

# **Ninth Review Conference 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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English only

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Item 12 of the provisional agenda

Follow-up to the recommendations and decisions of the Eighth Review Conference and the question of future review of the Convention

## **Conference on Kazakhstan's Initiative of an International Agency for Biological Safety (IABS). 12 April 2022. Summary of discussions**

**Submitted by Kazakhstan**

### **I. The Rationale for the Establishment of an IABS**

1. The effect of climate change, harmful human intervention in the environment leading to the emergence of new pathogens, and the threat of the destructive use of biotechnologies were given as the rationale for Kazakhstan's proposal to establish an IABS.
2. The COVID-19 pandemic created a political momentum and highlighted the increased need for the international community to address biological safety and security as an emerging global challenge in a collective and collaborative manner, given the lack of preparedness for large-scaled biological incidents, the need for a mechanism to promote peaceful uses of biotechnologies and confidence-building measures, to prevent the diversion of peaceful activities and verify compliance with the Biological Weapons Convention (BWC) norms.
3. It was stressed that the proposal of Kazakhstan could give an impetus to the work being undertaken by BWC States Parties and their collective efforts to strengthen the Convention, specifically in the areas of cooperation and assistance under Article X, measures to promote transparency and confidence, strengthen national implementation and capacities to detect and respond to biological incidents, work towards operationalization of a review of science and technology (S&T) developments.
4. In the context of strengthening the BWC participants were invited to consider risks associated with a more complex and challenging landscape in the area of life sciences, including growth in high-risk biological research, and technological convergence. It was recommended for countries possessing BSL4 facilities to provide complete, regular and transparent reporting under BWC confidence-building measures (CBMs) and UN Security Council Resolution 1540 and put in place international structures to register and oversee maximum-containment facilities. Particular attention was drawn to the national implementation of an International Organization for Standardization (ISO) standard on biorisk management for laboratories. A group of international experts or IABS could be potentially designated as a certifier of national compliance of the ISO standard.
5. It was acknowledged that putting forward the initiative on IABS at a crucial moment for the BWC was a timely and relevant step. Over the last years the BWC has seen no substantial progress in implementation of its provisions. Divergence of views and priorities among developed and developing countries was mentioned. In this regard, the inclusive, holistic, balanced, and comprehensive approach of the initiative is appreciated, and it requires a detailed discussion at the 2022 BWC Review Conference.



6. A conversation on verification should resume at the Review Conference in order to find an agreement. States Parties do not need to go back to the early 2000s because the context has changed and they should try to develop a tailor-made solution, taking into account the specific nature of evolving biological research. IABS should have a strong verification mandate, and measures would need to be in place to prevent the leakage of confidential information and intellectual property. It was stressed that the 2001 failure to reach an agreement on a verification protocol significantly undermined collective efforts to strengthen the BWC. The mandate of the 1994 ad hoc group is still valid. Therefore, the creation of an Organization on Prohibition of Biological Weapons with a strong focus on compliance remains a priority.

## **II. IABS Objectives and Functions**

7. The need for a much better institutional underpinning of the BWC in the context of emerging threats and trends was highlighted. The institutional support for the Convention should be put on a much firmer and more sustainable footing. IABS must strengthen the BWC as an institution. In a today's rather complex environment, IABS should avoid creating duplication, ambiguity, and confusion, and complement and strengthen the existing biosafety and biosecurity architecture.

8. Regarding the IABS concept's proposal to "create a database of the types of assistance that can be provided to a state affected by the violation of the provisions of the BWC", it was said that it is too early now to start implementing it: an assessment of already existing mechanisms and inter-relationships between them should be made before defining the mandate of IABS.

9. Concerning the proposals on reviewing "scientific research and technological achievements and exchange of scientific and technological information on dangerous pathogens and measures to combat them" and assessing "the possible dual uses of biotechnologies", it was suggested to consider creating a forum of scientists where such issues could be discussed. A degree of caution should be applied when speaking about control of scientific developments.

