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

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Enhancing International Capabilities for Responding to, Investigating and Mitigating the Effects of Cases of Alleged Use of Biological or Toxin Weapons or Suspicious Outbreaks of Disease

Submitted by the United Kingdom

Introduction

1. The 1989 UN Report of Qualified Experts, drafted pursuant to General Assembly Resolution 42/37C of 30 November 1987, set out technical guidelines and procedures for the timely and efficient investigation of reports of alleged use of chemical and bacteriological (biological) or toxin weapons. These guidelines and procedures would be deployed by the UN Secretary General to respond to a request by a Member State concerning the possible use of chemical and bacteriological (biological) or toxin weapons that may constitute a violation of the 1925 Geneva Protocol or other relevant rules of customary international law, in order to ascertain the facts of the matter. Part D of the Report specifies details for standing preparatory measures for investigations, the launching of investigations; whereas Part E deals with technical procedures for the investigations, including on-site and near-site investigations. The Appendices cover *inter alia* investigation equipment, lists of laboratory specialisations and sampling procedures. None of these has been reviewed or updated since the original report's publication in October 1989. We believe that it is therefore now time to re-establish an effective United Nations procedure for investigating allegations of biological weapons use or suspicious outbreaks of disease.

2. The Experts' Meeting in Geneva in July 2004 provides a welcome opportunity to examine the possibilities for using recent experiences and technical developments in order to update the existing alleged use investigation system under the auspices of the UNSG. Most of the investigative techniques involved here, such as epidemiological questionnaires, are also relevant for dealing with suspicious outbreaks of disease. The UK believes that the areas set out below could profitably be re-examined. Appropriate changes could be incorporated in revised guidelines. In addition, there may

be a need for some new activities. In order to ensure the effectiveness of the system, there would at some stage be a need for a system of regular exercises in which designated experts and laboratories were tested in realistic training environments. How will States Parties identify the types of expertise required by those required to perform investigations? Could the meeting of States Parties contribute to establishing the requirements?

Identification and designation of experts

3. The list of designated personnel must be kept up to date to ensure not only that there is a wide range of relevant scientific and technical expertise available, but also that sufficient numbers of experts could be deployed at relatively short notice. States Parties might begin to identify the types of expertise that would be required, as a basis for a request from the UNSG for, a new round of nominations if required. The report of the States Parties meeting should encourage Member States to up-date, or to make as appropriate, their nominations to the UNSG.

Designation of laboratories

4. The report contains a considerable amount of detail about the role of designated laboratories in supporting the investigations procedures. This includes the recommendation that a proficiency system be established to validate the capabilities of the laboratories nominated by Member States. Appendix V identified a list of ten laboratory specialisations that would be required to support the analysis of samples obtained in an investigation. Some of these specialisations apply only to chemical warfare agents. There is now a system of designated laboratories under the Chemical Weapons Convention and a regular proficiency testing system to maintain their effectiveness. But there is no such comparable system in place for laboratories for analysis of biological or toxin samples. The OPCW Technical Secretariat and States Parties will shortly examine the requirements for dealing with suspected toxin samples. A much wider range of laboratories would be needed to support a comprehensive BW analytical capability covering bacteria, viruses, toxins and fungi that affect humans, animals and plants. It is worth considering whether criteria for the designation and certification of biological laboratories, including proficiency standards and procedures, could be developed by experts appointed by the UNSG. We should also consider security and confidentiality requirements for information held in such a system. All such developments could represent a significant strengthening of the existing rudimentary system.

Use of non-scheduled aircraft

5. An ability to move an investigation team at short notice to potentially remote and inaccessible areas is a key factor in any effective investigation of alleged use. However, this poses significant organisational and logistical problems given the difficulties in chartering appropriate transport aircraft at short notice. Costs will also be a factor. The OPCW and Provisional Technical Secretariat (PTS) of the CTBT have explored these issues in detail. One option would be for the various organisation/systems to pool efforts in a joint approach to this problem. All three have a potential need to move large numbers of people and significant quantities of equipment at short notice.

Equipment

6. Appendix III of the 1989 Report itemises equipment required for investigations. While much of this is probably relevant today given its generic nature, we should consider recent experiences. For example, the OPCW has developed an equipment list for its inspections, some of which would be relevant to a BW investigation. We might compare specifications and packing arrangements to see what could be transposed to the UNSG system. Other more specific BW investigation equipment lists have also been prepared in other contexts. How would equipment be provided: would it be contributed by Member States or loaned or purchased by the UN? How would it be calibrated, maintained and protected from contamination?

Information to be provided in support of a request

7. The 1989 Report sets out examples of the types of information to be provided as available by a Member State in reporting the possible use of CB or toxin weapons. These include identification of the location, characteristics of the site, meteorological conditions, types of weapons allegedly used, characteristics of agents, effects on humans, animals and vegetation. No particular list should be regarded as mandatory or exhaustive. Any list should be illustrative, but some standard approaches may be helpful. The types of information that appears in the Report's Appendix I could be reviewed and amplified where necessary to include a more specific reference to epidemiological information and any initial diagnosis by the Member State.

Investigations: interviews

8. Interviews are one of the most important techniques in any investigation. The authors of the 1989 Report prepared a model questionnaire limited to eyewitnesses or victims of any alleged attack. Other possible interviewees could be relevant: for example, national health, medical, veterinary or phytosanitary officials. A revision of procedures should consider this. The model questionnaire might also be re-examined since many of its questions are more appropriate to an alleged CW rather than a BW attack. New questions might include the location of the victim at the time of the suspected attack and a description of the symptoms.

Investigations: medical and veterinary examinations

9. Medical examinations raise ethical questions. However, physical examination of victims, including the collection of biomedical samples (blood, tissue *etc*), must be a feature of any meaningful investigation. So too must a review of medical records, as recognised by the 1989 Report. Post mortems and the collection, and analysis of pathological samples will be necessary. The objective would be to diagnose or confirm a clinical diagnosis of any disease, or determine whether exposure to a biological or toxin agent has occurred.

Investigations: sampling and identification

10. The 1989 Report sets out extensive details of sampling and identification. It identifies samples of importance such as neat agents and biomedical samples and outlines arrangements for

field processing, including sub-division of samples, packaging and audit trails. All of these are critical for the eventual validity of the results and apply equally to CW or BW. Given the OPCW's experience and planning for sample collection, particularly in investigations of alleged use, there is a compelling case for adapting them as necessary for inclusion in specific guidelines for BW sampling and identification. It would also be worth considering the extent to which field analysis could be employed. Identification of analytical techniques and equipment (and SOPs for their use) that could be readily used in a mobile laboratory would be worthwhile. It would probably be economically and operationally impractical for the UN to own a mobile laboratory. As a result, it will probably be necessary for Member States to make one or more such laboratories available.

Background information

11. Access to national epidemiological information would also play an important part in ensuring any investigation's effectiveness. The 1989 Report is silent on this matter. However, any revised procedures should explicitly state that one of the tasks for any investigation team would be to request access to relevant background documentation covering human, animal and plant disease outbreaks and any epidemiological enquiries carried out by national bodies.

Conclusions

12. The UK believes that the existing system for investigation of cases of alleged CBW under the auspices of the UNSG needs to be revisited. Existing procedures should be updated to take account of recent experiences and developments in science and technology. The Experts' and States Parties' Meetings provide an opportunity to identify and consider priority areas of action.

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