
CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION (BTWC)

Opened for Signature: 10 April 1972.

Entered into Force: 26 March 1975.

Duration: Unlimited.

Membership: 164 States Parties and 13 signatories, including Egypt and Syria.

Non-signatories: 19 states, including Israel, have not signed or ratified the Convention.

Depositaries: Russia, the United Kingdom, and the United States.

Treaty Text

Treaty Obligations: States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological and Toxin Weapons and on their Destruction (BTWC) are obligated not to develop, produce, stockpile, or otherwise acquire or obtain microbial or other biological agents or toxins of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes; not to develop, produce, stockpile, or otherwise acquire or obtain weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict; to destroy, or to divert to peaceful purposes (not later than nine months after the entry into force of the convention) all agents, toxins, weapons, equipment, and means of delivery; not to transfer to any recipient, and not in any way to assist, encourage, or induce to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment, or means of delivery; to take necessary measures to prohibit the above within their own territories. Although the BTWC (in its title and in Article I) does not explicitly prohibit “use” of biological weapons, the Final Declaration of the 1996 Treaty Review Conference reaffirmed that, although “use” is not explicitly prohibited under Article I of the BTWC, it is still considered to be a violation of the convention.

Verification and Compliance:

Verification: There is no formal verification regime to monitor compliance. Member States are encouraged to abide by numerous confidence-building

measures (CBMs) prescribed by State Parties at various review conferences. These include: domestic implementation measures, if considered necessary; consultation and co-operation among parties; lodging of complaints with the UN Security Council; and incentives, such as assistance to victims. Since 1991, there have been efforts to negotiate a verification protocol to strengthen the BTWC’s lack of provisions for an international mechanism to monitor compliance. Difficulties in creating a verification regime for the BTWC include: any nation with a developed pharmaceutical industry has the potential to make biological weapons; the emergence of non-state actors makes it difficult to develop effective verification measures.

Compliance: One example of allegations of non-compliance with the BTWC is the 1981 accusation by the United States that the Soviet Union supplied mycotoxins—poisonous compounds synthesized by fungi—to its Communist allies in Southeast Asia for military use against resistance forces in Laos and Cambodia. The UN Secretary-General dispatched two expert groups to the region to investigate the allegations. Both were inconclusive, demonstrating the need to launch an investigation shortly after an alleged attack, when the forensic evidence is still fresh, and to gain full access to the effected sites and attack victims.

Amendments and Withdrawal: Under Article XI, States Parties may propose amendments to this convention. Amendments shall enter into force for each State Party accepting the amendments when the amendment is accepted by a majority of the States Parties to the convention. For each remaining State Party thereafter, the amendment will take effect on the date of acceptance. The convention gives the parties a right of withdrawal, provided that notice is given to all other States Parties to the convention and to the United Nations Security Council (UNSC) three months in advance. Such notice shall include a statement of the extraordinary events the State regards as having jeopardized its supreme interests (Article XIII).

Review Conference: The Review Conference of the BTWC takes place every five years.

Confidence-Building Measures (CBMs): In the Final Declaration adopted at the Third Review Conference of the Parties to the BWC held in 1996, the States Parties agreed to implement a new format of confidence-building measures to improve international cooperation in the field of peaceful bacteriological (biological) activities (BWC/CONF.III/23, Part II, Annex). These included: (1) a declaration form on “Nothing to declare” or “Nothing new to declare”; (2) exchange of data on research centers and laboratories that meet very high national or international safety standards; (3) exchange of information on national biological defense research and development programs, including declarations on facilities where biological defense research and development programs are conducted. (This measure also includes information relating to contractors and on available publications.); (4) exchange of information on outbreaks of infectious diseases and similar occurrences caused by toxins that seem to deviate from the normal pattern; (5) encouragement of publication of results of biological research directly related to the convention and promotion of use for permitted purposes of knowledge gained in this research; (6) active promotion of contacts between scientists, other experts at facilities engaged in biological research directly related to the convention, including exchanges and visits for joint research on mutually agreed basis; (7) declaration of legislation, regulations, and other measures, including exports and/or imports of pathogenic microorganisms in accordance with the convention; (8) declaration of past activities in offensive and/or defensive biological research and development programs since 1 January 1946; and (9) declaration on vaccine production facilities, licensed by the State Party for the protection of humans. A summary table has been prepared to indicate participation of the States Parties in each of the agreed CBMs since 1997.

Sixty-one states (38% of States Parties) submitted CBM information requested during the Sixth Review Conference. Several States Parties approached the Implementation Support Unit (ISU) to enquire if, in the interests of transparency, their CBMs could also be made available in the publicly-accessible area of the ISU website. For 2008, nine CBM country reports have been placed in the publicly-accessible area of the CBM section of the website (they also remain available in the restricted area).