10. It was noted that the issues of Article VII and S&T review enjoy a high degree of consensus in the run-up to the Review Conference (RevCon). Pending the RevCon decision, these two aspects need to be supported institutionally, in the form of a facilitating or coordination mechanism to source the right expertise, either through the Implementation Support Unit (ISU) or a future agency. Cooperation with other relevant international organizations is necessary.

11. Capacity building is an important part of the BWC and a wider biosecurity regime. In this regard, IABS could facilitate coordination of capacity-building programmes offered by individual states, particularly by matching resources and expertise offered to the needs of recipient countries. An important function of IABS could be measures to ensure biosecurity for laboratory personnel, possibly in partnership with the WHO.

12. On proposals regarding CBMs, it was mentioned that the BWC already possesses a set of politically binding CBMs, and the current priority is to ensure the fullest possible reporting. Participants expressed the hope that the RevCon would strongly encourage submission of reports of CBMs from states who have not done so. Reporting of CBMs must be tied to capacity building to enable compliance. The need for the public availability of information accumulated as a result of the submission of reports was stressed in order to enable NGOs and academia to analyse it. The future agency may be tasked to analyse this vast amount of information, but the question here is what the purpose of the analysis should be.

13. On international cooperation and relation to other international organizations, the importance of having a politically independent and technical agency as well as the need for IABS to work in partnership with other organizations like the World Health Organization (WHO) were emphasized. There is a need to broaden the concept note of IABS to recognize

the strength which lay outside the purview of IABS to ensure synergy, collaboration, and partnership with other organizations.

14. At the same time, the future agency must avoid duplication with already existing mechanisms, organizations, and instruments. The proposal to “assist in organizing international projects in vaccine development against infectious diseases and ensure their availability to all countries” could be considered as duplication of the work of WHO and other entities. Moreover, the current reform of WHO should be taken into account. Therefore, IABS should be able to complement or work in consonance with WHO and other institutions and address grey areas and gaps.

15. It was said that the idea of the agency’s accountability to the UN Security Council could be difficult for some countries, since IABS should be grounded on the BWC and needs to be under the control and oversight of its States Parties.

16. On export control and a system of checks and guarantees, it was said that they are sensitive and well-discussed issues. A discussion among experts on what is politically and technically feasible is needed before considering an institutional support for these two issues.

17. Among other possible functions, developing a network of scientists as well as coordinating biorisk management efforts, education, and outreach were mentioned.

### **III. Organization, Structure and Scope of an IABS**

18. In considering the organization, structure, and scope of the future agency, due attention needs to be paid to costs, skill sets required, the importance of flexibility rather than rigidity in the organizational culture, and the importance of partnerships.

19. Estimated costs for a continuation of the ISU with the current level of staffing amounts to USD 1,030,000. Even with this relatively small amount, there is a shortfall in the BWC funding. IABS can be created following the example of the International Atomic Energy Agency (IAEA). It is important to note that there is a considerable cost increase for an IAEA-type organization: for example, IAEA documents indicate the regular budget for 2020 was in the region of €383.5 million. Kazakhstan’s working paper indicates that the IABS could start small with a “concise and efficient staff” and build up over time, if there is appetite.

20. The range of activities envisaged for IABS is broad and a broad range of skill sets would need to be integrated. Kazakhstan’s proposal entails a role for expertise in public health, provision of assistance as well as a rapid assistance mechanism and international cooperation.

21. It was emphasized that science and technology were advancing rapidly and converging. For example, there were 5,990 biotechnology publications in 2001 and 29,893 in 2021. This has positive and negative implications for several articles of the BWC. Scientific advances can create new or novel BWC and could change how we understand bioweapons (BWs).

22. The IAEA is pursuing modernization of the IAEA’s Seibersdorf Laboratories in order to demonstrate state-of-the art capability and a commitment to safety and security. This is echoed by the Organization for the Prohibition of Chemical Weapons (OPCW)’s Centre for Chemistry and Technology project but also its ability of evolve when required through fact-finding missions (FFM), the Joint Investigation Mechanism (JIM), the Development Assistance Committee (DAC) peer review, and other initiatives such as The Rapid Response and Assistance Mission (RRAM) as well as the OPCW adaptation to address the threat of non-state actors and chemical terrorism.

