

STRENGTHENING THE 1972 BIOLOGICAL AND TOXIN WEAPONS CONVENTION – PREPARING FOR THE 2ND INTERSESSIONAL PROCESS

A Training Course by the Graduate Institute of International Studies,
Diplomatic Studies Programme and the BioWeapons Prevention Project

FROM THE 6TH REVIEW CONFERENCE TO THE 2ND INTERSESSIONAL PROCESS

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Professor Philippe Burrin,
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Ladies and Gentlemen,

It is a great opportunity to talk to you today. At the very outset, let me congratulate Dr. Zanders and Professor Burrin for this initiative. I know for the past two years, Dr. Zanders has been working tirelessly and productively to create greater awareness about the Biological Weapons Convention (BWC) and to promote dialogue between civil society and States Parties in order to strengthen the BWC regime. Nothing pleases me more than discussion of the Biological Weapons Convention in the setting created by the Graduate Institute of International Studies, a prestigious seat of learning in Geneva and abroad.

I would also like to thank Ms. Kathryn McLaughlin for her contribution to the preparation of this course.

Thank you for inviting me to open this session. I will discuss with you where the BWC currently stands, how it got here and where we go from here. I am pleased to see so many new faces in the audience, people who are not usually associated with this treaty. I hope that this meeting will mark the beginning of many new partnerships between you and the BWC.

This meeting today is well timed. We are preparing for the first Meeting of States Parties of the second intersessional process, which will be held here, in Geneva, in a little over two weeks. I hope that we will see many of you here today attending the BWC Meeting of States Parties, either as part of national delegations or as independent observers.

The BWC is an international treaty that outlaws the development, production, transfer and use of biological and toxin weapons. Negotiated over 35 years ago at the height of the Cold War, the BWC forms one of the three pillars of the international community's response to weapons of mass destruction, along with the Nuclear Non-proliferation Treaty (NPT) and the later Chemical Weapons Convention.

The BWC was, and is, a security instrument. Over much of its history, its members have argued over the need to add verification machinery to the treaty -- in the form of inspections, monitoring and so on -- but these efforts ultimately foundered in 2001. This was not a dead end.

States Parties of the BWC realised that because of the pervasiveness of biotechnology and the rapidity of change and development, governments alone could not confront the threat of biological weapons in the traditional arms control sense. No government or international organisation can hope to monitor the tens of thousands of small biotechnology facilities spread around the world. The number of facilities and the capability of the technology are ever increasing, while the cost and size of the equipment drops steadily. What is more, the capability to develop and conceal a biological weapon is in many more hands than before.

In 2002, the BWC member states developed a new approach, one that would aim at incorporating the efforts not only of the defence and security sector, but also of the public health, agriculture, law enforcement, and education sectors, as well as the international scientific community and commercial industry. The logic was: the potential problem lies in many hands, so must the solution. From 2003 to 2005, BWC member states held a series of meetings looking at ways both to find synergies and improve coordination among different sectors and actors nationally, and to enhance regional cooperation.

Despite the success of the first intersessional process, political differences and resentments from the disappointments of 2001 lingered on. I recall that the preparations for the Sixth Review Conference started in an atmosphere of mistrust and pessimism, against the backdrop of high profile failures in other multilateral disarmament regimes, such as the NPT and small arms conferences.

In December 2005, when it became clear that I would chair the Review Conference PrepCom in April 2006 and the Review Conference itself later in the year, I faced two challenges: first, to overcome my own fears about failure of the RevCon, because of the conventional wisdom at that time was that the RevCon would not succeed; and second, I had to wean away States Parties from a self-flagellating obsession with failure. The recipe to meet these twin challenges was simple but daunting: while keeping his feet on the ground, the Chair should project a confident *persona* and persuade States Parties to move away from the deeply divisive to the potentially convergent areas. The quest for a verification protocol was one of such divisive issues. It was my assessment that if we remained focussed solely on the protocol, failure would become a self-fulfilling prophecy.

Contacts and interaction with key players were crucial in creating a setting for the success of the Review Conference. Yet the outcome of the remained uncertain ultimately till the last minute.

Now a few reflections about multilateral diplomacy and management of international conferences:

First, despite its outstanding merits, multilateral diplomacy even at best times is a slippery slope. You are never sure until you have an agreed document in your hands

reflecting the will of hundreds of nations. And then the search for implementation starts. Multilateral diplomacy in the areas of security and disarmament is the most difficult. In fact, in our times, it has become an art, an abstract art. If multilateral diplomats fail in one conference on security issues their tendency is to replicate failures and to present them as successes. We faced a similar situation in regard to the BWC. States Parties transcended that syndrome. This in itself is a great achievement.

Second, most of the conferences fail not because of differences on substance but because of over expectation or inefficient management. Thorough preparation before the actual conference, identification of catalysts in capitals and conference venues, building interpersonal chemistry (or shall I say biochemistry?), designation of good faith facilitators, and an efficient secretariat are key ingredients for the success of a complex international conference like the BWC's. We were able to assemble all these ingredients and harness them for the success of the conference. In hindsight, we did not chase a mirage, we did not waste time, and we did not fritter away the goodwill amongst States Parties.