Developments:

2011: On 13-14 April, in Geneva, Switzerland, States Parties to the Biological Weapons Convention held a Preparatory Committee meeting for the Seventh Review Conference of the Convention. The Preparatory Committee agreed on the date, duration, agenda, documentation, procedure, finances, and publicity of the Seventh Review Conference, and the appointment of a provisional President for the Review Conference, Ambassador Paul van den IJssel of the Netherlands. The Chairman of the Preparatory Committee stated that the meeting was successful and that he is optimistic about the outcome of the Review Conference.

On 29 March, Mozambique became the 164th state party to the BTWC. The president-designate emphasized that this actions will demonstrate to the rest of Africa the relevance of the treaty and the concrete benefits it provides.

On 17-19 June, a workshop on countering biological threats took place in Tbilisi, Georgia. The cooperation among the Georgian Ministry of Labor, Health, and Social Affairs, the National Center for Disease Control of Georgia and the U.S. Department of Defense and the U.S. Department of Health and Human Services allowed for an innovative approach to biological weapon management. The outcomes of the conference aimed to strengthen collaboration within the region to avert bioterrorism.

On 5-22 December, the BTWC held the Seventh Review Conference in Geneva. “Overall, we have done pretty well. In some areas, we could have done better,” said Dutch diplomat Paul van den IJssel, the president of the conference. On 22 December, the BTWC adopted the [Final Document](#), which, among other developments, established two new bodies: a database system designed to facilitate requests for and offers of exchange of assistance between States Parties to the BTWC, and a sponsorship program to increase developing States Parties’ participation in intersessional meetings.

2010: On 23-27 August, the Meeting of Experts convened for the last session in the four-part series mandated by the 2006 Sixth Review Conference. The meeting, held in Geneva, was chaired by Ambassador Pedro Oyarce of Chile. This year’s discussions focused on “providing assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, including improving national capabilities for disease surveillance, detection and diagnosis and public health systems.” The Chairman encouraged

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experts to consider both the response to the effects of alleged use and the discovery of the cause of the alleged use when considering effective national and international responses to the use of biological weapons.

There were 450 attendees from 90 countries, including experts from government agencies, international organizations, non-governmental organizations and academic experts. A [report](#) of the meeting was adopted and further results of the meeting will be considered at the Meeting of States Parties.

The Meeting of States Parties was held on 6-10 December at the United Nations Office in Geneva with more than 450 participants in attendance. The meeting reiterated the (commitment to provide?) prompt assistance, upon request, to any state from law enforcement and health sectors in the case of alleged use of biological or toxin weapons. A [report](#), prepared by Chairman Oyarce of Chile, was adopted.

Meeting participants discussed preparations for next year's Seventh Review Conference and approved the nomination of Ambassador Paul van den Ijssel of the Netherlands as President of the Review Conference.

2009: On 24-28 August, the Meeting of Experts held its Inter Review Conference Meeting in Geneva, chaired by Ambassador Marius Grinius of Canada. This meeting, the third of a four-year program mandated by the 2006 Sixth Review Conference of the BTWC, intended to strengthen the effectiveness of the BTWC as a practical barrier against the development, production and stockpiling of biological weapons. The meeting sought to increase international cooperation in effectively improving biological sciences and technology for peaceful purposes and promoting capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases.

The meeting brought together nearly 500 participants from 95 countries, various government agencies and international organizations. Participants discussed developments and shortcomings of assistance and cooperation in capacity-building, and especially the need for strengthened coordination. Recommendations and proposals as outlined by participants were issued as a synthesis [report](#). In the Chairman's [closing remarks](#), he noted that the ongoing H1N1 influenza pandemic demonstrated the importance of building both international and national capacities for disease surveillance and response.

On 7-11 December, the Meeting of States Parties, at the third meeting of the four-year intersessional process, considered the results from the August Meeting of Experts. Participants included representatives from 100 States Parties to the Convention and an increasing number of representatives from observer states, international organizations and non-governmental organizations.

In his final remarks as Chairman, Ambassador Grinius reflected on the three areas that he focused on throughout the past year including: universalization of the BTWC, confidence-building measures (CBMs), and dealing with disease. With regards to universalization, he commented that although there were no new memberships during his tenure, several states are contemplating joining the BTWC. Next, Ambassador Grinius encouraged more CBM submissions while noting that the process of both submitting and reviewing CBM submissions has and will continue to improve. In addition to [the final document](#), other action-based items were produced to deal with disease. The Implementation Support Unit (ISU) published the contact details of experts and national approaches in the Compendiums of National Approaches to assist States Parties.

The meeting appointed Ambassador Carlos Portales of Chile as Chair for the 2010 meetings of the BTWC States Parties.

2008: The following states acceded to the BTWC in 2008: Zambia (15 January), Madagascar (7 March), United Arab Emirates (20 June), and Cook Islands (5 December).

