

**Verification under the Biological Weapons
Convention:
A brief chronological summary
Information Briefing by the BWC ISU**

**Third Session of the Working Group on the Strengthening of the Convention
4 - 8 December 2023**

Daniel Feakes
Chief, BWC Implementation Support Unit
United Nations Office for Disarmament Affairs (Geneva Branch)

ISU background
document for
MX5 in 2018
BWC/MSP/2018/
MX.5/2



- **“... it was understood from the very beginning that the convention would be based on national rather than on international means of verification.”** (BWC/CONF.I/4)
- “Article IV of the Convention, as described above, provides that each State Party shall, in accordance with its constitutional processes, take any necessary measures to comply with the provisions of the Convention. **The Convention, thus, does not require an international mechanism for compliance, neither does it provide for the verification of compliance by other than national means of verification. Each State Party is, therefore, responsible for both compliance and verification of compliance.”**





“Verification, in the sense in which that term is normally used in disarmament negotiations, is simply not possible in the field of biological warfare. The agents which might be used for hostile purposes are generally indistinguishable from those which are needed for peaceful medical purposes, and militarily significant quantities of a biological warfare agent could be produced clandestinely in a building the size of a small house or large garage.” (Mr. F. Mullay (UK), Conference of the Eighteen Nation Committee on Disarmament document, ENDC/PV.418, dated 10 July 1969, p. 10)



Early efforts

- The treaty text as it finally emerged from the Conference of the Committee on Disarmament in Geneva in 1971 was weaker in key areas than the original UK draft convention submitted in 1969 (e.g. investigations of alleged use)
- Attempts to remedy some of these weaknesses during the First Committee in 1971 were ultimately unsuccessful and when the Convention entered into force on 26 March 1975 some key States did not join pointing to the inadequacies of the Convention's provisions.
- This was seen already at the First Review Conference in 1980 where Sweden led an effort to have stronger consultative measures included in the Convention (e.g. a Consultative Committee)



First Review Conference 1980

The Conference elaborated upon the provisions of Article V and agreed that interested States Parties could use various international procedures to effectively and adequately ensure the implementation of the Convention.

The Conference agreed that “These procedures include, inter alia, the right of any States Party subsequently to request that a consultative meeting open to all States Parties be convened at expert level.”



Second Review Conference (1986)

the Conference established a mechanism for the annual exchange of information, known as Confidence-Building Measures (CBMs)

The Conference also strengthened the consultative mechanism established by the First Review Conference by further elaborating the role, format and functions of the consultative meeting

Noting the differing views with regard to verification, the Conference also decided that the Third Review Conference should consider, inter alia, whether or not further actions are called for to create further cooperative measures in the context of Article V, or legally binding improvements to the Convention, or a combination of both

Third Review Conference (1991)

With regard to CBMs, the Conference reaffirmed and improved the system agreed by the Second Review Conference. Most substantively, the existing four measures were amended and three entirely new measures were added on declaration of legislation, regulations and other measures, declaration of past activities in offensive and/or defensive biological research development programmes and declaration of vaccine production facilities

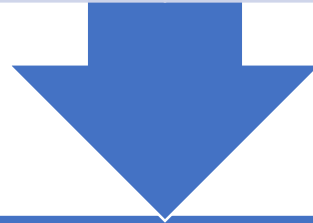
Determined to strengthen the effectiveness and improve the implementation of the Convention, and recognizing that verification could reinforce the Convention, the Conference established an Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint (VEREX)

VEREX (1992-93)

The Conference decided that VEREX “shall seek to identify measures which could determine”:

(a) Whether a State party is developing, producing, stockpiling, acquiring or retaining microbial or other biological agents or toxins, of types and in quantities that have no justification for prophylactic, protective or peaceful purposes;

(b) Whether a State party is developing, producing, stockpiling, acquiring or retaining weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.”



The Conference noted that “such measures could be addressed singly or, in combination. Specifically, the Group shall seek to evaluate potential verification measures, taking into account the broad range of types and quantities of microbial and other biological agents and toxins, whether naturally occurring or altered, which are capable of being used as means of warfare.”

Off-site measures		On-site measures	
Information monitoring	Surveillance of publications	Exchange visits	International arrangements
	Surveillance of legislation		
	Data on transfers, transfer requests and production		
	Multilateral information sharing		
Data exchange	Declarations	Inspections	Interviewing
	Notifications		
Remote sensing	Surveillance by satellite	Visual inspections	Identification of key equipment
	Surveillance by aircraft		Auditing
	Ground-based surveillance		Sampling and identification
Inspections	Sampling and identification	Continuous monitoring	Medical examination
	Observation		By instrument
	Auditing		By personnel

VEREX final report, BWC/CONF.III/VEREX/9

In its final report, VEREX considered, from a scientific and technical standpoint, “that some of the verification measures would contribute to strengthening the effectiveness and improve the implementation of the Convention, also recognizing that appropriate and effective verification could reinforce the Convention.”

Furthermore, VEREX concluded that “potential verification measures as identified and evaluated could be useful to varying degrees in enhancing confidence, through increased transparency, that States Parties were fulfilling their obligations under the BWC.”

Special Conference (1994)

The Conference, “determined to strengthen the effectiveness and improve the implementation of the Convention and recognizing that effective verification could reinforce the Convention”, agreed to establish an Ad Hoc Group, open to all States Parties.

The objective of the Ad Hoc Group was “to consider appropriate measures, **including possible verification measures**, and draft proposals to strengthen the Convention, to be included, as appropriate, in a legally binding instrument”

Ad Hoc Group

The Ad Hoc Group was mandated to consider four specific areas:

(a) definitions of terms and objective criteria;

(b) the incorporation of existing and further enhanced confidence-building and transparency measures, as appropriate, into the regime;

(c) a system of measures to promote compliance with the Convention, including, as appropriate, measures identified, examined and evaluated in the VEREX report;

(d) specific measures designed to ensure effective and full implementation of Article X, which also avoid any restrictions incompatible with the obligations undertaken under the Convention.

Ad Hoc Group (1995-2001)



1995-1997 – preliminary work and conceptual discussions



1997-2001 – negotiating format, development of a “rolling text”

Last version contained in BWC/AD HOC GROUP/56-1 with 23 articles; 6 annexes; and 8 appendices, also with 1,100 pairs of square brackets



2001 – Chair introduced “composite text” at 23rd session of the AHG in April 2001 which was his “best guess” to bridge divergences and reach an outcome by Fifth Review Conference in November 2001

Some States Parties supported the “composite text” as the basis for further negotiations, some opposed this, many requested changes to the text



2001 – 24th session of the AHG could not agree on its final report after the US announced it would be unable to support the draft text

Composite text – main elements

The verification architecture was based on three pillars and was similar, at least in its structure, to the CWC:

Declarations – a baseline of information on the relevant capabilities of each State Party (six annual declaration triggers)

Visits – procedures for assessing the accuracy of declarations (randomly-selected transparency visits; voluntary assistance visits; and declaration clarification procedures)

Investigations – provisions for assessing non-compliance or alleged non-compliance with the Convention (field and facility investigations)

Would also have created the Organization for the Prohibition of Biological and Toxin Weapons (OPBW) with a structure similar to the OPCW

For more information...



<https://disarmament.unoda.org/biological-weapons/>



BWC Implementation Support Unit
United Nations Office for Disarmament Affairs
Palais des Nations, Geneva



+41 (0)22 917 2230



bwc@un.org



@BWCISU