

Thursday 21st August 2025

Compliance and verification: discussions at WG6

Discussions on the compliance and verification topic at the Sixth Session of the Working Group (WG) on the strengthening of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) had been scheduled for Tuesday and Wednesday of this week but started on Monday and finished 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 rather than stick to a rigid programme of work.

The plenary room was used for informal consultations moderated by Friends of the Chair on the topic of organizational, institutional and financial arrangements on Monday afternoon and on compliance and verification during parts of Tuesday.

Tuesday was World Humanitarian Day; to mark this the plenary held a minute's silence to pay tribute to all those colleagues who lost their lives in humanitarian service.

Discussions on compliance and verification issues

It was clearly recognized that establishing a compliance and verification system will be one of the most complex tasks for BWC states parties. There were many questions that remained. What is considered compliance? What are the obligations being complied with? Earlier observations that compliance was the goal and verification a means to achieve it were restated, but trying to read between the lines of some statements it would seem that there are other perceptions of the relationship between compliance and verification. What is the required level of confidence in compliance? There was a general acceptance that no verification system was perfect, but there was an unstated question – how close to perfection is acceptable?

There was some commonality on what were objects that might be verified in terms of laboratories and of production facilities for biological products, but some variation on the scope of activities. Pathogen collections were seen as needing verifying.

There was more commonality on methods for verification suitable for the BWC with a shared perspective that they begin with national data collection that is submitted as a declaration to a multilateral body. Such declarations would then be evaluated by that body. At this point some divergences appeared with varying views on what other measures might be used at that stage; however there was little detail in this discussion. Some concerns were raised about any use of 'open sources', although this term is very broad and no distinction was made in interventions between types of open sources.

A need for flexibility to be able to deal with future threats was highlighted. International agreements are shaped by the concerns at the forefront of the minds of the negotiators during the period in which they are negotiated, making them creatures of their time. However, the contexts they have to operate in can change and verification tools appropriate for the current situation may need to be updated to be appropriate for the contexts in future decades.

A number of interventions suggested that compliance and verification measures should only apply to negative obligations, such as the Article I obligation not to have biological weapons. Others wanted the scope to be broader to include provisions such as

Article X. There was common ground that there would need to be arrangements to investigate any allegations of use. Some interventions noted the investigative mechanism under the auspices of the UN Secretary-General and stressed that they would not want to see this impacted upon until a verification system had been established and was in force.

There were many supportive statements for the idea of holding an open-ended working group (OEWG) that could meet for 20 working days per year, with some suggesting that this should be a priority. There were suggestions that perhaps a single decision document could agree the establishment of the OEWG together with the scientific and technological (S&T) review mechanism and the international cooperation and assistance (ICA) mechanism. Others suggested that an early agreement on establishing the two mechanisms would free up time for preparing the ground carefully for the OEWG. One delegation, Iran, expressed the view that all elements of the WG mandate should be dealt with equally.

A number of procedural matters were the subject of considerable discussion. There were some calls for the OEWG to operate solely by consensus – in other words every decision or conclusion should be agreed by all. Others raised concerns that the rule of consensus was now being turned into a power of veto. It was notable that those few strongly expressing the need for consensus included those that have in recent years blocked consensus. The question of participation in the OEWG was raised many times with many expressions of desires to have a wide variety of expertise available in the room. This issue was raised during the informal consultations and the delegation that has been most vocal about questions of participation of observers in BWC meetings, that of Russia, highlighted that the non-governmental observers were still in the room and that they had produced more inputs on paper to WG6 than the delegations of states parties. Other delegations suggested there would be benefits of having non-governmental expertise being able to provide inputs other than on paper, such as joining in the interactive meetings. [Note: it has been the practice in these reports not to specify which non-plenary meetings observers have able to sit in as these are often on a case-by-case basis. Thus far in WG6, all of the informal consultations have been open to NGOs.]

A presentation on the estimated costs of running the OEWG was given by the BWC Implementation Support Unit (ISU). This indicated an initial estimate for an OEWG working for 20 days per year would be in the region of US\$600,000, not including any additional ISU staff time. It was emphasised that this was an initial estimate. [For comparison, this sum is equal to roughly 30 per cent of the current annual budget for the BWC.] Costings for verification activities themselves were not discussed as this would be premature; however, it was clear that the cost of verification measures would dwarf the proposed cost of the OEWG.

It was suggested that the work of the OEWG might overlap with the work of the S&T review mechanism. Many delegations are concerned about financial issues and so elimination of duplication where this might reduce expenditures is often a focal point of discussion. It was noted that the technical challenges of compliance and verification were going to be considerable and that the two bodies would be approaching these challenges in different ways. In particular, the OEWG would be policy-led and the larger body in the S&T mechanism would be likely to meet only for one day a year or so.

Views on the starting point for the OEWG (and/or any other compliance and verification discussions) followed previously expressed positions. A few delegations repeated suggestions of basing work on the outputs of VEREX and of the protocol negotiations in the AHG. Those that wanted to start with a clean sheet of paper accepted that there were important lessons to learn from those experiences. One aspect of past activities highlighted was practice visits/inspections and some interventions suggested that similar activities carried out now could provide useful contributions to the work of the OEWG. The capacity building aspects of trial visits was noted.

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>.