The 2008 Meeting of Experts was held in Geneva on 18-22 August. The meeting was chaired by Ambassador Georgi Avramchev of the Former Yugoslav Republic of Macedonia. The meeting discussed and promoted national, regional, and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins, and oversight, education, awareness raising, and adoption and/or development of codes of conduct with the aim of preventing misuse in the context of advances in bio-science and biotechnology research with the potential of use for purposes prohibited by the Convention.

The meeting included three panel discussions on the topics of risk management, industry, and education and awareness-raising. Experts were invited to share their opinions and to offer suggestions on the questions raised by the Chair and the delegates. Some of the main themes were: developing an integrated net-

work of information that could be shared between developed and developing countries, informing and engaging the public when outbreaks occur, training scientists to respond to outbreaks and crises, and creating stronger alliances between industry and government.

The meeting featured the ISU's first ever poster sessions on 19 and 21 August. These sessions gave experts an opportunity to meet their counterparts among the various delegations and present details of their work. All States Parties, International Organizations, Nongovernmental Organizations, and private sector delegations were invited to participate, and nearly 30 posters were presented in total. The sessions were enthusiastically received and will likely continue in the future.

The Meeting of States Parties was held in Geneva on 1-5 December, 2008, and was chaired by Ambassador Georgi Avramchev of the Former Yugoslav Republic of Macedonia. The meeting consolidated the work of the Meeting of Experts in a final report. Many States Parties stressed the need for universalization and the necessity for countries to continually submit their CBMs. Although CBMs are not legally binding, some States Parties, such as Switzerland, noted that they are politically binding and part of the obligations of the treaty. Some States Parties also suggested expanding the ISU duties to include an international scientific advisory panel as part of the seventh review conference.

94 States Parties attended the meeting and 39 States Parties made statements.

2007: On 28 June, Kazakhstan acceded to the BTWC.

The 2007 Meeting of Experts was held in Geneva from 20-24 August 2007. The meeting was chaired by Ambassador Masood Khan of Pakistan. In accordance with the decision of the Sixth Review Conference, the meeting dealt with ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions, and regional and sub-regional cooperation on implementation of the BWC. The meeting concluded on 24 August by adopting its report by consensus and the presentation of an Interim Universalization Report by the chairman.

On 20 August, the Implementation Support Unit (ISU) was officially launched. The ISU was created to assist states parties in the implementation of the BWC by providing administrative support to States Parties, facilitate communication, promote confi-

dence-building measures, and to work towards the universalization of the convention.

The 2007 Meeting of States Parties was held in Geneva from 10-14 December 2007. Ninety-five states parties and six signatories participated in the meeting, which was chaired by Ambassador Masood Khan of Pakistan. In accordance with the decision of the Sixth Review Conference, the Meeting of States Parties considered the work of the previously held Meeting of Experts. The meeting concluded with a consensus report mainly addressing procedural issues.

2006: The Preparatory Committee for the Sixth Review Conference was held in Geneva from 26-28 April and made the procedural arrangements necessary for the Review Conference.

The Sixth Review Conference was held from 20 November to 8 December in Geneva. In his opening remarks, Secretary General Kofi Anan called on the states parties to not repeat the deadlock of the 2001 Review Conference and stressed the importance of the convention and moving forward. Masood Khan of Pakistan was elected president of the conference and stressed the need to allow for no complacency in addressing the threats posed by biological weapons.

The most important decision of the Review Conference was to establish an Implementation Support Unit consisting of three full-time staff members to provide support and confidence building measures. The conference endorsed the consensus documents from 2003-2005 meetings of the States Parties, decided for 2007-2010 to hold four annual meetings of the states parties of one week duration each year to discuss and promote common understanding and effective action. The conference also made a decision concerning confidence-building measures, namely that the Implementation Support Unit should develop an electronic format of the existing confidence-building measures forms, and centralize requests and offers of assistance regarding the submission of these by states parties. On the promotion of universalization, the conference agreed that a concerted effort by states parties was needed to persuade states not party to the convention to join.

2005: The Third Meeting of Experts from States Parties to the convention met in Geneva from 13-24 June. 82 States Parties participated in the Meeting of Experts. Egypt, Madagascar, and the Syrian Arab Republic also participated as signatories, who hold no decision-making power in the meeting. Israel participated as an observer. The meeting was chaired by Ambassador John Freeman of the United Kingdom.

Experts from various international organizations, such as the International Organization of the Red Cross (ICRC), the Organization for Economic Cooperation and Development (OECD), and the World Health Organization (WHO), were granted observer status. Twenty-three scientific, professional, academic, and industry bodies participated informally as guests of the Meeting of Experts. Sixteen non-governmental organizations and research institutes also attended the meeting.

