

SSPC Fact Sheet

Thirty Years of BTWC

Number 1, March 2005



FACT SHEET



Post Box No. 10560
JNU Old Campus
New Delhi Pin-110067 (INDIA)
Email : officemail@sspconline.org
Copyright © Society for the Study of Peace and Conflict 2004-2005
Designed by: Excel Solutions

The Convention on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxin weapons and their destruction, better known as the BTWC or BWC has attained thirty years of existence on March 26, 2005. The BTWC, a multilateral treaty, was negotiated from 1969-1971. It was opened for signature at London, Moscow and Washington DC on April 10, 1972. It entered into force on March 26, 1975 with 43 member countries, after ratification by the three Depository State-the USA, the Soviet Union (erstwhile) and the United Kingdom. The Convention has fifteen Articles. Currently it has 153 States Parties, 16 signatory states but yet to ratify the convention and 25 non-signatory states. There have been Five Review Conferences (RevCons) held in Geneva and numbers of Ad Hoc Group and Expert meetings, but the States Parties have been unable to agree on how to strengthen the convention with strong mechanisms to monitor, verify or enforce state compliance. Some of the major landmarks are chronicled here.

March 3 - 21, 1980 (First Review Conference): Welcomed declarations already made and called on rest of the State Parties to come clean on their BWC status. The RevCon had initiated the sharing of legislative experience by inviting the State Parties, which had taken action under Article IV (National measures) to make the relevant legislative and administrative texts available through the UN for purposes of emulation. Recognized the right of any party to request a consultative meeting at the expert level under Article V, which calls for consultations and cooperation on any problem that might arise in relation to the Convention. State Parties had reaffirmed their adherence to the principle and objectives of the Geneva Protocol of June 17, 1925.

September 8 - 26, 1986 (Second Review Conference): State parties agreed to exchange information annually in two areas: Research centers or laboratories that meet very high national or international safety standards and the unnatural outbreak of diseases. They

agreed to encourage publication of research related to the BTWC and to promote use of knowledge and contact between scientists. The RevCon strengthened the procedures for consultation to address its compliance concerns. It called for a meeting of experts, which worked out confidence-building measures in 1987.

September 9 - 22, 1991 (Third Review Conference): This RevCon had added details to the information exchange established in the 1986 conference. Four information declarations were added: 1) description of all offensive and defensive BW programs on or after January 1, 1946, 2) declaration of future research and development programmes in BTW defense, 3) information on human vaccine production facilities, and 4) reports as to what BWC States Parties have done as national measures to implement the BWC. It was decided to hold future RevCon once every five years and recognized the need for stronger measures and mandated the convening of an Ad Hoc Group of Governmental Experts (VEREX), to identify and examine potential verification measures from a scientific and technical point.

March 1992-September 1993 (VEREX): Four meetings were held by VEREX in Geneva between these periods. In 1994, VEREX was disbanded that had developed twenty-one verification measures grouped in two categories: Off -Site and On -Site measures.

September 19 - 30, 1994 (Special Conference on Biological Weapons): Seventy-nine State Parties had attended the Special Conference in Geneva and agreed to establish an ad hoc group (AHG) to consider the twenty-one verification measures suggested by VEREX and to make proposals to strengthen the treaty at the next (4th) Review Conference in 1996.

September 1994- May 2001 (The Ad Hoc Group): The Ad Hoc Group (AHG) was established to consider four issues: 1) definitions of terms and objectives criteria, 2) confidence-building and transparency measures, 3) measures to promote compliance, and 4)

measures to implement Article X (Cooperate for peaceful purposes) of the Convention. The AHG functioned through Friends of the Chair (FOC), who led the discussion relating to particular aspects of the mandate. The AHG had held twenty-three sessions till May 2001 and had met for about sixty-two weeks over six long years. The last (twenty-fourth) session scheduled to be held from July 23 -August 17, 2001 was suspended due to US rejection of Chair's Text.

November 25- December 06, 1996 (Fourth Review Conference): It addressed issues such as Article I, which defines the basic prohibitions or the scope of the Convention; Article IV, which addresses national implementation measures; Article V, which deals with the consultative process for problems arising from Treaty implementation; and Article X which concerns cooperation among State Parties for peaceful purposes. It emphasized the increasing importance of Article X in view of recent scientific and technological developments, and stressed that the measures to implement this Article had to be consistent with the objectives and purposes of the BWC. The most significant outcome was the approval for the AHG.

