

The Biological Weapons Convention At a Glance

February 2004

Press Contact: Daryl Kimball, Executive Director, (202) 463-8270 x107

The Biological Weapons Convention (BWC) is a legally binding treaty that outlaws biological arms. After being discussed and negotiated in the United Nations' disarmament

forum¹ starting in 1969, the BWC opened for signature on April 10, 1972, and entered into force on March 26, 1975. It currently has 150 states-parties and 14 signatory states.

Terms of the Treaty

The BWC bans:

- The development, stockpiling, acquisition, retention, and production of:
 - i. Biological agents and toxins "of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;"
 - ii. Weapons, equipment, and delivery vehicles "designed to use such agents or toxins for hostile purposes or in armed conflict."
- The transfer of or assistance with acquiring the agents, toxins, weapons, equipment, and delivery vehicles described above.

The convention further requires states-parties to destroy or divert to peaceful purposes the "agents, toxins, weapons, equipment, and means of delivery" described above within nine months of the convention's entry into force. The BWC does not ban the use of biological and toxin weapons but reaffirms the 1925 Geneva Protocol, which prohibits such use. It also does not ban biodefense programs.

Verification

The treaty regime mandates that states-parties consult with one another and cooperate, bilaterally or multilaterally, to solve compliance concerns. It also allows states-parties to lodge a complaint with the UN Security Council if they believe other member states are violating the convention. The Security Council can investigate complaints, but this power has never been invoked. Security Council voting rules give China, France, Russia, the United Kingdom, and the United States veto power over Security Council decisions, including those to conduct BWC investigations.

Membership and Duration

The BWC is a multilateral treaty of indefinite duration that is open to any country. Notably absent from the list of member states is Syria, a treaty signatory that the United States believes is probably developing biological weapons.

Implementation

The convention has been flagrantly violated in the past. The Soviet Union, a state-party and one of the convention's depositary states, maintained an enormous offensive biological weapons program after ratifying the BWC. Russia says that this program has been terminated, but questions remain about what happened to elements of the Soviet program. Iraq violated its commitments as a signatory state with its biological weapons program, which was uncovered by the UN Special Commission on Iraq after the Persian Gulf War. Iraq became a state-party after the war but is thought by the United States to be still violating the convention.

In November 2001, the United States publicly accused Iraq, as well as member state North Korea, of breaching the convention's terms. Washington also expressed concern about compliance by Iran and Libya, which are also states-parties, and by Syria. The United States itself raised concerns in 2001 about whether some of its activities, ostensibly being conducted as part of its biodefense program, are permitted under the BWC. In 2002, Washington added Cuba, also a state-party, to its list of countries conducting activities that violate the convention.

Efforts to Enhance Compliance

States-parties have convened a review conference about every five years to review and improve upon the treaty's implementation. In an effort to enhance confidence and promote cooperation among states-parties, at the second BWC review conference in 1986 member states agreed to implement a set of confidence-building measures. Under these politically binding measures, states should:

- Exchange data on high-containment research centers and laboratories or on centers and laboratories that specialize in permitted biological activities related to the convention.
- Exchange information on abnormal outbreaks of infectious diseases.
- Encourage the publication of biological research results related to the BWC and promote the use of knowledge gained from this research.
- Promote scientific contact on biological research related to the convention.

At the third BWC review conference in 1991, the scope of the first measure was expanded to include national biological defense programs and the second and fourth measures were slightly modified. In addition, three more measures were added to this list. States should:

- Declare legislation, regulations, and “other measures” pertaining to the BWC.
- Declare offensive or defensive biological research and development programs in existence since January 1, 1946.
- Declare vaccine production facilities.

These endeavors have been largely unsuccessful; the vast majority of states-parties have consistently failed to submit declarations on their activities and facilities.

The 1991 review conference also tasked a group of “governmental experts” to evaluate potential verification measures for use in a future compliance protocol to the BWC. The group subsequently considered 21 such measures and submitted a report to a special conference of states-parties in 1994. Building off this report, the

NOTE 1. The forum, the Committee on Disarmament, is now known as the Conference on Disarmament.

conference tasked a second body, known as the Ad Hoc Group, with negotiating a legally binding protocol to the BWC to strengthen the convention.

The Protocol Regime and Negotiations

The Ad Hoc Group met from January 1995 to July 2001 and aimed to finish its work before the fifth review conference, which began in November 2001. During the course of the negotiations, the group developed a protocol that envisioned states submitting to an international body declarations of treaty-relevant facilities and activities. That body would conduct routine on-site visits to declared facilities and could conduct challenge inspections of suspect facilities and activities as well.

