

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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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

Updated concept paper on the International Agency for Biological Safety

Submitted by Kazakhstan

I. Background

1. In September 2020, in the midst of the COVID-19 pandemic, the President of Kazakhstan Kassym-Jomart Tokayev proposed to establish an International Agency for Biological Safety (IABS). The COVID-19 pandemic created a political momentum to address biological safety and security as an emerging global challenge, strengthen the Biological and Toxin Weapons Convention (BTWC), and create a mechanism to 1) promote peaceful uses of biotechnologies and 2) enforce the prohibition of toxin and biological weapons in accordance with the BTWC.

2. Putting forward the initiative on IABS was a timely and relevant step, given a complicated and challenging landscape in the area of biological development, including growth in high-risk biological research, and technological convergence. The issues of compliance and verification as well as capacity building and national implementation remain in the centre of attention of states parties to the Convention. Furthermore, the BTWC remains the only one of the three major WMD non-proliferation and disarmament instruments which lacks an implementation mechanism.

3. In May 2021, a concept note on IABS was distributed by Kazakhstan among states parties of the BTWC, inviting states, international organizations and NGOs to a discussion of Agency's anticipated mandate, objectives and functions. The issue of IABS was discussed at the BTWC group on institutional strengthening, which met regularly in 2021, as well as during preparatory and plenary meetings of the Convention's review conference held in December 2022. In April 2022, Kazakhstan and the Geneva Center for Security Policy convened a scientific conference with participation of representatives of all BTWC regional groups and prominent experts. An outreach event for G7 experts was organized in October 2022. In March 2023, the Summit of the Non-Aligned Movement Contact Group in Response to COVID-19 approved a Chair's summary, which inter alia stated that *«the participating delegations took note with interest the initiative on creation of International Agency on Biological Safety»*. The OIC Ministerial meeting in its resolution (March 2023) welcomed Kazakhstan's initiative and supported *«efforts in multilateral fora to enable an effective and substantial exchange of views with the involvement of experts from the OIC Member States and develop recommendations on practical implementation of the initiative»*.



4. Kazakhstan is grateful to the interested states, international organizations and independent experts for their feedback and support. Based on views and suggestions as to how IABS can and should promote the implementation of BTWC provisions, a summary of issues for further discussion is presented as follows:

- **Capacity building** is an important part of the BTWC and a wider biosecurity regime. A growing gap between developed and developing nations in terms of expertise, resources and capacity to respond to crises was a bitter reality during the pandemic. In this regard, IABS could facilitate coordination of, and initiate capacity-building programs designed especially for developing nations. IABS can also provide a platform for outreach with the stakeholder community and promote collaboration between Member States, international organizations and industry.
- **Capacity building programmes** would be specifically to facilitate national implementation, provide assistance and protection against biological weapons, and promote international cooperation in the field of peaceful biological activities, aimed at enhancing economic and technological development.
- **Compliance and Verification.** Although in 2001 negotiations on a BTWC verification mechanism did not yield consensus, a majority of states parties express a strong preference for the resumption of talks on verification. There is much to learn from the OPCW approach to verification measures, although the original OPCW verification models cannot necessarily be cut and pasted to address BTWC issues. Political will is crucial in overcoming differences and finding compromise solutions.
- **Accountability to the UN Security Council.** Some states parties voiced concern over the idea of Agency's accountability to the UN Security Council, since they believe that IABS should be grounded on the BTWC and needs to be under the control and oversight of its states parties. The UN Security Council has a role to play under Article VI (lodging a complaint to the UN SC in case of a breach of obligations by a state party, UN SC may initiate an investigation) and Article VII (assistance to a state party, in case UN SC decides that such party has been exposed to danger as a result of violation of the BTWC). A possible compromise could be worked out, following the IAEA and OPCW examples.
- **Organizational structure.** It was recommended to create IABS on the basis of BTWC, particularly its Articles VII (assistance to a state party, in case UN SC decides that such party has been exposed to danger as a result of violation of the BTWC) and X (international cooperation), in the form of an autonomous institution with its own decision-making bodies and budget. A draft Statute of IABS has been distributed among states parties for their consideration.
- 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 value of partnerships.
- **Avoiding duplication of efforts.** It is a common understanding that in today's complex environment, IABS should avoid creating duplication and ambiguity, complement and strengthen the existing biosafety and biosecurity architecture. In this context 1) an assessment of already existing mechanisms, organizations and instruments shall be made and 2) inter-relationships between them as well as grey areas and possible gaps should be identified. **At the same time engagement with other actors and partnerships are crucial.** IABS would need to work closely with the UNODA and UN mechanisms, the OPCW, IAEA, WHO, World Organization for Animal Health, FAO, WMO, and private sector.

II. What is next?

5. The combined influence of scientific, social-economic and political factors has been altogether beneficial for negotiations within the BWC and the decision by its 9th Review

Conference in December 2022 to establish a Working Group (WG) on strengthening the Convention represented a notable step towards institutionalization of the BWC.

6. Initial WG discussions have shown divergence of views on a number of conceptual and practical issues. Still, there is a common understanding that the BWC must be reinforced – and soon – before the accumulating challenges become too formidable to handle.

7. Exchanges of views will also continue in other fora. In particular, Kazakhstan will work with developing nations in order to explore ways on how to ensure that the establishment of IABS is beneficial for all participating States, regardless of geographic location and level of development. Discussions are planned with a view to enable an effective and substantial exchange of views and develop recommendations on practical implementation of the initiative.

8. Consultations on the IABS mandate and functions will continue with all stakeholders, including UN bodies and mechanisms, international organizations, experts and scientific community. Kazakhstan is open-minded, consensus-oriented and committed to transparent discussion, constructive work, and a gradual approach to implementing its initiative.
