

Friday 6th December 2024

Fifth Session, fourth day: compliance and verification continued

Discussions at the Fifth Session of the Working Group (WG) on the strengthening of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) continued on Thursday on the topic of ‘compliance and verification’.

There was only a short plenary on Thursday morning which was followed by an informal session convened by the Friends of the Chair. Once discussion on this was completed, similar sessions on the topic of the S&T mechanism and the Chair’s proposal (for the adoption by a Special Conference of the two proposed mechanisms in order to promote discussion on compliance and verification) were convened. This report focuses on the compliance and verification issues arising during Wednesday and Thursday and should be read in conjunction with the previous report in this series.

Delegates are scheduled to consider this topic further in plenary on Wednesday 11 December with possible Friends of the Chair-led discussions before that if there is available time.

Compliance and verification discussions

There was a recognition that the compliance and verification topic was at an earlier stage of development than other topics within the mandate of the WG. Some hints were dropped that perhaps this needed more time allocated to it. There were clear indications that there was no chance of the WG agreeing on a package of measures unless the elements relating to compliance and verification were better developed. There was broad consensus on the need for verification of some sort but quite a diversity of perspectives on the details of how it might be carried out. In a corridor discussion, one delegate described it as ‘agreement on aspiration’.

Purpose of verification – The Friends of the Chair asked three questions (listed in the previous report in this series), the first of which asked about purpose and scope of verification. It could be argued that many interventions in the discussions separated some aspects of these so that thoughts on scope followed after thoughts of purpose. There was common ground that verification was needed to detect a violation. But was it also there to deter acquisition and use? Was it only there to deter through the fear of political implications of detection? Were there financial costs in reducing chances of being detected that might make a programme prohibitively expensive? It was suggested that perhaps regional workshops could be convened to prompt a greater consideration of compliance and verification while these concepts were being developed. The need to understand the evolution of future threats was stressed. There was some distinction expressed between the concepts of verification and of transparency with recognition that they were on a spectrum or a continuum but without a clear conclusion of the differences.

Scope of verification – A common understanding on the purpose of verification would help develop an understanding of its scope. Which articles should be included in the scope? There was clear agreement that the obligations under Article I should be subject to verification measures, but should other Articles be included? There was a diversity of views expressed on this with some identifying particular articles and a few suggesting the whole Convention. That states parties should be in compliance with the

whole of the Convention seemed to be an accepted concept, but does that mean verification arrangements are needed for all of the Convention's provisions? What would verification measures mean for some articles?

Objects of verification – There was little discussion in detail about what might be the physical items subject to verification. Should there be lists of types of organism or of equipment? The general purpose criterion (that prohibitions apply unless for peaceful purposes) that underpins the Convention was barely mentioned. As many materials and technologies could be used for both peaceful and hostile purposes are there other forms of assessment needed to gain a better understanding of intent?

Comparison with other regimes – It was noted that the BWC is the only core WMD convention without an associated verification regime. It was highlighted that biological materials can be hard to verify through material balances (as chemical and nuclear materials can be) because living organisms reproduce and die. It was not possible to simply adopt a system from another regime. For example, the OPCW was not copied and pasted from the IAEA but lessons were learned from it. The phrase 'tailored regime' was used a few times.

How to deal with past negotiations? – A number of positive elements were identified from the VEREX study but there was recognition that much has changed since, particularly in the science and technology (S&T) landscape [as well as the economic landscape which has seen substantial growth in industrial activities that use biological techniques that might fall within the purview of the BWC]. It was highlighted that VEREX never indicated that all measures would be needed, just that the identified measures each had potential. While there seemed to be confusion in some interventions about whether certain past activities were part of VEREX or the Ad Hoc Group, various interventions indicated a preference to make use of one aspect or other of past activities or to reject aspects. Others questioned whether any collective decision was needed about what could be used from the past as delegates would propose whatever they thought was a useful idea. Few delegates spoke of having to use a past text as a starting point. This also raised the question of what should be the starting point.

Need for multiple elements – There was a broad acknowledgement that there was no single verification technique that could be relied upon and that a mix of measures would be needed. Moreover, combinations of measures could be mutually reinforcing. As with the Third Session, routine visits were again talked down by one delegation, but only about one aspect of their purpose. The role of national verification measures feeding into the multilateral system was noted.

The technical-policy interface – It was widely accepted that compliance and verification have technical and policy factors and that these interact. The three criteria identified in 2023 by the Friends of the Chair for any new arrangements remained in play: politically palatable, technologically feasible, and financially viable. In many ways this would come down to a question of how much to pay for what levels of effectiveness. It was noted that verification can never be 100 per cent effective. There was a common understanding that an effective system of verification would require the establishment of an organization.

Investigations of alleged use – The challenges of distinguishing between natural and deliberate disease were highlighted. There were questions whether the existing provisions in the Convention should be relied on for triggering an investigation; at least one delegation suggested that it was unacceptable for some states to be able to shield themselves from investigation under Article VI through the UN Security Council.

Quote sources

The sources for the quotes used in the last report were: [a] Friends of the Chair; [b] Australia quoting the 2008 UN report on *Verification in All Its Aspects*; [c] USA; [d] Switzerland; and [e] Friends of the Chair.

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>.