November 19-December 07, 2001 (Fifth Review Conference): The Fifth Review Conference opened in Geneva and agreed at its sixth plenary meeting on 7 December 2001, to adjourn its proceedings and reconvene at Geneva after one year. Because the confer-

ence took place four months after the AHG had failed to agree on a legally binding Protocol for checking compliance with the BWC, a key objective of the RevCon was to identify alternative strategies for strengthening the Convention. The United States tabled a proposal to eliminate the Ad Hoc Group at the last moment, which was rejected by other delegations, blocking consensus on the Final Declaration. To prevent the outright failure of the Review Conference, the chairman suspended the meeting for one year.

November 11-22, 2002: (Resumed Fifth Review Conference): The resumed Fifth RevCon ended with a fresh approach to combat the proliferation and use of bioweapons. It was stipulated that states parties would meet annually in the lead-up to the next RevCon in 2006. It has also been decided that a two-week discussion of experts would be held preparatory to each annual meeting. The objective of the entire exercise: was to promote common understanding and effective action on a range of issues pertinent to strengthening the convention. Every annual meeting prior to the Sixth Review Conference has to spotlight different elements: in 2003, there was consultations on national implementation measures; in 2004, the process concentrated on enhancing international capabilities for responding to, investigating and mitigating the effects of the alleged use of bioweapons on suspicious outbreak of disease; and in 2005, the meeting need to address codes of conduct for scientists.



BIOLOGICAL WEAPONS CONVENTION (BWC)

CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS AND ON THEIR DESTRUCTION

Signed at Washington, London, and Moscow April 10, 1972

Entered into force March 26, 1975

Depositories: US, UK and Soviet Governments

Preamble

The States Parties to this Convention,

- ▶ Determined to act with a view to achieving effective progress towards general and complete disarmament, including the prohibition and elimination of all types of weapons of mass destruction, and convinced that the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and their elimination, through effective measures, will facilitate the achievement of general and complete disarmament under strict and effective international control,
- ▶ Recognizing the important significance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on June 17, 1925, and conscious also of the contribution which the said Protocol has already made, and continues to make, to mitigating the horrors of war,
- ▶ Reaffirming their adherence to the principles and objectives of that Protocol and calling upon all States to comply strictly with them,
- ▶ Recalling that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the principles and objectives of the Geneva Protocol of June 17, 1925,
- ▶ Desiring to contribute to the strengthening of confidence between peoples and the general improvement of the international atmosphere,
- ▶ Desiring also to contribute to the realization of the purposes and principles of the Charter of the United Nations,
- ▶ Convinced of the importance and urgency of eliminating from the arsenals of States, through effective measures, such dangerous weapons of mass destruction as those using chemical or bacteriological (biological) agents,
- ▶ Recognizing that an agreement on the prohibition of bacteriological (biological) and toxin weapons represents a first possible step towards the achievement of agreement on effective measures also for the prohibition of the development, production and stockpiling of chemical weapons, and determined to continue negotiations to that end,

- ▶ Determined, for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons,
- ▶ Convinced that such use would be repugnant to the conscience of mankind and that no effort should be spared to minimize this risk,

Have agreed as follows:

Article I

Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:

- (1) Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;
- (2) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

Article II

Each State Party to this Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after the entry into force of the Convention, all agents, toxins, weapons, equipment and means of delivery specified in article I of the Convention, which are in its possession or under its jurisdiction or control. In implementing the provisions of this article all necessary safety precautions shall be observed to protect populations and the environment.

Article III

Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or

induce any State, group of States or international organizations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in article I of the Convention.

Article IV

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.

Article V

The States Parties to this Convention undertake to consult one another and to cooperate in solving any problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention. Consultation and cooperation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

Article VI

- (1) Any State Party to this Convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all possible evidence confirming its validity, as well as a request for its consideration by the Security Council.
- (2) Each State Party to this Convention undertakes to cooperate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on

the basis of the complaint received by the Council. The Security Council shall inform the States Parties to the Convention of the results of the investigation.

Article VII

Each State Party to this Convention undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.

Article VIII

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on June 17, 1925.

Article IX

Each State Party to this Convention affirms the recognized objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production and stockpiling and for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical agents for weapons purposes.

Article X

(1) The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of

bacteriological (biological) agents and toxins for peaceful purposes. Parties to the Convention in a position to do so shall also cooperate in contributing individually or together with other States or international organizations to the further development and application of scientific discoveries in the field of bacteriology (biology) for prevention of disease, or for other peaceful purposes.

(2) This Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international cooperation in the field of peaceful bacteriological (biological) activities, including the international exchange of bacteriological (biological) agents and toxins and equipment for the processing, use or production of bacteriological (biological) agents and toxins for peaceful purposes in accordance with the provisions of the Convention.

Article XI

Any State Party may propose amendments to this Convention. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party on the date of acceptance by it.

