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# Working Group on the Strengthening of 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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English only

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## Third Session

Geneva, 4-8 December 2023

Agenda item 6

**Identifying, examining and developing specific and effective measures, including possible legally-binding measures, and making recommendations to strengthen and institutionalize the Convention in all its aspects within the mandate of the Working Group**

## **Building global biosecurity via confidence in compliance with the Biological and Toxin Weapons Convention**

**Submitted by the United Kingdom of Great Britain and Northern Ireland**

### **I. Introduction**

1. During the first meetings of the Working Group, States Parties have made progress towards strengthening the Convention. In particular, States Parties have started to move toward a consensus view on mechanisms to review relevant scientific and technological developments and to enhance international cooperation and assistance under Article X. Those discussions highlighted the interlinkages with the broader Working Group agenda, on which our mandate is to examine potential measures and make recommendations.

2. In the spirit of open dialogue at our December meetings, the United Kingdom presents this paper to stimulate discussions and ideas. The paper sets out why we need to strengthen the Convention. It offers some working definitions, a conceptual framework for approaching the interrelated issues for discussion in December, and guiding principles to consider as the Group considers measures foreseen in the mandate agreed at the 9<sup>th</sup> Review Conference.

### **II. Why does demonstrating compliance matter and why now?**

3. As the UK's refreshed Biological Security Strategy<sup>1</sup> reflects, biological threats neither recognise nor respect political or geographic boundaries. Whether or not States have advanced biological industries or large defence networks, we are all at risk. The COVID-19 pandemic made this painfully clear. Globalisation, climate change, convergence and co-development of biological sciences and emerging technology contribute to increasing and diversifying biological risks. Attendees at the UK-hosted AI Safety Summit noted some of these risks<sup>2</sup>.

4. Scientific and technological advances offer the possibility of great benefits across society and for peaceful research and cooperation; they may also facilitate new ways of

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<sup>1</sup> [UK Biological Security Strategy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/biological-security-strategy).

<sup>2</sup> [The Bletchley Declaration](#) by Countries Attending the AI Safety Summit, 1-2 November 2023.



assessing and supporting compliance with the BTWC. However, the rapid spread of increasingly accessible technologies, equipment and expertise across the globe could increase the risk of accidental or deliberate misuse, including by non-state actors. The Convention must adapt to mitigate these evolving risks, while protecting legitimate, peaceful and beneficial uses of biology.

5. Building confidence in compliance with the BTWC will promote responsible innovation and peaceful international cooperation in the life sciences; and foster links between the States Parties' biotechnology industries. Greater confidence in the compliance by all States Parties with their obligations under the Convention will encourage stronger management of biological risks across multiple institutions and sectors. States Parties will be better placed to address the threat of proliferation to state and non-state actors.

### **III. What do we mean by compliance: some working understandings**

6. Alongside the BTWC's other provisions, Articles I, III, IV, V and VI play a critical role in realising the Convention's purpose to "exclude completely the possibility of biological agents and toxins being used as weapons." It is the responsibility of each State Party to ensure it is meeting these obligations. Demonstrating compliance depends upon and flows from effective implementation at the national level and delivery of other domestic measures.

7. The current BTWC compliance regime includes the legal provisions in Articles V and VI, as well as transparency and confidence building measures (CBMs). Together, these provide a certain level of confidence in compliance. They rely on good will, trust and national capacity. In the absence of binding measures or increased assessment and oversight, the level of confidence in compliance achievable under the current regime is limited.

### **IV. Our task**

8. Article I prohibits "microbial or other biological agents, or toxins, whatever their origin or method of production" that "have no justification for prophylactic, protective or other peaceful purposes." Biological materials, facilities, equipment and expertise that would be applicable to develop, produce and retain biological weapons may also be used, in some cases, for purposes justified on prophylactic, protective and peaceful grounds.

9. Addressing the purpose-based nature of the prohibition, the properties of biological agents and the increasing breadth of potential impacts, from public health to agricultural sectors, means assessing BTWC compliance is not a straightforward task. Meeting the challenge of assuring compliance with the Convention will require expert scientific advice; and further support to State Parties' implementation at the national level and other domestic measures. This underlines the importance to the Working Group of early progress to establish the S&T and ICA mechanisms mandated by the Review Conference.

10. In respect of compliance, confidence building and verification, the Review Conference mandated the Working Group to 'identify, examine and develop specific and effective measures' and, ultimately, produce recommendations for States Parties to consider. Our task now is to begin to consider a range of ideas and measures, to form the basis for further discussions as the Working Group's agenda progresses. Two tests to apply when examining measures would be:

- i. To what extent the proposed measures increase confidence in compliance, as visualised below; and
- ii. their practical aspects and financial cost.

<b>Compliance with obligations</b>	<b>Building Confidence in Compliance</b> 		
Implementation at the national level and other domestic measures	CBM reporting and transparency	Legally binding measures and technical oversight	Independent review and investigations
 <b>S&amp;T Review and ICA</b>			

11. As we begin discussions to explore these issues and ideas, we suggest some guiding principles:

- We should work towards the goal established by the Review Conference: to strengthen the Convention;
- Measures must build confidence in States Parties' compliance with Convention obligations or address concerns of possible non-compliance;
- Measures should reflect expert scientific advice;
- Measures should be proportionate, implementable and sustainable;
- Measures should support national implementation. Appropriate assistance should be offered, where required, to facilitate participation by all States Parties.