



**Recommendations of the Pugwash Council for
the Sixth Review Conference of States Parties
to the 1972 Biological Weapons Convention**

(adopted in Cairo, Egypt 10 November 2006)

Report

All nations have a common interest in the strengthening and implementation of the Biological and Toxin Weapons Convention (BWC). There is shared increased concern about the consequences of disease whether induced naturally or deliberately. The 1972 Convention and the Review Conferences of 1980, 1986, 1991 and 1996 have reinforced the international norm against use of biological and toxin weapons, embracing all developments in microbiology, genetic engineering and biotechnology. But, confidence in the Convention is less than it should be. The Fifth Review Conference was unable to agree a Final Declaration and there is also increased concern globally that sub-State actors might initiate deliberate outbreaks of disease among humans, animals or plants. After suspension for a year, the Fifth Review Conference was, however, able to agree a programme of intersessional meetings, which has proved to be an effective forum for the exchange of information on five specific topics.

The points that we outline in the following represent our view of what would be particularly useful and achievable at the Sixth Review Conference.

1. Strengthening the BWC.

A strengthened BWC will bring benefits to all States Parties through enhanced security, trade and prosperity. It is a cornerstone of the regime that is, in the words of the Preamble, *“Determined for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons.”*

We recommend that the States Parties at the Sixth Review Conference should demonstrate strong support for the BWC emphasizing the importance of comprehensive and proper implementation and of full compliance with the obligations of the Convention.

2. Annual intersessional Meetings of the States Parties

The success of the Annual Meetings in 2003, 2004 and 2005 is welcomed.

We recommend that the States Parties at the Sixth Review Conference should endorse the core elements of the outcome of the annual Meetings of States Parties held during the last intersessional period and take appropriate decisions thereon.

We also recommend that a further series of intersessional Meetings of States Parties prepared for by Meetings of Experts should be agreed for 2007-2010 in order to continue the process of strengthening the Convention.

3. Universal adherence

A serious threat to the BWC exists in certain areas of the world where nations involved in bitter regional conflicts have refrained from joining the Convention. In the Middle East, for example, where Iraq, Jordan, Lebanon and Saudi Arabia are parties to the Convention, Egypt and Syria have signed but not ratified it, and Israel has done neither.

We strongly recommend that the co-depositary states and other parties to the Convention make greater diplomatic efforts to encourage non-parties to join the treaty using all appropriate channels, including bilateral contacts, regional organisations and the United Nations.

We recommend that States Parties at the Sixth Review Conference should agree to set an objective of achieving at least 180 States Parties to the BWC by the Seventh Review Conference as a stage towards universality.

4. National implementation.

The use of chemical warfare agents by the Aum Shinrikyo sect in March 1995 and the reports that the sect had attempted to use biological weapons, and the 'anthrax letters' in the United States in 2001, underline the importance of States Parties taking action to adopt national legislation to prohibit and prevent any acts or actions that would contravene the Convention. Such legislation should make it a criminal act for any person within the territory of a State Party, under its jurisdiction or under its control anywhere, to develop, produce, acquire, retain or transfer biological weapons or to assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under the Convention. This would facilitate both the implementation of the Convention and the countering of the misuse of biological materials by

sub-state actors. All States Parties that have not adopted such national legislation are urged to do so immediately.

We recommend that the Sixth Review Conference should call upon all States Parties that have not adopted such national legislation, to do so urgently. We also recommend that States Parties at the Sixth Review Conference should take action to enhance national implementation in all States Parties by, inter alia, providing assistance to States Parties at their request and set up at least an informal system of information sharing to facilitate this process.

5. Scientific and technological advances

The pace of scientific and technological advance in microbiology, genetic engineering and biotechnology has increased even more rapidly over the past five years. The undertaking given by States Parties in Article I of the BWC applies to all of these advances. So, the Convention unequivocally covers all naturally or artificially created or altered microbial or other biological agents or toxins, whatever their origin or method of production.

We recommend that the States Parties at the Sixth Review Conference should reaffirm that the undertaking given by States parties in Article I applies to all of the advances and developments in microbiology, genetic engineering and biotechnology.

6. Improved Confidence-Building Measures (CBMs).

The proportion of States Parties that have made at least one declaration under the agreed, and therefore politically binding, CBMs is now greater than 50%. However, few States Parties have made the declarations every year as required. Even though about 90 States participate in each annual Meeting of States Parties, not all of them demonstrate their intent to strengthen the implementation of the BWC through providing declarations annually.

We recommend that States Parties at the Sixth Review Conference should agree to hold an intersessional Meeting of States Parties prepared by a Meeting of Experts to decide on the revision of the modalities for the existing Confidence-Building Measures, in order to increase the number of States Parties providing declarations annually, and to consider and decide on new Confidence-Building Measures.

7. Improved implementation of Article X

The ongoing international cooperation on biotechnology under Agenda 21 and under the Convention on Biological Diversity and the Cartagena Protocol on Biosafety should be

encouraged. Measures to improve the implementation of Article X of the BWC should be considered including measures such as the provision of information and assistance regarding practicable standards of biosafety and biosecurity in peaceful applications of biotechnology.

We recommend that the States Parties at the Sixth Review Conference should agree to hold a Meeting of States Parties during the intersessional period to consider specific measures for the implementation of Article X focussing on measures central to the purpose of the Convention as expressed in the Preamble which directly complement and enhance measures for strengthening compliance with the Convention, which are not already being carried out by some other existing organization.

8. Withdrawal of Geneva Protocol reservations

A number of states, when joining the 1925 Geneva Protocol, reserved the right to use biological weapons under certain conditions. Some have already withdrawn these reservations but others have not.

We recommend that the Sixth Review Conference should call upon all states with such reservations to withdraw them.

9. Institutional arrangements

It is evident that the nurturing and maintaining of the BWC requires some form of institutional effort to facilitate the improved implementation of the Convention both nationally and internationally and to assist the States Parties in the implementation of the decisions taken at the Sixth Review Conference.

We recommend that the States Parties at the Sixth Review Conference should agree a supportive structure to help nurture and maintain the Convention.

10. Education and outreach.

The intersessional Meeting in 2005 addressing a code of conduct for those engaged in the life sciences has led to the realization that many of those engaged in the life sciences are unaware of the obligations of the BWC or of the potential for misuse of advances in the life sciences.

We recommend that the States Parties at the Sixth Review Conference should call upon all States Parties to develop appropriate ways to work with and inform government, industry, academia and the public of their obligations under the Convention. We also recommend that they should agree to hold a Meeting of States Parties prepared by a Meeting of Experts

during the intersessional period to address education and outreach for all those engaged in the life sciences.

The Recommendations of the Pugwash Council were presented to the Sixth Review Conference of the Biological and Toxin Weapons Convention on 22 November 2006 by Sergey Batsanov, Director of the Pugwash Office in Geneva