The Meeting of Experts held two public meetings on 13 and 24 June, respectively, five open sessions, and three working sessions. At these gatherings, experts discussed the options for development and implementation of codes of conduct for scientists to help prevent contravention of the BWC. Participants also discussed the merits of a universal code system versus multiple codes, and the relationship of voluntary or contract-based codes of conduct to enforceable legislation and regulations.

The experts reached general agreement that the codes of conduct should uphold central tenets of the BWC while also working to balance the need for scientific freedom against the need to prevent deliberate and inadvertent scientific misuses. Alternatively, on the issue of increased education, participants varied in their opinion of who should be responsible for promulgating codes of conduct and whether the approach should be a “top-down” or “bottom-up” strategy.

At the end of the meeting, the chair prepared an informal paper listing the considerations, recommendations, and conclusions drawn from the gatherings. While the paper has no official status, it was the chair’s view that the paper could assist delegations in their preparation for the upcoming Meeting of States Parties.

2004: A two-week Meeting of Experts of the States Parties to the Convention convened in Geneva from 19-31 July, in accordance with a three-year program established at the Fifth Review Conference. The meeting was chaired by Mr. Peter Goosen of South Africa, and attended by representatives of 87 States Parties, four signatories, and two observer States to the convention. In addition, experts from various international organizations, such as the World Health Organization, the Food and Agriculture Organization, and the World Organization for Animal Health, which are aiding in the creation of contingency plans for responding to disease outbreaks, also attended and participated in the conference as observers.

The Meeting of Experts held public sessions on 19 and 30 July, and 17 additional working meetings.

During the first week of the session, participants focused on addressing means of “strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants.” During this time, participants heard nearly 100 statements, presentations, and interventions and considered a number of working papers on the subject submitted by States Parties.

The following week, the primary agenda item was to discuss the enhancement of “international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease.” States Parties, signatories, and observers heard and discussed a number of presentations, statements, and working papers related to this topic. In addition, participants utilized several background papers prepared by the Secretariat regarding mechanisms being implemented by intergovernmental organizations and non-governmental organizations in terms of disease surveillance and disease outbreaks, and on mechanisms available to States Parties to investigate the alleged use of biological or toxin weapons and provide assistance within the context of the convention.

At the conclusion of the conference, the chair compiled a paper, including conclusions, recommendations, proposals, and ideas drawn from the Experts Meeting. The paper was not given any official status and does not represent the views of all States Parties or signify indicate that a consensus was reached. Rather, it is intended to assist delegates in their preparation for the Annual Meeting of States Parties, which took place from 6-10 December in Geneva.

The 2004 Meeting of States Parties convened in Geneva from 6-10 December, with Mr. Peter Goosen of South Africa as the chair. 87 States Parties to the convention participated in the Meeting of States. Four signatory states, Egypt, Madagascar, Myanmar, and the United Republic of Tanzania, participated in the meeting without taking part in decision-making. Two additional states, Israel and Kazakhstan, joined the meeting as observers.

Among other observers were The Food and Agriculture Organizations (FAO), the International Committee of the Red Cross (ICRC), the World Health Organization (WHO), and the World Organization for Animal Health (OIE). Fourteen NGOs and research institutes also attended.

The Meeting of States Parties held two public meetings on 6 and 10 December, respectively, as well as

multiple working sessions and, on 6 December, a general debate in which 28 States Parties made statements.

During the meeting, States Parties considered broadening and strengthening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis, and combating of infectious diseases affecting humans, animals, and plants. Members agreed on the importance of supporting existing networks of relevant organizations, such as the WHO, FAO, and OIE, as well as developing national and regional disease surveillance capabilities.

Members also discussed enhancing international capabilities for responding to, investigating, and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease. The States Parties recognized the need to continue to develop their own national capabilities for response, as well as cooperative efforts and provisions for international assistance.

At its closing on December 10, the Meeting of States Parties of the convention approved the nomination of Ambassador John Freeman of the United Kingdom as the chair of the Meeting of Experts and the Meeting of States Parties in 2005.

2003: From 18-29 August, the first meeting of experts from States Parties to the BTWC was held in Geneva under the chairmanship of Ambassador Tibor Toth. The meeting was the first stage of a new process established by the Fifth Review Conference of the BTWC; its purpose was to prepare the ground for the annual meeting of States Parties, scheduled for 10-14 November 2003.

The meeting addressed two topics: the adoption of necessary national measures to implement the prohibitions set forth in the convention, including the enactment of penal legislation; and national mechanism to establish and maintain the security and oversight of pathogenic microorganisms and toxins. The first topic of national legislation was divided into the following sub-topics to promote discussion: (1) legal, regulatory, and administrative (e.g., civil legislation, penal legislation, regulations, guidelines); (2) prohibitions (e.g., direct implementation, war materials, development, production, possession and use, complementary legislation); (3) restrictions (e.g., classification, operational framework, intangible technologies, sanctions); (4) practical implementation and enforcement (e.g., national infrastructure, international cooperation, education and training, experts); (5) criminalization and law enforcement (e.g., infor-

mation sharing, enforcement, international arrangements).

