

Background Brief No. 2

The Biological and Toxin Weapons Convention (BTWC)

The Biological and Toxin Weapons Convention (BTWC) was constructed to prevent the development of Biological and Toxin weapons, devices which disseminate disease-causing organisms or poisons to kill or harm humans, animals or plants. The BTWC opened for signature on the 10th of April 1972 and became the first multilateral disarmament treaty to ban an entire category of weapons. The convention builds upon the earlier Geneva Protocol of 1925 which prohibits the use of poison and bacteriological (biological) weapons. The BTWC entered into force on 26 March 1975 and since 1975, the BTWC has acquired a total of 163 States Parties with a further 13 Signatory States, thus covering the majority of UN states.

The key provision of the BTWC is contained in Article I which states:

“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.”

Other key provisions in the text of the Convention include:

- Article II - *To destroy or divert to peaceful purposes biological weapons and associated resources prior to joining.*
- Article III - *Not to transfer, or in any way assist, encourage or induce anyone else to acquire or retain biological weapons.*
- Article IV - *To take any national measures necessary to implement the provisions of the BWC domestically.*
- Article V - *To consult bilaterally and multilaterally to solve any problems with the implementation of the BWC.*
- Article VI - *To request the UN Security Council to investigate alleged breaches of the BWC and to comply with its subsequent decisions.*
- Article VII - *To assist States which have been exposed to a danger as a result of a violation of the BWC.*
- Article X - *To do all of the above in a way that encourages the peaceful uses of biological science and technology.*

Despite a concerted effort in the 1990s to develop a verification protocol through which to confirm compliance with the Convention, the final agreement on such a protocol was not possible and the Convention remains devoid of verification and inspection provisions. Nonetheless through Article XII of the Convention, States Parties have agreed to Review Conferences every five years which assess the state of the Convention and “take into account any new scientific and technological developments relevant to the Convention”. Since 2001, the Review Conferences 8 have been supplemented with an Intersessional Process, which primarily focus on exchanges of information and discussion on enhancing the national implementation of the Convention – including measures such as biosecurity, biosafety, legislation prohibiting biological weapons, codes of conduct for scientists, education and

disease preparedness and response capabilities- and increasingly such meetings tend to include scientific and stakeholder expertise.

The Sixth Review Conference took place in 2006 and agreed that the Convention prohibited all “naturally or artificially created or altered microbial and other biological agents and toxins, as well as their components, regardless of their origin and method of production and whether they affect humans, animals or plants, of types and in quantities that have no justification” for peaceful purposes. The meeting further agreed a Second Intersessional Process to look at:

- “... Ways and means to enhance national implementation... (2007)
- Regional and sub-regional cooperation on implementation of the Convention (2007)
- measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins (2008)
- Oversight, education, awareness raising, and adoption and/or development of codes of conduct with the aim of preventing misuse... (2008)
- ... identifying requirements and requests for capacity enhancement (2009)
- ... opportunities for providing assistance (2009)
- provision of assistance and coordination ... in the case of alleged use of biological or toxin weapons, including improving national capabilities for disease surveillance, detection and diagnosis and public health systems. (2010).”

The Seventh Review Conference is due scheduled to take place in Geneva in late 2011 and will review activities over the course of the second Intersessional Process.