

Friday 8th December 2023

## Working Group discussions on compliance and verification

Tuesday morning of the Third Session of the Working Group (WG) on the strengthening of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) started with the topic of ‘Measures on compliance and verification’. Discussions on this topic continued as scheduled up to the end of Thursday.

To assist with discussions on the issues of compliance and verification, Alonso Martínez (Mexico) and Ambassador Robert in den Bosch (Netherlands) have been appointed as facilitators/Friends of the Chair (FoCs).

The official webpage for this session that hosts presentations, statements, documents and details of side events is at <https://meetings.unoda.org/meeting/67453>. Official BWC documents are also available via <https://documents.un.org>.

### Panel discussions and working papers

Each of the three days on this topic began with a panel discussion. On Tuesday the theme was reflections on past compliance and verification discussions. On Wednesday the theme was other international bodies with verification arrangements. On Thursday it was on scientific and technical issues related to verification. Each prompted an active Q&A session. As the panel members will be listed in the procedural report of the third session, space will be saved by not also listing them here. Most panel members have provided copies of slides or speaking notes that have been posted on the website.

Working papers submitted to this session relevant to this topic include: WP.5 (Russia), WP.6 (UK), WP.8/Rev.1 (Denmark, Kenya, Malawi, Montenegro, Norway, Panama, Singapore, Thailand and Uruguay), WP.9 (USA), WP.10 (China), WP.11 (Iran), WP.13 (Russia) and WP.14 (Panama).

### Substantive points

This summary includes some of the substantive points raised during the panel sessions, in working papers or in interventions from the floor. Much of the discussion is in the early stages of conceptual thinking and many questions were raised about what is meant by the terms compliance and verification. This is healthy as they are inter-related concepts that can be viewed from a variety of perspectives. It is inevitable that any progress on strengthening the BWC will rely on reaching at least a broad common understanding of what is desirable to be achieved in these areas. There was recognition that a topic that had been difficult to discuss for two decades could only make so much progress in three days.

*Conceptual scope* – There were many suggestions. One example was that compliance is the goal and verification is the method for reaching it. Another was that compliance is an obligation and verification is a way to check compliance is taking place. Some parts of this were posed as simple questions such as: ‘what do we want to verify?’ or ‘who should verify?’ – questions that are simpler than the possible answers. The FoCs, in delivering their reflections at the end of Thursday, suggested two questions: ‘what are the scope and purpose of the concepts of verification and compliance with regard to the obligations under the Convention?’ and ‘what process is required to identify, examine and

develop specific and effective measures related to compliance and verification within the context of the Convention taking into account the historical context as well as technological advancements?’

*Ideal vs pragmatic* – It was noted that there might be a gap between ideal technically feasible arrangements and what might be diplomatically possible. Nonetheless there should be scientific and technical input into any compliance and verification arrangements. The FoCs suggested three criteria for any new arrangements: ‘politically palatable’, ‘technologically feasible’, and ‘financially viable and sustainable’.

*Purpose of verification* – Questions were raised as to whether verification was intended to allow states parties to demonstrate compliance, to provide assurance of compliance by other states parties, to deter non-compliance, or a combination of these.

*Verification elements* – There was a broad acknowledgement that there was no single verification technique that could be relied upon and that a combination of measures would be needed. Only one verification tool was specifically spoken against by one delegation and that was the role of routine on-site inspection of industry. Other delegations spoke in favour of this tool.

*Biological uniqueness* – The particular challenges of dealing with living organisms were highlighted as reasons why biological controls require different characteristics to their equivalents for chemical or nuclear and so, therefore, it was not possible to ‘cut and paste’ measures from other regimes. That was not to say there weren’t lessons to be learned, such as the way verification of nuclear testing brings together data of very different technical origins to reach any conclusions.

*History* – Many delegations spoke positively of the VEREX process and the report resulting from it. While there were many comments on advances in technologies and techniques since then, there seemed to be little emphasis on comprehensively revisiting the VEREX process. On the status of the texts from the Ad Hoc Group, there were a few calls to return to these as a starting point for negotiation. There were also more nuanced suggestions to review the elements of the draft protocol texts to see what could be useful in the current context rather than simply returning to the protocol as a whole. Others expressed a preference for starting with a clean slate. It was noted that any negotiations would end up with some past elements and some modern elements in any case. It was suggested that part of the challenge of developing a road map for the WG and any follow-on measures was that there was not yet an agreed starting point nor end point.

*Contextual changes* – Changes noted over the past two decades included: rapid advances in the life sciences; lessons learned from the disruption caused by the COVID-19 pandemic (including a heightened awareness of societal vulnerabilities to biological events); and lessons learned from other weapons control regimes.

*Legally binding* – There wasn’t any statement suggesting there was no need for any legally binding measures, but there were variations of views as to whether all measures should be legally binding or whether just a core needed to be so, with additional measures having other characteristics. It was highlighted that there was a danger of seeing this as a binary option between legally binding and non-legally binding.

*WG outputs* – There was little discussion about how the WG would present its conclusions. Ambassador Flávio Damico (Brazil) indicated that his intention was to be in a position where he could formulate recommendations on compliance and verification before his term of office as WG Chair was complete in 2024. The FoCs suggested that the following question should be considered: ‘what process is required to identify, examine and develop specific and effective measures related to compliance and verification within the context of the Convention taking into account the historical context as well as technological advancements?’

*These reports have been produced by the BioWeapons Prevention Project (BWPP) for all BWC meetings with NGO registration since the Sixth Review Conference (2006). They are available from <https://www.bwpp.org/reports.html> and <https://www.cbw-events.org.uk/bwc-rep.html>. A subscription link is available on each webpage. Financial support for reporting for the Third Session of the Working Group has been gratefully received from Global Affairs Canada. The reports are written by Richard Guthrie, CBW Events, who is solely responsible for their contents <[richard@cbw-events.org.uk](mailto:richard@cbw-events.org.uk)>.*