



Pathogen Security and the Biological Weapons Convention

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February 2004

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An Introduction to the Biological Weapons Convention

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History

- The Bacteriological (Biological) and Toxins Weapons Convention was opened for signature in Washington, DC, London, and Moscow, on April 10, 1972.
- It was the first multilateral convention to outlaw an entire class of weapons.



Composition

- The Biological Weapons Convention (BWC) consists of 15 Articles.
- These Articles work collectively to eliminate the use of biological weapons and toxins for non-peaceful purposes.



Article I

- *Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:*
 - *Microbial or other biological agents or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes;*
 - *Weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.*



Importance of Article I

- Article I recognizes the dual-use nature of biological agents.
- It strictly forbids the use of these agents for hostile purposes or armed conflict.



Article II

Each State Party to the Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible, but no later than nine months after the entry into force of the Convention, all agents, toxins, weapons, equipment, and means of delivery specified in Article I of the Convention, which are in its possession or under its jurisdiction or control. In implementing the provisions of this article all necessary safety precautions shall be observed to protect populations and the environment.



Importance of Article II

- All States Parties have an obligation to dispose of any biological weapons or toxins within nine months of entry into force.
- The Convention mandates that appropriate measures be taken to protect the public and the environment from these agents.



Article III

Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or induce any State, group of States, or international organizations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment, or means of delivery specified in Article I of the Convention.



Importance of Article III

- State Parties cannot provide resources or encouragement to others to misuse biological agents or toxins.
- Obligates States Parties to use caution when transferring or sharing biological agents and toxins that have potential as weapons.
- Mandates that you only transfer these agents for peaceful purposes and that you know those receiving them are qualified to handle the agents.



Article IV

Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition, or retention of these agents, toxins, weapons, equipment, and means of delivery specified in Article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere.



Importance of Article IV

- Requires implementing legislation for enforcement of the BWC if that is consistent with the constitutional process of the State.
- Places an obligation on States to control misuse by both State agencies and non-state agencies within its jurisdiction or control.
- May require modification of criminal code or other laws.



Article V

The State Parties to this Convention undertake to consult one another and to cooperate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. Consultation and cooperation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance to its Charter.



Importance of Article V

- This Article sets a precedent for cooperation between nations in accomplishing the goals and objectives of the Convention.
- It recognizes the United Nations, and its affiliate organizations, such as WHO and FAO, as important players in engaging the Convention.



Article VI (1)

(1) Any State Party to this convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council.



Article VI (2)

(2) Each State Party to the Convention undertakes to cooperate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform States Parties to the Convention of the results of the investigation.



Importance of Article VI

- Article VI establishes a mechanism, using the UN Security Council, as an investigatory body.
- This Article obligates States Parties to report violations of the Convention and to cooperate with the UNSC in any investigation.
- The UNSC is the default body to investigate misuse of biological agents and toxins within the parameters of the BWC.



Article VII

Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.



Importance of Article VII

- States Parties have a collective responsibility to help each other if the Security Council determines that one or more States Parties have been harmed by misuse of biological agents and toxins.
- There is an inferred requirement that States Parties do what they can to make sure that other States Parties cannot be harmed by biological weapons and toxins, including securing their biological resources.



Article VIII

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous, or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on June 17, 1925.



Importance of Article VIII

- Ensures the integrity of the Geneva Protocols of 1925.



Article IX

Each States Party to the Convention affirms the recognized objective of effective prohibition of chemical weapons, and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production, and stockpiling, and for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical agents for weapons purposes.



Importance of Article IX

- This Article ensures that work will continue on development of a chemical weapons convention.
- It endures that one cannot interpret the focus of the BWC does not undermine the importance of also addressing the problem with chemical weapons.



Article X (1)

(1) The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials, and scientific and technical information for the use of bacteriological (biological) agents and toxins for peaceful purposes. Parties to the Convention in a position to do so shall also cooperating in contributing individually or together with other States Parties or international organizations to the further development and scientific discoveries in the field of bacteriology (biology) for the prevention of disease, and for other peaceful purposes.



Article X (2)

(2) The Convention shall be implemented in a manner designed to avoid hampering of the economic or technological development of States Parties to the Convention or international cooperation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.