However, a number of fundamental issues—such as the scope of on-site visits and the role export controls would play in the regime—proved difficult to resolve. In March 2001, the Ad Hoc Group’s chairman issued a draft protocol containing language attempting to strike a compromise on disputed issues. But in July 2001, at the Ad Hoc Group’s last scheduled meeting, the United States rejected the draft and any further protocol negotiations, claiming such a protocol could not help strengthen compliance with the BWC and could hurt U.S. national security and commercial interests.

The fifth BWC review conference, which many experts thought could resolve the fate of the Ad Hoc Group, was suspended on its last day, December 7, 2001, after the United States tabled a controversial proposal to terminate the Ad Hoc Group’s mandate and replace it with an annual meeting of BWC states-parties. The states-parties resumed the fifth review conference in November 2002. The participants failed to agree on any verification measures, including the proposed protocol. The states-parties agreed instead to hold three meetings before the next review conference in 2006. They will discuss nonproliferation measures during the meetings, but the agenda does not include any discussion of verification measures. No decision was taken regarding the Ad Hoc Group, and its future remains unclear.

Parties and Signatories of the Biological Weapons Convention

STATES-PARTIES: 150

| | | |
|---------------------|-----------------------|------------------------------|
| Afghanistan | Bolivia | Cyprus |
| Albania | Bosnia-Herzegovina | Czech Republic |
| Algeria | Botswana | Democratic Republic of Congo |
| Antigua and Barbuda | Brazil | Denmark |
| Argentina | Brunei Darussalam (2) | Dominica (2) |
| Armenia | Bulgaria | Dominican Republic |
| Australia | Burkina Faso | Ecuador |
| Austria (1) | Cambodia | El Salvador |
| Bahamas | Canada | Equatorial Guinea |
| Bahrain (1) | Cape Verde | Estonia |
| Bangladesh | Chile | Ethiopia |
| Barbados | China (3) | Fiji |
| Belarus | Colombia | Finland |
| Belgium | Congo | France |
| Belize | Costa Rica | Gambia, The |
| Benin | Croatia | Georgia |
| Bhutan | Cuba | Germany |

ACA Fact Sheet

| | | |
|--|--------------------------------|-----------------------|
| Ghana | Mauritius | Serbia and Montenegro |
| Greece | Mexico | Seychelles |
| Grenada | Monaco | Sierra Leone |
| Guatemala | Mongolia | Singapore |
| Guinea-Bissau | Netherlands (4) | Slovak Republic |
| Honduras | New Zealand | Slovenia |
| Hungary | Nicaragua | Solomon Islands (2) |
| Iceland | Niger | South Africa |
| India | Nigeria | South Korea |
| Indonesia | North Korea | Spain |
| Iran | Norway | Sri Lanka |
| Iraq | Oman | Sudan |
| Ireland | Pakistan | Suriname |
| Italy | Palau | Swaziland |
| Jamaica | Panama | Sweden |
| Japan | Papua New Guinea | Switzerland |
| Jordan | Paraguay | Thailand |
| Kenya | Peru | Togo |
| Kuwait | Philippines | Tonga |
| Laos | Poland | Tunisia |
| Latvia | Portugal | Turkey |
| Lebanon | Qatar | Turkmenistan |
| Lesotho | Romania | Uganda |
| Libya | Russia | Ukraine |
| Liechtenstein | Rwanda | United Kingdom (6) |
| Lithuania | St. Kitts and Nevis | United States |
| Luxembourg | St. Lucia | Uruguay |
| Macedonia, Former Yugoslav Republic of | St. Vincent and the Grenadines | Uzbekistan |
| Malaysia (1) | San Marino | Vanuatu |
| Maldives | Sao Tome and Principe | Venezuela |
| Mali | Saudi Arabia | Vietnam |
| Malta | Senegal | Yemen |
| | | Zimbabwe |

SIGNATORIES: 14

| | | |
|--------------------------|------------|--------------------------|
| Central African Republic | Haiti | Myanmar (Burma) |
| Cote d'Ivoire | Liberia | Nepal |
| Egypt | Madagascar | Somalia |
| Gabon | Malawi | Syria |
| Guyana | Morocco | United Arab Emirates (5) |

Sources: State Department, United Nations

NOTES

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 and to New Hebrides. Continued application to Vanuatu not determined.