The second topic of bio-security was divided into the following sub-topics for discussion: (1) legal, regulatory and administrative (e.g., national and international models and standards, risk assessment, program design and consequence management); (2) facilities (e.g., facility planning and management, storage, containment, custody and disposal of dangerous pathogens); (3) personnel (e.g., personnel issues for pathogen management, training and continuing education in pathogen security); (4) transport and transfer (e.g., transport and transfer of dangerous pathogens, type of recipient facility); (5) oversight and enforcement (e.g., issues of licensing, accreditation and authorization).

The experts discussed technical aspects covering a range of experiences and ideas related to national implementation of the BTWC. In addition to national delegations, experts from a range of international organizations, including the World Health Organization (WHO), Food and Agriculture Organization (FAO), World Organization for Animal Health (OIE) and Organization for the Prohibition of Chemical Weapons (OPCW) shared their knowledge. It remains unclear how the States Parties will make use of the information presented at the meeting.

From 10-14 November, the meeting of the States Parties was held in Geneva. At the meeting, convened under Chairman Tibor Toth of Hungary, representatives of 92 States Parties, four signatories, two observer States, and several intergovernmental and nongovernmental organizations developed the work begun at the August expert meeting. Two public meetings and seven working sessions were held, the first of which consisted of a general debate. During the remainder of the working sessions, discussion focused on consideration of necessary national measures to implement the prohibitions set forth in the convention, including the enactment of penal legislation and national mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins. Specifically, the second working session addressed prohibitions of the convention, the third addressed licensing issues, the fourth considered enforcement issues, the fifth was dedicated to evaluations and implementation of bio-security procedures, and the sixth focused on licensing and relevant efforts by international organizations.

In the process of discussion, delegates utilized a number of working papers as well as a CD-ROM-based information repository prepared by the Secre-

ariat that included States Parties' implementation of national measures related to the convention. In concluding the meeting, States Parties approved the nomination of Mr. Peter Goosen of South Africa as chairman of the 2004 Meeting of Experts and Meeting of States Parties.

In 2004 the focus of the new process will shift to enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological weapons or suspicious outbreaks of disease, and to strengthening national and international efforts against infectious diseases. The 2005 meetings will address codes of conduct for scientists.

2002: On 11 November, the resumed session of the Fifth Review Conference of the States Parties to the BTWC started in Geneva. After opening the Conference, the chairman, Ambassador Tibor Toth, suspended the formal session and called for informal consultations on a draft proposal — in the form of a draft decision — developed by him after consultations with many governments. Ambassador Toth's proposal attempted to find a middle ground between the hard-line position of the United States and substantive proposals made by States Parties such as the United Kingdom and South Africa since the December 2001 session of the Conference. The decision mandated a one-week meeting of States Parties in each of the three years (2003-2005) leading up to the next Review Conference. The purpose of these meetings would be to promote common understanding and effective action on issues of concern to all States Parties. Each annual meeting would be preceded by a two-week expert level meeting.

The first meeting in 2003 would be devoted to the adoption of national measures to implement the prohibitions set forth in the convention, including the enactment of criminal legislation as well as national mechanisms to establish and maintain the security and oversight of pathogenic micro organisms and toxins. In 2004, the discussions would consider enhancing international capabilities for responding to, investigating, and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease. The meeting will also consider strengthening and broadening national and institutional efforts and existing mechanisms for the surveillance, detection, diagnosis, and combating of infectious diseases affecting humans, animals, and plants. The final meeting to be held in 2005 would consider the role and responsibility of the scientific community and look at the content, promulgation, and adoption of codes of conduct for scientists.

Ambassador Toth's proposal was incorporated in the Final Report of the Conference. In his concluding remarks, Ambassador Toth stated that it was the responsibility of each and every State Party to make the upcoming meetings work and to identify ways to strengthen the convention.

2001: On 12 February, the BTWC Verification Protocol Ad Hoc Group (AHG) began its 22nd session with the task of completing the negotiations before the Fifth BTWC Review Conference scheduled to take place in November-December 2001. Some delegations said that the AHG's method of negotiation had been exhausted and called on the chair to produce a "vision text" — the chair's proposal of what the end product should look like. Other delegations believed that the introduction of the vision text would endanger the friendly and cooperative atmosphere and kill the negotiations and the Protocol. They said that any departures from textual negotiations (based on the rolling text) would need to remain informal.

On 30 March, the AHG chair released a "composite text" — the chair's proposal for a verification instrument to the BTWC. The document received a mixed reaction. The Western countries plus some "conservative" representatives of NAM (Brazil, Chile, South Africa) supported this effort. Other delegations, namely Pakistan, Iran, and China, were resistant to it, calling the "composite text" a good reference or background document, but insisting that the rolling text remained the basis of the negotiations.

