

Thursday 5th December 2024

Fifth Session, third day: a return to compliance and verification

The plenary topic for the third and fourth days of the Fifth Session of the Working Group (WG) on the strengthening of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) was ‘compliance and verification’ which had previously been discussed during the middle three days of the Third Session in December 2023.

As with other days this week, Wednesday morning consisted of a plenary with the afternoons being used for informal meetings convened by the Friends of the Chair on various topics. On Wednesday these were on compliance and verification and then after a short break on the international cooperation and assistance mechanism.

Additional working papers have been published and posted to the official Fifth Session website at <https://meetings.unoda.org/meeting/71783>. Four working papers relevant to this topic were outlined by states parties during the plenary: WP.6/Rev.2 (France with co-sponsor Belgium, Hungary, Morocco and UK); WP.7 (Germany); WP.9 (Russia); and WP.11 (Switzerland).

With a second day of discussions on this topic due on Thursday (although it is not clear how many delegations may want to make statements), it is possibly premature to provide a thematic summary of points raised during the plenary and so this will be provided in the next report. However, there was a useful summary of the history of the topic provided at the start of the day which is worth recounting below. In a departure from the usual practice of these reports, this report contains some unsourced quotes from statements describing what verification is in the BWC context as a prompt to encourage thinking.

Opening of the compliance and verification discussions

The Chair of the WG, Ambassador Frederico S Duque Estrada Meyer (Brazil) introduced this topic. He noted that, prior to the discussions during the Third Session, this topic had not been formally and collectively discussed among BWC states parties for over two decades and so the agreement at the Ninth Review Conference (2022) to move forward on this topic was a key achievement. Summarizing the history of the topic, he noted that even before the BWC entered into force in 1975 there were calls to strengthen it by including elements of a verification system. Recognizing that biology presents more challenges for verification than other fields, he described the absence of any verification provision as ‘glaring’. He reminded delegates that the Third BWC Review Conference (1991) had established a group of government experts to identify and examine potential verification measures from a scientific and technical standpoint that had become known as ‘VEREX’ which identified 21 potential on-site and off-site verification measures. He quoted from the September 1993 VEREX report which noted that ‘some of the potential 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’. States parties then convened a Special Conference in 1994 which agreed to create an Ad Hoc Group (AHG) ‘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’. The AHG undertook negotiations to develop such a legally binding instrument and

Ambassador Meyer noted that ‘in 2001 the group failed to reach consensus on its outcome and verification has not been formally considered since then’. Thus the scientific and technical aspects of verifying compliance with the BWC have not been studied since completion of the VEREX report in 1993. He recounted that several states parties had indicated during the Third Session of the WG, that the negotiations that took place within the AHG may contain some useful elements for discussions within the WG and recalled that the Ninth Review Conference specifically noted that the decision to establish the WG is ‘without prejudice to the mandate of the Ad Hoc Group established by the Special Conference in 1994, nor does it succeed, supplant or change it’. He noted a need to acknowledge that two decades have passed since the end of the negotiations ‘during which time we have seen amazing advances in the life sciences’ including expansion of biotechnological industries and vaccine production. He concluded his historical summary by saying: ‘Last but not least, we should also recall that there were still wide diversions among states parties on the many fundamental issues in the text being negotiated by the Ad Hoc Group’.

Friends of the Chair questions

The Friends of the Chair for this topic, Ambassador Robert in den Bosch (Netherlands) and Alonso Martínez (Mexico), outlined some reflections resulting from their consultations. They posed three questions:

What are the scope and purpose of the concepts of verification and compliance with regard to the obligations under the Convention?

What process is required to identify, examine and develop specific and effective measures related to compliance and verification within the context of the Convention, taking into account the historical context as well as technological advancements?

What should the Working Group deliver with regard to the way forward on the topic of compliance and verification in its report for state parties to be considered at the Tenth Review Conference or earlier at a Special Conference?

What is meant by ‘verification’?

It has been noted by a number of delegations that a shared understanding of the concept and purpose of verification would enable progress in discussions. However, the process of discussions in conference rooms is rarely optimal for prompting thinking about such a shared understanding. As an experiment, five quotes from the discussions on Wednesday are listed below without their sources. The intention is to encourage readers to think about the commonalities and differences.

Verification is ...

‘the means through which a judgment on compliance is made. Verification is a process. Compliance is the requirement’ [a]

‘a tool to strengthen international security and it involves the collection, collation and analysis of information in order to make a judgment as to whether a party is complying with its obligations’ [b]

‘when you believe you have sufficient confidence that the measures employed can determine whether the actions are compliant or non-compliant’ [c]

‘a process of collecting and assessing data to be in a position to make an informed assessment of compliance with obligations [based on three pillars: declarations and visits; assessment; and measures in case of uncertainties and/or suspicions]’ [d]

‘a complex process based on three pillars: sound scientific understanding; consolidation of political will; and adequate legal and institutional crafting’ [e]

The sources will be provided in the next report.

These reports have been produced by the BioWeapons Prevention Project (BWPP) for all BWC meetings with NGO registration since the Sixth Review Conference (2006). They are available from <https://www.bwpp.org/reports.html> and <https://www.cbw-events.org.uk/bwc-rep.html>. A subscription link is available on each webpage. The reports are written by Richard Guthrie, CBW Events, who is solely responsible for their contents <richard@cbw-events.org.uk>.