Ultimately, the Review Conference agreed on a Final Declaration embodying a common vision for the Convention and its implementation, ending a ten-year gap and resolving many of the issues that had divided States Parties. The Conference also agreed on many practical measures, including:

- ☐ A detailed new intersessional work programme from 2007 to 2010 to help ensure effective implementation of the Convention until the Seventh Review Conference in 2011;
- ☐ Specific measures to obtain universal adherence to the Convention;
- ☐ An update of the mechanism for the confidence-building measures;
- ☐ Requiring States Parties to nominate a national point of contact to coordinate various aspects of national implementation and universalisation;
- ☐ Various measures to improve national implementation, including of Article X of the Convention dealing with the peaceful uses of biological science and technology;
- ☐ Establishment of an Implementation Support Unit for the Convention, which responded to a long-standing demand for institutional support for the efforts of States Parties in implementing the Convention itself and the decisions of the review conferences.

Since December 2006, four states - Kazakhstan, Montenegro, Trinidad and Tobago and Gabon – have acceded to the Convention. This has increased the number of States Parties from 155 to 159. In my role as Chairman, I have been in communication with the Foreign Ministers of Signatory States, as well as those not party to the BWC. We have received a good deal of feedback most of it positive. At least five states seem to be well along the path towards joining the BWC. A further eight have also started the process. I know that States Parties too have been active

in their efforts to expand the membership of the BWC

Under the second intersessional programme, the 2007 Meeting of Experts, held from 20 to 24 August, considered ways and means to enhance national implementation, and regional and sub-regional cooperation on implementation. The Meeting of States Parties will take up the same themes in a couple of weeks.

National experts from 93 States Parties participated in the August meeting. International organisations, such as Interpol and the Organisation for the Prohibition of Chemical Weapons and the Interpol as well as regional bodies, such as the African Union, the League of Arab States and the European Union, actively participated in the meeting demonstrating global scope of the BWC regime. Experts from States Parties came from a wide range of departments and agencies. This allowed the meeting to draw upon a large number of skill sets, and maximise possibilities for sharing information and experiences. As a result, the meeting developed synergies both within and across delegations. I believe that because of the Meeting of Experts, participants went back to their capitals and engaged with their governments with a broader perspective, new ideas, and greater confidence. This has also helped move the BWC a little higher on national agendas; and provide a renewed impetus to national implementation and regional cooperation activities in many States Parties.

The Meeting of States Parties next month will develop and refine the very useful material assembled at the Meeting of Experts, and produce an outcome that will genuinely improve the implementation of the Convention. It is also an opportunity to consider the progress we have made on some of the important tasks set for us by the Sixth Review Conference; to examine ways to increase the membership of the BWC; and to make optimal use of the Implementation Support Unit.

As I was assessing the outcome of the RevCon as well as the summer meeting this year, I realised that three areas needed more attention to enhance the effectiveness of the BWC. One, change adjacency into synergy; two, reach out to commercial industry; and three, deepen engagement with civil society.

One consistent message from the States Parties is the need for coordinated action from a variety of actors. To help us focus on this, I have invited the heads of relevant international organisations to address the December meeting and give us their perspectives. The response to these requests has been positive. The heads of three international organisations will address Meeting of States Parties: Dr. Bernard Vallat, the Director-General of the World Organisation for Animal Health (OIE), Ambassador Rogelio Pfirter, the Director-General of the Organisation for the Prohibition of Chemical Weapons (OPCW), and Mr. Ron Noble, the Secretary-General of Interpol. It is rare to get so many Chief Executives of International Organizations for one conference.

We are also creating space for additional interactions with non-governmental organisations, the scientific community, academics, commercial industry and civil society. Collective action on different levels, of a network of shared tasks and responsibilities, is the key to building and maintaining a strong regime to prevent the development, acquisition or use of biological weapons. I am planning to hold special

informal discussion sessions with both industry and NGOs. Such developments will ensure that the BWC remains key, both as a clear and fundamental legal norm, and as a forum for coordination of the various activities undertaken by different stakeholders.

I am confident that we can round off a productive year with a comprehensive consensus result, and lay the foundations for the rest of the second intersessional process. Next year, our work will turn to the important topics of biosafety and biosecurity, as well as education and awareness-raising. Dealing with the safety and security of biological resources, as well as ensuring that all those involved in relevant activities are aware of the international, regional and national measures which regulate their activities and the principles that underpin them, will go a long way towards ensuring that we continue to enjoy the benefits of biotechnology while being shielded from its dangers.

As we look towards the future, we had the following challenges:

- We must step up efforts to universalize the BWC. There should be no empty spaces. Nature hates vacuums.
- There is no room for complacency. The threat of accidental or deliberate use of biological weapons is potent and palpable. The malign use of biosciences can kill humans, animals and plants, trigger wars, disrupt infrastructure, and ruin our global civilization. Addressing these issues will necessitate continued engagement with the scientific, medical, commercial and educational communities. We will have to develop a coordinated approach to the prevention of the misuse of biological science and technology.
- We should be particularly vigilant about the threat of bioterrorism. One ounce of anthrax can result in loss of hundreds of billions of dollars for industry around the world.
- We should create and reinforce domestic, regional and international synergies and include all stakeholders and stockholders in the discourse on BWC, while maintaining the fine balance between *security* and *transparency*.
- No steps should be taken to curb legitimate scientific inquiry or economic activity.
- States Parties and civil society must support the effort of the ISU.
- Biotechnology is the next global wave. Students, academics, and mediapersons will help international society in managing this new revolution. I am sure the Graduate Institute of International Studies can become a centre of excellence in demonstrating how to deal with this change.

I thank you. I will be glad to take any questions.