On 25 July, at the beginning of the 24th session of the AHG, the United States formally announced its rejection of the Verification Protocol — not only in its current draft version, but also of further efforts to negotiate such an agreement. The United States concluded that "the current approach to a Protocol" was not "capable of strengthening confidence in compliance with the convention; it would not improve the ability to verify compliance" and would "do little" to deter countries seeking biological weapons. The United States announced that it would not support the chair's composite text, even with changes, as an appropriate outcome of the Ad Hoc Group's efforts. Instead of a Protocol, the United States said it would develop other ideas and different approaches that could help to achieve the objective of effectively strengthening the BTWC. The United States argued that the draft protocol could not achieve the objective of covering illicit activities, as there was no great promise of providing useful, accurate, and complete information to the international community, as well as deterring or hindering a rogue State's ability to conduct illicit activities. Furthermore, the United States argued,

regular on-site activities — transparency visits — risked damaging innocent declared facilities, and putting national security and commercial proprietary information at risk. The United States stated that it could not agree to subject itself to such risks when there was no corresponding benefit in impeding proliferation efforts around the globe. With respect to export controls, the United States said that the convention was a disarmament instrument, not a trade instrument. The United States also voiced its displeasure with calls to abolish existing export control arrangements such as the Australia Group and referred to attempts to fix the meaning of the convention's terms — a reference to Russia's interest in definitions — as well as to investigations of disease outbreaks that the United States felt were too restrictive.

The US announcement was met with deep disappointment on the part of all other States Parties. Most of the delegations reacted quite moderately because such an announcement had been largely anticipated. Although some delegations urged the AHG to continue negotiations regardless of the US announcement, many were not willing to proceed with finalizing the text without US participation and quickly turned their attention to the question of how best to salvage the Protocol and the process. In the end, the States Parties decided not to finalize an agreement without the United States, but instead, they agreed to start drafting the AHG's report, while preserving what had been achieved thus far. By the end of the 24th session, the AHG failed to agree on the final report on its negotiations on a protocol for the convention. On one hand, there was a realization that the report would not be binding with regard to the AHG's future. On the other hand, the report would put on record some important agreements, most notably, that the AHG considered that its mandate was still in force and had yet to be fulfilled. In addition, the report would emphasize the principle of multilateral negotiations and recognize the two texts — the rolling text and the chair's composite text — as the products of the six-and-a-half years of negotiations.

The Fifth Review Conference of the BTWC was scheduled for 19 November-7 December 2001. Preceding the Conference, on 1 November, US President George W. Bush stated that despite the BTWC, the scourge of biological weapons had not been eradicated. Instead, the threat was growing, mainly posed by rogue States and terrorists who possess these weapons and are willing to use them. The president stated that the United States is committed to strengthening the convention as part of a comprehensive strategy for combating the complex threats of WMD and terrorism and proposed the following measures “to fash-

ion an effective international approach to strengthen the BTWC”: enact strict national criminal legislation against prohibited biological weapons (BW) activities with strong extradition requirements; establish an effective UN procedure for investigating suspicious outbreaks or allegations of BW use; establish procedures for addressing BTWC compliance concerns; commit to improving international disease control and to enhance mechanisms for sending expert response teams to cope with outbreaks; establish sound national oversight mechanisms for the security and genetic engineering of pathogenic organisms; devise a solid framework for bio-scientists in the form of a code of ethical conduct that would have universal recognition; and promote responsible conduct in the study, use, modification, and shipment of pathogenic organisms.

On 19 November, in the statement at the Fifth BTWC Review Conference, the United States reiterated that it rejected the draft verification protocol to the convention on the grounds that the defiant States and non-State actors would never be hampered by this Protocol and that the arms control approaches of the past would not solve the current problems. The United States argued that such States and non-State actors would not have declared their current covert offensive programs or the locations of their illegal work — nor would the draft Protocol have required them to do so. The United States also stated that by giving proliferators the BTWC stamp of approval, the Protocol would have provided them with a “safe harbor” while lulling other signatories into a false sense of security. The United States claimed that many governments had privately told the US delegation that they shared their reservations. The United States further expressed concern with the activities of Bin Laden's al-Qaeda, Iraq, North Korea, Libya, Iran, Sudan, and Syria to acquire biological weapons. The United States called on the States Parties to “look beyond traditional arms control measures to deal with the complex and dangerous threats posed by biological weapons” and reiterated proposals for strengthening the convention announced by President Bush on 1 November.