Importance of Article X

- All States Parties should cooperate and share information and agents to the degree possible without violation of other aspects of the Convention.
- One infers that a State Party requesting assistance demonstrate that it is able to properly secure the agents provided to it.



Article XI

Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party on the date of acceptance by it.



Importance of Article XI

- This Article recognizes that the Convention is not a static document and that changes may be made as deemed necessary by the States Parties.
- Amendments cannot be imposed on existing States Parties without their consent.



Article XII

Five years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the Depositary Governments, a conference of States Parties to the Convention shall be held at Geneva, Switzerland, to review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on chemical weapons, are realized. Such review shall take into account any new scientific and technological developments relevant to the Convention.



Importance of Article XII

- Established the first Review Conference to occur five years after entry into force.
- Established a precedent for Review Conferences on five-year cycles.
- Obligates the States Parties to consider new scientific and technological relevant to the Convention.



Article XIII (1)

(1) This Convention shall be of unlimited duration.



Article XIII (2)

(2) Each State Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of the Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all States Parties to the Convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.



Importance of Article XIII

- The Convention is an on-going agreement.
- Ensures national sovereignty and right to succeed from the Convention if extraordinary circumstances threaten supreme interests.



Article XIV

1. This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph (3) of this Article may accede to it at any time.
2. The Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.



Article XIV

3. *This Convention shall enter into force after the deposit of the instruments of ratification by twenty-two Governments, including the Governments designated as the Depositaries of the Convention.*
4. *For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the dates of the deposit of their instruments of ratification or accession.*



Article XIV

5. *The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force this Convention, and the receipt of other notices.*
6. *This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.*



Article XV

This Convention, the English, Russian, French, Spanish, and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of the Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.



Background

- The Biological and Toxins Weapons Convention (BWC) spent about 12 years attempting to develop a verification protocol that would ensure the objectives of the Convention.
- In November 2001 it became clear that consensus would not be reached on a verification protocol.
- The 2001 review conference was suspended for one year to allow states parties to explore alternative approaches to accomplishing the objectives of the BWC.



Background Continued

- In November 2002 the chair of the Convention, Ambassador Tibor Toth of Hungary, presented a work plan to the Convention that would carry it through the next Review Conference in 2006.
- The Toth work plan consisted of five topics to be addressed over three years, all of which would advance some of the objectives of the BWC.



The Work Plan

- *The five elements of the work plan are as follows:*
 - *Status of National Implementing Legislation*
 - *National Pathogen Security Methods & Practices*
 - *Disease Surveillance and Outbreaks*
 - *Investigating Unusual Disease Outbreaks.*
 - *Codes of Conduct for Scientists*



Mechanism for Work Plan

- Each year there would be a meeting of experts, not to exceed two weeks in length to report on national and international efforts on the specific projects for that year.
- The experts meeting would be followed by a meeting of States Parties, not to exceed one week in length.
- Each topic should be completed in its assigned year, with a revisiting of topics only at the 2006 review conference.



Work Plan Topics for 2003

- Status of National Implementing Legislation for the BWC and models of legislation.
- National efforts to enhance security of pathogens and to reduce illicit distribution of pathogenic organisms and toxins.



Recommended Measures at the National Level

- Establishment of a list of dangerous pathogens to be controlled (guidance from other countries and WHO).
- A national authority or authorities to control dangerous pathogen use and to license facilities to use dangerous pathogens.
- Development of national implementing legislation to reduce the risk posed by dangerous pathogens.
- Enforcement of new laws and regulations on pathogen use.



Where to Turn for Help

- International authorities such as the World Health Organization.
- International Conventions such as the Biological Weapons and Toxins Convention.
- Other countries that have dealt with the problem of pathogens risk and access. Examples include the United States, many EU countries, Russia, etc.



Summary

- Pathogen security is a global problem. A single laboratory with insufficient security practices is sufficient to create a global terrorism or health crisis.
- The 150 member states of the Biological Weapons Convention have set national legislation and pathogen security as their highest priorities for 2003.
- The WHO, Centers for Disease Control, and other organizations are providing leadership and resources for enhanced pathogen security.



Summary Continued

- Every country shares the burden of securing pathogens.
- The United States has set this as a priority and will try to assist other countries in properly responding to the pathogens security threat.
- While international biosafety standards have been well-established, we are only beginning to deal with standard for biosecurity.



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