

Wednesday 20th August 2025

National implementation at WG6: setting the scene

The final plenary topic at the Sixth Session of the Working Group (WG) on the strengthening of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) is 'Measures on national implementation of the Convention'. This is topic (e) of those allocated to the WG by the Ninth BWC Review Conference (2022). Discussion on this topic had been scheduled for Thursday and Friday of this week but started on Tuesday as proceedings had been running ahead of schedule. The Chair of the WG, Ambassador Frederico S Duque Estrada Meyer (Brazil), has moved on to the next scheduled topic when the previous one has been exhausted for the time being.

Discussions on the topic of compliance and verification which finished on Tuesday will be covered in a later report.

National implementation issues in context

In order for any treaty to have its aims or aspirations put into practice there has to be a level of implementation activity. Without effective implementation, any treaty is essentially just a declaration of intent. Each of the treaties controlling weapons of mass destruction (WMD) therefore obliges states parties to carry out some form of national implementation to fulfil the obligations undertaken. In the case of the BWC, Article IV reads: '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 the 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.' In addition, BWC Article III contains obligations not to assist others (not just states) to acquire biological weapons. A balance has to be struck with Article III obligations to ensure that direct and indirect transfers relevant to the Convention, to any recipient whatsoever, are authorized only when the intended use is for purposes not prohibited under the BWC.

Articles I and III are what is known as negative obligations, i.e., promises NOT to do something. Other commitments under the BWC, such as Article VII or Article X, are positive obligations, i.e., promises to do things. Article IV is a positive obligation to self-enforce a negative obligation.

The phrasing of Article IV is a reminder that the BWC is not a treaty between governments but a treaty between states, hence the term states parties. This is important for two reasons. One is that when there is a change of government within a state the obligations under the BWC still apply to that state, as was illustrated by the change of government in Syria in 2024. The other is that the provisions of the Convention apply to all activities within states parties, not just those owned or operated by the government.

There are many synergies and overlaps with other provisions of the Convention. For example, capacity-building activities for enhancing national implementation overlap with efforts under international cooperation and assistance (ICA) associated with Article X. There are areas of overlap between national implementation and understanding scientific and technological (S&T) developments as national implementation has to be

effective in any changing S&T context – a key reason why any BWC system for S&T review needs to be able to inform and assist national policy processes. There are also key overlaps with compliance and verification issues as much of the work of verification of a treaty, such as compiling declarations, is done at a national level and then assessed by an international body; accurate declarations are difficult without effective implementation. One of the arguments in favour of routine visits by an international inspectorate to facilities is that it encourages states to ensure declaration data is accurate and up to date. Without routine visits, there is less incentive to maintain rigorous implementation at a national level.

National implementation has many facets – from security of pathogens (i.e., disease-causing micro-organisms) to controls on certain types of equipment or technologies. One of the lessons of past revelations of illicit trading networks of proliferation-sensitive materials and technologies was that countries can be host to companies that are contributing to proliferation activities without the relevant governmental authorities being aware. Effective national implementation therefore includes much more than simply the enactment of legislation.

There are many reasons why a state party might have incomplete or ineffective national implementation. For some, this may start with a lack of specific implementation legislation owing to challenges in finding parliamentary time against competing priorities. For others it may be resource limitations that mean legislation is not properly enforced.

BWC national implementation is not carried out in isolation. For example, some provisions overlap with those required to implement UN Security Council resolution 1540 which is focused on preventing access to WMD-relevant materials to those who might use them for acts of terror. Indeed, for some states parties this is the key aim of assisting others in enhancing national implementation. Other provisions, such as disease surveillance, overlap with national public health measures. A further example is that regulations for the control of biological laboratories overlap with health and safety provisions and therefore issues of public safety.

As national circumstances and legal and political systems vary between countries, it has long been recognised that there is no one-size-fits-all solution for implementation arrangements. At the same time, there has been recognition that there are many lessons to be learned by states parties from the implementation experience of others. There has been progress in recent years in the number of states parties which have appointed national contact points (NCPs). There have been clear benefits resulting from regular workshops involving NCP personnel.

Discussions in the Working Group and the rolling text

The topic of national implementation has only been formally on the agenda of the Second Session (August 2023). Relevant working papers from that session include: WP.7 (Japan, co-sponsored by Canada and Germany), WP.10 (UK), WP.17 (Russia), WP.20 (USA) and WP.26 (Ukraine). The Fifth Session had relevant papers which included WP.3 (India and USA) and WP.15 (EU).

There have also been a number of informal consultations and an active effort by the Friends of the Chair for this topic – Grisselle Rodríguez (Panama), Athikarn Dilogwathana (Thailand), Reski Ilahi (Indonesia), and Claudia Henfry (Australia).

Section E of the rolling text circulated by the Chair shortly before WG6 is on national implementation. It is the shortest section of the rolling text and mostly covers encouragement of states parties to enhance national implementation for themselves and for others. This includes encouragement to: develop and implement codes of conduct and biological risk management standards for relevant facilities; ensure the consistent and timely submission of CBM forms; establish NCPs; and conduct activities on awareness-raising, education and engagement.

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>.