23. Given that biology is changing, it is important for IABS to maintain a culture that is adaptable and flexible to change. In particular, any future mechanism should not concretize around outdated assumptions of what biological weapons and biological weapons programmes look like.

24. IABS would need to work closely with the UN Office for Disarmament Affairs (UNODA) and particularly the ISU, the OPCW, and to a lesser extent with the IAEA. While

the original OPCW verification models cannot necessarily be cut and pasted to address BW issues, the OPCW approach to industry partnerships, and to verification measures could be considered. Engagement with other actors is necessary: WHO, World Organization for Animal Health (WOAH), Food and Agriculture Organization (FAO), World Meteorological Organization (WMO), and private sector and industry stakeholders (industry will be critical to any effort to strengthen the convention and should be brought in from an early stage).

25. As the current proposal of Kazakhstan does not clearly indicate IABS's embedment into the BWC, two parallel processes could be created with different membership, sets of obligations and accountability. Such a development should be avoided.

26. A conflict between declared ambitious tasks and functions, including the proposal to investigate possible uses of BWs, requiring resources, capabilities and expertise, and a small staff of IABS was mentioned. Further research and surveys on IABS possible functions is needed. In general, the concept paper is too concrete in some aspects and needs to be further developed in other aspects; constructive ambiguity should be kept across the document. A clear-cut differentiation from the 2001 verification protocol was recommended, and it was stated that the concept of IABS needs to be forward-looking. As a way to promote Kazakhstan's initiative among stakeholders, outreach to other constituencies, including the global biosecurity sector, was suggested.

27. Based on OPCW experience, the concept of a BWC rapid response team was presented. A team of permanently employed and trained experts could be dispatched in case of accidental or deliberate use of bioweapons on the request of the state concerned. A global early warning system in place is required for this purpose. The proposal on a rapid response team could be incorporated in Kazakhstan's initiative. Based on OPCW experience, the establishment of a Scientific Advisory Board, consisting of 15-20 experts and meeting regularly was recommended. In case of emergencies, the Board should be convened immediately and advise the rapid response team on possible actions. The creation of a network of designated labs was proposed.

28. Regarding legal and organizational matters, it was recommended to create IABS on the basis of BWC, particularly its Articles VII and X, in the form of an autonomous institution with its own decision-making bodies and budget. UN bodies should not interfere in the work of IABS, but, following the OPCW example, some form of reporting to the UN or its Security Council could be envisaged.

29. It was stressed that there is no harm in overlap, but duplication should be strictly avoided.

30. The experiences of the creation of OPCW and IAEA were discussed with a view to using their lessons learned in the context of IABS. In this context, it was suggested at the initial stage to limit the functions of IABS and its volume of work in order to enable its gradual development.

#### **IV. Way Ahead**

31. Accomplishments achieved under the BWC are undeniable, but there is a clear need for institutional strengthening of the Convention.

32. The proposal on the creation of an Open-Ended Working Group was mentioned with a view to considering proposals on strengthening the Convention in a number of areas, including CBMs, national implementation, consideration of developments in S&T, international cooperation, assistance and protection as well as investigation of alleged use of bioweapons. Within this group Kazakhstan's proposal could be considered.

33. Deepening of collective understanding of the nature of biological threats within the BWC, across the UN and among the global scientific community and other stakeholders is necessary in order to move forward. Initiatives within the BWC and WHO, including the Tianjin Biosecurity Guidelines, can be used to facilitate this process.

34. As a way forward, it was suggested to consider having a group of UN experts to study the proposal of Kazakhstan. The creation of a group of experts was used in other areas,

including cybersecurity and outer space. This may help to keep the issue high on the agenda, exchange views and engage more states. Special attention should be paid to the needs of developing countries.

35. The submission of a new document, summarizing the discussions of the conference, and the organization of a side-event on follow-up steps on Kazakhstan's initiative during the 2022 Review Conference were recommended.

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