In the course of the proceedings, Iran, Iraq, and Libya rejected US accusations. Iraq claimed that its BW program had been destroyed as part of the disarmament mandate of the UN Special Commission (UNSCOM), and feared it was about to be attacked by the United States on the pretext of proliferation concerns. Iran rejected the accusations “categorically,” adding that such accusations would lead to confrontation rather than cooperation in the Conference and expressed suspicion that this might be the intention,

since the United States was now clearly opposed to multilateralism. Libya said the allegations were “nothing new” and asked the United States not to use the Conference as “a launching pad for accusations” since this would only damage the prospect of reaching consensus at the Conference. The delegates generally believed that the US accusatory statement would only serve to make the work of the Conference more difficult, while its proposals, unless complemented by more comprehensive, multilateral and legally binding arrangements, would not be received favorably by many States Parties. China called the US position “neither fair nor reasonable.” Cuba feared that the United States had forced the Member States to lose 10 years of progress, arguing that Washington’s new stance was completely inconsistent with the US delegation’s previous demands to ease several of its clauses, only to reject it after invoking, among other reasons, its weaknesses.

On 21 November, the Member States heard the views of non-governmental organizations (NGO) on the strengthening of the convention. The NGO, including the Network of Engineers and Scientists for Global Responsibility (INES), Women's International League for Peace and Freedom (WILPF), Verification Research, Training and Information Centre (VERTIC), researchers from Bradford University, Stockholm International Peace Research Institute (SIPRI), the Sunshine Project, researchers from the University of Michigan, and the Quaker United Nations Office in Geneva, presented a variety of views, all stressing the need for a multilateral legally binding instrument to strengthen the BTWC.

The Conference commenced an article-by-article review of the convention's operation and considered the issue of the work of the Verification Protocol AHG. The US delegation reportedly announced that it would not support the continuation of the AHG in any form. In contrast, the general view of other delegations was that the Group's mandate remained in force and that the strengthening of the convention needed to take place in a multilateral setting and in a legally binding way. In particular, Non-Aligned Movement (NAM) countries asked for the reconvening of the Group to allow it to complete its task. Most States, including many Western countries, wanted to continue efforts to strengthen the convention, but did not indicate when, where, or how, or whether this meant they wanted to reconvene the AHG.

The deliberations on the convention's review were, by all accounts, conducted smoothly and without any major tension. All countries agreed that the Conference was taking place at a critical juncture, and that

rapid advances in science and technology posed challenges to the BTWC regime that needed to be addressed more frequently.

Other matters discussed included the need to meet more frequently to respond to new challenges, and to agree to a follow-up mechanism for the Review Conference, e.g. annual meetings of States Parties, preparatory committee meetings for the next Review Conference, and expert meetings. In the absence of an Organization for the Prohibition of Biological Weapons (OPBW), calls were also made for some kind of interim support structure to facilitate and advance the convention's implementation. Iran expressed concern over the fact that the BTWC does not prohibit the use of BW and proposed that States Parties decide either to insert the word “use” in the convention’s title and Article 1, or require those countries, which still maintain reservations to the Geneva Protocol, to withdraw them. Iran and others, including the European Union (EU), called on countries that maintained reservations to the Geneva Protocol to withdraw them. Russia reminded the States Parties that it had withdrawn its reservations on 6 December 2000. With respect to CBMs, the EU proposed that “some” of the politically binding CBMs be made legally-binding, but did not specify which. Canada regretted that participation in CBMs had been “disappointing,” saying that this highlighted “the shortcomings of a voluntary approach” and that States Parties need “to get some law on our side.” South Africa proposed that States Parties declare facilities working with animal and plant pathogens as a CBM. The United Kingdom suggested additional CBMs and proposed to make some of them mandatory. The developing countries, in particular, highlighted the importance of scientific and technical cooperation.

During the second week of the Fifth BTWC Review Conference, delegations submitted their proposals on the language of the Final Declaration, after which the chair of the committee released an informal document outlining all the proposals and possibilities for common ground. Based on that document, which reproduced the language of the 1996 Final Declaration and the delegations’ proposals, the Drafting Committee was tasked with identifying acceptable formulations for the Final Declaration by 4 December. The most controversial issues were export controls, scientific and technological cooperation, and the issue of possible clandestine BW programs in non-compliance with the convention, as well as questions on how to deal with them.

The Fifth Review Conference of BTWC was closed in disarray on the last day, 7 December, after the United States proposed the termination of the Ad Hoc Group. On the last day of the Conference, it was impossible to get any agreement to adopt a final declaration or document containing measures to strengthen the BTWC. As a consequence, States Parties decided to adjourn the Conference to prevent outright failure until 11-22 November 2002, allowing a year-long “cooling-off” period.

