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Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

Background document prepared by the Biological Weapons Convention Implementation Support Unit

I. Introduction

1. The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction opened for signature in 1972 and entered into force in 1975. It prohibits the development, production, acquisition, transfer, retention, stockpiling and use of biological and toxin weapons. It was the first international treaty outlawing an entire category of weapons. The Convention, along with the Treaty on the Non-Proliferation of Nuclear Weapons and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, is one of the key components of the international community's effort to address the proliferation of weapons of mass destruction.

A. Articles

2. The Biological Weapons Convention has 15 articles. Key provisions of the treaty include binding obligations on its States parties never, in any circumstances, to develop, produce, stockpile or otherwise acquire or retain biological weapons (article I); to destroy or divert to peaceful purposes biological weapons and associated items (article II); not to transfer, or in any way assist, encourage or induce anyone else to manufacture or otherwise acquire biological weapons (article III); to take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of biological weapons (article IV); to consult bilaterally or multilaterally to solve any problems in relation to the objective of, or in the application of the provisions of, the Convention (article V); to request the Security Council to investigate alleged breaches of the Convention and to cooperate with any



subsequent investigations by the Council (article VI); to assist States which have been exposed to danger as a result of a violation of the Convention (article VII); and to do all of the above in a way that facilitates and promotes the peaceful uses of biological science and technology and avoids hampering the economic or technological development of States parties (article X).

B. Current work programme

3. The current work programme of the Biological Weapons Convention runs until its Ninth Review Conference, scheduled for 2021. Under this work programme, States parties to the Convention meet twice annually: at the technical level in the middle of the year and at the political level at the end of the year. The purpose of the intersessional programme is to discuss and promote common understanding and effective action on a range of issues related to improving the implementation of the Convention. The mid-year meetings of experts address five topics annually: (a) cooperation and assistance, with a particular focus on strengthening cooperation and assistance under article X; (b) reviewing developments in the field of science and technology related to the Convention; (c) strengthening national implementation; (d) assistance, response and preparedness; and (e) institutional strengthening of the Convention.

4. At the annual meetings, States parties consider the factual reports of the meetings of experts, including possible outcomes, and are also responsible for the management of the intersessional programme, including taking necessary measures with respect to budgetary and financial matters. Furthermore, the meetings of States parties receive a report from the Chair on universalization activities and the annual report of the Implementation Support Unit.

C. Annual exchanges of information

5. The Second Review Conference, in 1986, agreed that States parties were to implement, on the basis of mutual cooperation, measures in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions, and in order to improve international cooperation in the field of peaceful bacteriological (biological) activities. These measures included annual exchanges, which have become known as confidence-building measures. Originally covering four areas, they were expanded to eight areas in 1991 and were revised again in 2011 to cover: (a) data on research centres and laboratories, as well as national biological defence research and development programmes; (b) outbreaks of infectious diseases and similar occurrences caused by toxins; (c) encouragement of publication of results and promotion of use of knowledge; (d) legislation, regulations and other measures; (e) past activities in offensive and/or defensive biological research and development programmes; and (f) vaccine production facilities. The modalities for exchanging information were developed at an ad hoc meeting in 1987, were revised to enable electronic exchanges in 2006 and were revised again in 2011. In 2018, an electronic platform for the submission of confidence-building measures was introduced, which also acts as a repository containing all confidence-building measures submitted since 1987. The annual deadline for the submission of data covering the previous calendar year is 15 April.

D. Institutional support

6. In contrast to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, the Biological Weapons Convention has no international organization to implement it.

The three-person Implementation Support Unit is housed in the Geneva branch of the Office for Disarmament Affairs but is entirely funded by the States parties to the Convention. The Implementation Support Unit was created at the Sixth Review Conference, in 2006, in order to provide administrative support to meetings agreed by the Review Conference, as well as support for the comprehensive implementation and universalization of the Convention and the exchange of confidence-building measures. The mandate of the Unit was renewed at the Seventh and Eighth Review Conferences, in 2011 and 2016, and its tasks were expanded to include creating and running a database on requests for and offers to provide assistance, and supporting the implementation of the decisions and recommendations of those Review Conferences.

II. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and the Middle East

A. Membership status

7. Eighteen States from the Middle East region are party to the Biological Weapons Convention: Algeria, Bahrain, Iraq, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, State of Palestine, Sudan, Tunisia, United Arab Emirates and Yemen. Three States from the region have signed but not ratified the Convention: Egypt, Somalia and Syrian Arab Republic. Three States from the region have neither signed nor ratified the Convention: Comoros, Djibouti and Israel.

B. Participation in meetings

8. Twenty-one States from the region have participated in at least one meeting of the Biological Weapons Convention: Algeria, Bahrain, Egypt, Iran (Islamic Republic of), Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, State of Palestine, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen.

