. They reiterated the significance on confidence-building measures in order to ensure biological arms control. Apart from the involvement of state actors, terrorism and highly-advanced science and technology were also the focus areas of discussion. All these elements and areas of discussion indicated a crucial need of strengthening the convention.

Prior to this anniversary meet aimed at strengthening the convention, a Meeting of State Parties (MSP) was organised during 1-5 December 2014 in Geneva. In accordance with the decision of the seventh review conference of BWC, this meeting considered the work of the Meeting of Experts, held during 4-8 August 2014, on the three standing agenda items: strengthening cooperation and support mentioned under Article X of the convention, reviewing developments in the field of science and technology related to the convention and reinforcing national implementation of the convention. The biennial item of how to strengthen implementation of Article VII, to assist states which have been exposed to a danger as a result of a violation of the BWC, was also discussed.⁷

During the meet, states parties accepted that some of the developments in science and technology have potential for usage contrary to the provisions of the convention. Hence they agreed on the importance of facilitating the fullest possible exchange of dual-use technologies where their use is completely consistent with the peaceful object and purpose of the convention. The parties also discussed various means of strengthening cooperation and assistance under Article X of the convention which focusses on upholding the importance of the

fullest possible exchange of equipment, materials and scientific and technological information for using biological and toxin agents for peaceful purposes. Parties also stressed on educating scientists and enhancing their awareness related to risks and benefits of life sciences and biotechnology in particular, and their role in strengthening biodefence. They agreed on creating and maintaining awareness of relevant advances and related dual-use issues, and keeping their national legal and regulatory frameworks up to date.⁸ They also stressed on strengthening national institutions and exchanging best practices with relevant regional and sub-regional organisations to ensure complete and comprehensive implementation of the convention.

While addressing to the biennial item, strengthening Article VII, detailed procedures and mechanisms for the provision of assistance and cooperation by states parties were conferred. The core concern was to enhance mutual support and preparedness at global level to combat a biological outbreak. In this context, Ebola outbreak can be considered as an eye-opener in terms of our overall preparedness against any such occurrence. State parties restated the value of continuing discussions on strengthening Article VII and, thereby, strengthening their capacity to effectively provide assistance under this Article, taking into consideration lessons learnt from combating infectious disease.⁹

Basically, apart from its existing limitations, the convention, initially developed to ensure comprehensive biological disarmament, faces a few new significant challenges occurred due to immense advancements in science and technology and terrorism. Today, terrorist organisations pose the most alarming challenge of creating havoc using any unconventional means. On the other hand, easy access to sensitive scientific on the

internet complicates the situation further. The dilemma of using biological agents and related technologies meant for peaceful purposes for offensive purposes further defies the treaty in ensuring usage of biological agents for peaceable purposes only. Apart from addressing these challenges, the convention also needs to look at its role in creating public awareness about biological weapons. The convention also needs to be reinforced with stringent verification measures and enhanced mutual trust and cooperation among all parties, without which its sole aim would not be achievable.

All these challenges need to be addressed by the eighth review conference of BWC, scheduled for December, 2016. The UN Secretary General Ban Ki-moon mentioned in his address during the fortieth anniversary of the BWC, "The eighth Review Conference in 2016 is an opportunity to consolidate progress and consider how to adapt this landmark convention to the challenges posed by advances in science and technology, as well as potential risks posed by terrorists and other non-state actors. I encourage states parties to think creatively about how to build confidence in compliance with the convention".¹⁰

Although a substantial progress in terms of its acceptance at international level can be seen in these forty years, the BWC needs to be reviewed in the light of futuristic trends and challenges for biological disarmament and security. The convention needs to be fortified with measures related to combating bio-terrorism, belligerent use of science and technology and collective efforts in combating outbreaks, natural or deliberate, at global level. An explicit, effective and comprehensive BWC is the need of the hour, which can certainly be instrumental in ensuring holistic biological disarmament and security worldwide.

Endnotes:

- ¹ "The Biological Weapons Convention", The United Nations Office at Geneva (UNOG) website, <http://www.unog.ch/unog/website/disarmament.nsf/%28httpPages%29/D362972656EBOFE8C1257E05004A35E0?OpenDocument> accessed on 22 April 2015.
- ² Biological Weapons Convention, Wikipedia website, http://en.wikipedia.org/wiki/Biological_Weapons_Convention accessed on 5 May 2015
- ³ "A New International Order for Extraordinary Public Health Risks? Norms, Actors, Modes of Interaction" by Iris Hunger, Biological Weapons Convention 40th Anniversary Event, 30 March 2015, Geneva, the UNOG website, [http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/8D277378A05451A3C1257E2A00455587/\\$file/Iris_Hunger_Geneva-BWCAnniversaryEvent-Talk-final.pdf](http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/8D277378A05451A3C1257E2A00455587/$file/Iris_Hunger_Geneva-BWCAnniversaryEvent-Talk-final.pdf) accessed on 22 April 2015
- ⁴ "Statement by Ambassador Robert A. Wood", 40th Anniversary of the BWC Treaty, 30 March 2015, The US Mission Geneva website, <https://geneva.usmission.gov/2015/03/30/40th-anniversary-of-the-bwc-treaty/>, accessed on 8 May 2015.
- ⁵ "What Future for Biological Disarmament", by Nicholas Sims, Biological Weapons Convention 40th Anniversary Event, 30 March 2015, the UNOG website, [http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/5321B0C99F660EC8C1257E190050888A/\\$file/Statement+by+Nicholas+A+Sims.pdf](http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/5321B0C99F660EC8C1257E190050888A/$file/Statement+by+Nicholas+A+Sims.pdf), accessed on 1 May 2015.
- ⁶ "Meeting of the State Parties (1-5 December 2014)", 8 December 2014, The UNOG website, http://www.unog.ch/unog/website/news_media.nsf/%28httpNewsByYear_en%29/784D22FC4B5B6AA9C1257DA8005C8792?OpenDocument, accessed on 1 May 2015.
- ⁷ "Meeting of the State Parties (1-5 December 2014)", 8 December 2014, The UNOG website, http://www.unog.ch/unog/website/news_media.nsf/%28httpNewsByYear_en%29/784D22FC4B5B6AA9C1257DA8005C8792?OpenDocument, accessed on 1 May 2015.
- ⁸ "Report of the Meeting of States Parties", Meeting of the States Parties to the Convention

on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, 15 December 2015, The UNOG website, [http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/F911B9513D550420C1257DB300523BB7/\\$file/BWC_MSP_2014_5+English-1424633%28E%29.pdf](http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/F911B9513D550420C1257DB300523BB7/$file/BWC_MSP_2014_5+English-1424633%28E%29.pdf), accessed on 5 May 2015.

⁹ “Meeting of the State Parties (1-5 December 2014)”, 8 December 2014, The UNOG website, http://www.unog.ch/unog/website/news_media.nsf/%28httpNewsByYear_en%29/784D22FC4B5B6AA9C1257DA8005C8792?OpenDocument, accessed on 1 May 2015

¹⁰ “Secretary-General, on Fortieth Anniversary of Biological Weapons Convention, Says World Must Remain Vigilant, Adapt to Scientific Advances, Terrorism Risks”, Press Release, 26 March, The UN Website, <http://www.un.org/press/en/2015/sgsm16620.doc.htm>, accessed on 8 May 2015.