Article XII

Five years after the entry into force of this Convention, or earlier if it is requested by a majority of Parties to the Convention by submitting a proposal to this effect to the Depositary Governments, a conference of States Parties to the Convention shall be held at Geneva, Switzerland, to review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on chemical weapons, are being realized. Such review shall take into account any new scientific and technological developments relevant to the Convention.

Article XIII

- (1) This Convention shall be of unlimited duration.
- (2) Each State Party to this Convention shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of the Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article XIV

- (1) This Convention shall be open to all States for signature. Any State which does not sign the Convention before its entry into force in accordance with paragraph (3) of this Article may accede to it at any time.
- (2) This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.
- (3) This Convention shall enter into force after the deposit of instruments of ratification by twenty-two

Governments, including the Governments designated as Depositaries of the Convention.

- (4) For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
- (5) The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices.
- (6) This Convention shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XV

This Convention, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of the Convention shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding states.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Convention.

DONE in triplicate, at the cities of Washington, London and Moscow, this tenth day of April, one thousand nine hundred and seventy-two.



Parties and Signatories of the Biological Weapons Convention***State (Country) -- Total of 154**

Afghanistan	Equatorial Guinea	Mauritius
Albania	Estonia	Mexico
Algeria	Ethiopia	Moldova
Antigua and Barbuda	Fiji	Monaco
Argentina	Finland	Mongolia
Armenia	France	Morocco
Australia	Gambia, The	Netherlands (4)
Austria (1)	Georgia	New Zealand
Azerbaijan	Germany	Nicaragua
Bahamas	Ghana	Niger
Bahrain (1)	Greece	Nigeria
Bangladesh	Grenada	Norway
Barbados	Guatemala	Oman
Belarus	Guinea-Bissau	Pakistan
Belgium	Holy See	Palau
Belize	Honduras	Panama
Benin	Hungary	Papua New Guinea
Bhutan	Iceland	Paraguay
Bolivia	India	Peru
Bosnia Herzegovina	Indonesia	Philippines
Botswana	Iran	Poland
Brazil	Iraq	Portugal
Brunei Darussalam(2)	Ireland	Qatar
Bulgaria	Italy	Romania
Burkina Faso	Jamaica	Russian Federation
Cambodia (Kampuchea)	Japan	Rwanda
Canada	Jordan	St. Kitts and Nevis
Cape Verde	Kenya	St. Lucia
Chile	Korea, Democratic	St. Vincent and the Grenadines
China, People's	People's Republic of	San Marino
Republic of (3)	Korea, Republic of	Sao Tome and Principe
Colombia	Kyrgystan	Saudi Arabia
Congo	Kuwait	Senegal
Costa Rica	Laos	Seychelles
Croatia	Latvia	Sierra Leone
Cuba	Lebanon	Singapore
Cyprus	Lesotho	Slovak Republic
Czech Republic	Libya	Slovenia
Denmark	Liechtenstein	Solomon Islands (2)
Dominica (2)	Lithuania	South Africa
Dominican Republic	Luxembourg	Spain
East Timor	Macedonia, Former	Sri Lanka
Ecuador	Yugoslav Republic of	Sudan
El Salvador	Malaysia (1)	Suriname
	Maldives	Swaziland
	Mali	Sweden
	Malta	Switzerland

Thailand	Signatory Countries -- (Total of 16)
Togo	
Tonga	
Tunisia	
Turkey	
Turkmenistan	
Uganda	
Ukraine	
United Kingdom (6)	
United States	
Uruguay	
Uzbekistan	
Vanuatu	
Venezuela	
Vietnam	
Yemen	
Yugoslavia, Federal Republic of	
Zaire	
Zimbabwe	
	Burundi
	Central African
	Republic
	Cote d'Ivoire
	Egypt
	Gabon
	Guyana
	Haiti
	Liberia
	Madagascar
	Malawi
	Myanmar (Burma)
	Nepal
	Somalia
	Syria
	Tanzania
	United Arab
	Emirates (5)

(1) With reservation

(2) Based on general declarations concerning Treaty obligations applicable prior to independence.

(3) Effective January 1, 1979, the United States recognized the government of the People's Republic of China as the sole government of China. The authorities on Taiwan state they will continue to abide by the provisions of the Convention, and the United States regards them as bound by its obligations.

(4) Applicable to Netherlands Antilles and Aruba.

(5) The United Arab Emirates which did not ratify the Convention is listed as one country.

(6) Extended to territories under the territorial sovereignty of the United Kingdom. Also extended to New Hebrides; continued application to Vanuatu not determined.

*[UPDATED LIST: As on April 22, 2005]