9. Twenty States from the region participated in the Eighth Review Conference: Algeria, Bahrain, Iran (Islamic Republic of), Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen.

C. Confidence-building measures

10. Fifteen States from the region have submitted a confidence-building measure at least once since 1987: Algeria, Bahrain, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Tunisia, United Arab Emirates and Yemen.

11. Eight States from the region have regularly submitted confidence-building measures in the past five years: Algeria, Iraq, Jordan, Lebanon, Morocco, Qatar, Saudi Arabia and United Arab Emirates.¹

¹ For the purposes of the present document, “regularly submitted” means having provided information in at least three of the past five years.

12. Ten States from the region have submitted confidence-building measures in 2019 so far: Iraq, Jordan, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Tunisia and United Arab Emirates.

D. Compliance reports

13. At the five-yearly review conferences, States parties provide reports on their compliance with their obligations under the Biological Weapons Convention. At the Eighth Review Conference, in 2016, three States from the region provided reports: Iraq, Qatar and Sudan.

14. At review conferences, States parties also provide information on the implementation of article X (which concerns the protection and promotion of the peaceful applications of biological science and technology). At the Eighth Review Conference, two States from the region provided such information: Iraq and Qatar.

III. Contribution of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction to peace and security

A. Collective security

15. The Biological Weapons Convention is an important forum for cooperation in meeting international security obligations. It is a core component of the international community's efforts to address weapons of mass destruction. Biological weapons can be used to attack not only humans, but also livestock and crops. These weapons can kill and incapacitate both civilians and military personnel and can also have devastating economic effects. All States are potentially at risk from such weapons and all can benefit from becoming parties to the Convention. Universal adherence to the Convention will strengthen the global norm against the use of biological agents and toxins as weapons, reinforcing the international community's determination that such use would be, as the preamble to the Convention states, repugnant to the conscience of humankind. The Convention complements Security Council resolution [1540 \(2004\)](#); ratifying or acceding to, and subsequently implementing, the Convention will help meet the requirements of that resolution.

16. Compared with other weapons of mass destruction, biological weapons are relatively easy to develop, transfer and conceal. The struggle against biological weapons must, like the diseases involved, cross geographical boundaries and must involve the security, scientific, public health and agricultural sectors. The Convention provides a useful focal point to bring such a diverse range of actors together.

17. There is also a growing risk that biological weapons may be obtained and used by non-State actors, including terrorist groups. Wider adherence to the Convention will ensure that there are fewer places where bioterrorists can work with impunity. Becoming a party to the Convention is a step all States can take to help reduce the threat of terrorism.

B. Strengthening national public health, veterinary, agricultural and emergency-response capacities

18. The Biological Weapons Convention supports the development of the peaceful uses of biological science and technology. Article X of the Convention requires States parties to facilitate and have the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the use of biological agents and toxins for peaceful purposes. Bilateral or regional assistance and cooperation may be available under the Convention that is not available through other channels, or not available to non-parties.

19. States parties to the Convention meet regularly to advise and assist each other in developing their national capacities in such areas as disease monitoring, detection and diagnosis; biosafety and biosecurity; education, training and awareness-raising; emergency response; and legal, regulatory and administrative measures (such as licensing, registration, customs, law enforcement and transport). In terms of training and capacity-building in the Middle East, with funding from the European Union, the Implementation Support Unit organized a regional workshop on scientific and technological developments related to the Convention in Amman in 2018 and, also with European Union funding, provided capacity-building assistance upon request to Iraq and Lebanon.

C. Progress towards universalization

20. Ten States have become parties to the Biological Weapons Convention in the last five years and over 93 per cent of the world is now bound by its terms. All the permanent members of the Security Council are States parties, as are all the members of the European Union, all the States of the former Soviet Union, all but one State in Latin America and the Caribbean and the large majority of States in Africa and Asia. The number of parties continues to grow, which is a significant achievement for a treaty of its age. The most recent State party is the United Republic of Tanzania, which became a party on 14 August 2019.

D. Becoming a party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

21. There are minimal financial costs involved in becoming a party to the Biological Weapons Convention. States parties pay a share of the cost of the intersessional programme that is calculated according to the United Nations scale of assessments. There is no waiting or qualification period to become a State party, and no special procedure is required: the Convention comes into force as soon as the instrument of ratification or accession is deposited in London, Moscow or Washington, D.C.

22. Support is available to help with the implementation of the obligations of the Convention. Other States parties, in every region, are ready to assist with drafting or amending implementing legislation, establishing regulations, building administrative capacity and other aspects of national implementation. Administrative support and advice on all aspects of accession, ratification and implementation are also available from the Implementation Support Unit (further information is available at www.unog.ch/bwc).