2000: Four sessions of the Verification Protocol Ad Hoc Group were held during the year 2000: 17 January-4 February, 3-13 March, 10 July-4 August and 13-24 November. The year 2000 was the sixth year of negotiations for an additional Protocol. During the year, the Parties were able to make slow but steady progress by clearing almost 50 percent of the brackets that were in place in 1999. However, due to the slow pace of the negotiations, some delegations, e.g., Australia, Brazil, and the EU, called for new working methods. Others, such as India, Iran, and Russia, underlined that the rolling text developed by July 1997 was to be the basis for negotiations and they were satisfied with the slower bracket-to-bracket approach. Different interpretations remained as to the AHG’s mandate and whether the Review Conference marked a deadline or a target date. Nevertheless, the delegations had less than seven weeks of negotiations left before the Review Conference. There were concerns that missing the date could potentially unravel the whole process. To facilitate the work in the time remaining, Ambassador Tibor Tóth of Hungary, the chair of the AHG, introduced the chair’s “composite text,” to “bring clarity to the outstanding issues.” The draft consisted of some 210 pages and included nearly 1,200 “square brackets” signifying areas of disagreement or disputed text.

The main issues of contention were export controls, bio-defense cooperation, visits and investigations, technical cooperation, and compliance. On export controls, there were differing views between the Western Group and the NAM. Some NAM delegations wanted existing export control arrangements such as the Australia Group to be eliminated after the Protocol’s entry into force, while the Western Group supported the continuation of such arrangements. With respect to visits and investigations, the most important problem was the security of intellectual property rights and the confidentiality of business information. Pharmaceutical industries expressed support for simple declarations and objected to any routine on-site inspections. Many developing countries underlined the importance of their right to enjoy the fullest possible exchange of equipment, material,

and scientific and technological information related to the use of biological agents and toxins for peaceful purposes. Conversely, delegations from developed countries stressed the need for export control policies and to refrain from transferring any of the above-mentioned items. With regard to non-compliance, delegations were divided between “red light” and “green light” procedures for the initiation of investigations.

1996: The Preparatory Committee (PrepCom) for the Fourth BTWC Review Conference met in Geneva, from 9-12 April. It decided that the Conference would be held in Geneva, from 25 November - 6 December, and that Ambassador Michael Weston (UK) would be President of the Conference. The Conference elected Ambassador Michael Weston as chair, Sola Ogunbanwo (Nigeria) as secretary-general, Ambassador Jorge Berguno (Chile) chair of the Committee of the Whole, and Ambassador Tibor Toth (Hungary) chair of the Drafting Committee.

The 1996 BTWC Conference was attended by 138 States and focused on the scope and speed of progress on concluding a verification regime. The Final Declaration (BWC/CONF.IV/L.1) called for such a regime to be in place no later than 2001. Negotiations on a Protocol to the BTWC to entail verification and compliance measures, as well as provisions for technical cooperation and cooperation on outbreaks of disease were underway in Geneva. It was hoped that the Protocol would be completed before the Fifth BTWC Review Conference, to be held in Geneva in 2001.

1994: On 23 September, the Special Conference to consider verification measures for the BTWC was held in Geneva. The Conference decided to establish an AHG open to all States Parties. The objective of the AHG was to consider definitions of terms and objective criteria, to incorporate existing and enhanced CBMs and transparency measures, to determine appropriate measures, including possible verification measures, and draft proposals to strengthen the BTWC. Such proposals would be included, as appropriate, in a legally binding instrument to be submitted for the consideration of the States Parties.

1993 and 1992: The AHG of Governmental Experts to Identify and Examine Verification Measures from a Scientific and Technical Standpoint (VEREX) held four sessions during which it identified 21 potential verification measures, and concluded in its report that some of the potential measures would contribute to strengthening the effectiveness and would improve the implementation of the convention. As was decided by the Third Review Conference, if a majority of

States Parties asked for the convening of a conference to examine the report, such a conference would be convened, and it would be preceded by a preparatory committee.

An agreement was reached between Russia, the United Kingdom, and the United States during 1992 giving Parties access to their biological research facilities to check compliance with the BTWC. Under this agreement, reciprocal visits took place in 1993 and 1994.

1991: At the Third Review Conference, held from 9-27 September, delegates decided to establish an AHG of Governmental Experts (VEREX) to identify and examine potential verification measures from a scientific and technical standpoint. Delegates also adopted three new CBMs covering declarations of legislation and other legal and regulatory measures taken to implement the BTWC; declarations of past activities concerning defensive and/or offensive biological research and development programs; and declarations of facilities involved in the production of vaccines for humans.

1986: The Second Review Conference, held from 8-26 September, sought to increase transparency through a set of CBMs in the form of politically binding data exchanges. Delegates agreed on the following CBMs: an exchange of data on research centers and laboratories containing bio-safety level 4 containment facilities; efforts to encourage publications concerning biological research of direct relevance to the convention; information exchanges regarding outbreaks of infectious diseases; and the development of contacts between scientists engaged in research related to the terms of the convention.

1980: The First Review Conference was held in Geneva from 3-21 March under the provisions of Article XII to review the operation of the convention and to assure that the purposes of the preamble and the provisions of the convention were being realized.

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