

# Strengthening structures for the Biological and Toxin Weapons Convention: options for remedying the institutional deficit

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Compared with most other multilateral treaties for arms control and disarmament and notably its “nearest neighbour”, the Chemical Weapons Convention, the Biological and Toxin Weapons Convention (BTWC) suffers from an institutional deficit. Structures are needed to strengthen the BTWC, to channel collective support for this relatively fragile treaty regime and to enable states parties to work together more effectively in the common interest.

The Sixth Review Conference should afford a good opportunity to exchange views on such strengthening structures. This article analyses different options for remedying the institutional deficit, starting with a long-term prospect and working back to more immediate options.

## *The ultimate answer: OPBW*

The ultimate answer to the institutional deficit is an Organization for the Prohibition of Bacteriological (Biological) and Toxin Weapons (OPBW). It is ultimate in two senses: it is attainable only in the long term, given the strength of United States opposition since 2001, and it is the fullest possible institutional expression of states parties’ collective commitment to the convention.

Opposition to an OPBW has been closely bound up with the United States’ rejection of the protocol strengthening the BTWC. This was first under discussion in the BTWC Ad Hoc Group from 1995, and then more formally under negotiation from July 1997 to August 2001.<sup>1</sup> Many states parties remain convinced that “the only sustainable method of strengthening the Convention is through multilateral negotiations aimed at concluding a non-discriminatory legally binding agreement, dealing with all the Articles of the Convention in a balanced and comprehensive manner”.<sup>2</sup> Many others remain “committed to developing measures to verify compliance with the BTWC”.<sup>3</sup> Yet there is a general recognition that these are long-term objectives, which cannot even be discussed in a BTWC forum as long as US policy remains intransigent.

It is conceivable that an OPBW could be revived, but in another context, independent of the failed protocol project of 1995–2001 and of specific verification procedures and compliance measures. For this, it would be necessary for states parties to develop a new concept of a BTWC treaty regime to make the convention “work properly”, a regime that would systematically realize the BTWC’s potential and remedy its areas of weakness or insufficiency.

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This new concept could be developed by review conferences as they regain confidence after the debacle of 2001–2002. They could give the treaty regime new momentum by building on the foundations laid in the extended understandings, definitions and procedures agreed in the conferences of 1980–1996. Thus the review process could cumulatively give greater substance to the treaty regime, building a steadily expanding body of “additional understandings and agreements”<sup>4</sup> to fill out the convention without having to amend the text.<sup>5</sup>

But at some point the capacities of the review conference process will be exhausted, and a supplementary legal basis will be required. It is not clear, however, when this will be: the limits of a review conference’s authority have never yet been established. A reasonable working assumption is that review conferences are competent to authorize interim arrangements, subject in most cases to renewal or replacement by the next review conference, but that permanent institutions require separate negotiation. This distinction can also be reasonably assumed to apply to the negotiation of politically binding versus legally binding commitments.

On this working assumption, before an OPBW could be created, states parties would have to have agreed to supplement the convention with a legally binding instrument concerning the OPBW. Logically, the instrument would extend beyond organizational commitments (financial sustenance and the like) to include whatever additional functions or responsibilities the states parties desired in connection with the OPBW that would make the convention “work properly”.

## ORGANS OF THE OPBW

Throughout the BTWC protocol negotiations, the Ad Hoc Group followed the precedents of the 1993 Chemical Weapons Convention (CWC) and the 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT), and the OPBW was to have three principal organs.<sup>6</sup>

- Conference of the States Parties: the supreme governing body on which every state party as a member of the organization is represented;
- Executive Council: also intergovernmental but with a restricted (and partly rotating) membership, regularly elected on a regionally representative basis by the conference;
- Technical Secretariat: the supporting body of international civil servants headed by a Director-General.

This three-tier structure remains a reasonable working assumption for the design of a future OPBW.

## THE OPBW CASE IN SUMMARY

The BTWC is not a self-executing treaty and the world does not offer a benign environment in which it will flourish untended. On the contrary, it is a fragile entity in need of careful nurture. Thus, an OPBW remains a desirable long-term objective because making the BTWC work properly will require pooling of resources into a permanent organization for the thoroughly practical purposes of helping states parties undertake the full range of BTWC functions and responsibilities. The great advantages of a permanent organization are convenience and flexibility. A permanent organization offers the convenience of standing arrangements with a permanent staff attending to them, instead of the states parties having to renegotiate arrangements and re-engage staff every time they meet. (This is one explanation of why over time so much traditional conference diplomacy has evolved into international

organization.) It is flexible because it can respond to whatever vicissitudes the treaty regime encounters, instead of being so narrowly mandated to deal with particular tasks that it is helpless when faced with new and unpredictable circumstances.

As long as it lacks an OPBW, the BTWC treaty regime will continue to lag behind that of the CWC and may send the unintended message that biological and toxin weapons are somehow less important to prohibit and prevent than chemical weapons. By creating an OPBW, the states party to the BTWC would be negating that unintended message in the most effective way. They would also be making a valuable contribution to the building of disarmament machinery as a permanent feature on the international scene.

### *More immediate options for strengthening structures*

In the meantime, states parties may be willing—tentatively and reversibly—to pool more limited resources in much more modest arrangements for strengthening structures to handle their common interests on a collective basis. Although the institutional deficit will not be fully remedied this side of an OPBW, even such modest arrangements could usefully alleviate the problem. The possible structures include annual meetings, an intersessional committee of oversight, scientific and legal advisory panels, a standing secretariat and an implementation support unit. Each will be examined in turn.

#### ANNUAL MEETING

Disarmament delegations have become accustomed to spending a total of three weeks each year in Geneva on BTWC business. In 2003, 2004 and 2005 a two-week meeting of experts has been followed by a one-week meeting of states parties on specific topics. It would be just one more step to formalize the practice as an annual meeting of the BTWC, and further annual meetings have been proposed to the Sixth Review Conference as the “work programme” for 2007–2010.<sup>7</sup>

The annual meeting could continue the best aspects of the 2003–2005 meetings, but the constraints on agenda topics would be removed. In this way, the regime would benefit from continuity and even momentum. The meetings should be plenary sessions with a synoptic view of the BTWC treaty regime. Only specific, compliance concerns would be hived off: either to a consultative meeting convened at expert level and open to all states parties under the contingency mechanism agreed as an “appropriate international measure” under Article V;<sup>8</sup> to the Security Council in the event of a state party invoking the complaints procedure under Article VI; or, conceivably, to the United Nations Secretary-General if the alleged use of biological or toxin weapons stood to be investigated.<sup>9</sup> Everything else would *potentially* be on the agenda of the annual meeting. If desired, specified aspects of the convention could be placed more prominently on the agenda in particular years, but in such a way as to give all aspects some attention between review conferences.

It would be most important to make time every year for collective scrutiny of scientific and technological developments relevant to the convention, preferably with the benefit of advice from a scientific advisory panel (discussed below). Regular agenda items should also include: the pooling of experience and proposals on Article X implementation (developing relevant science and technology for peaceful uses); updates on action plans on national implementation and on universalization of the convention (which it is to be hoped the Sixth Review Conference will have launched);<sup>10</sup> a “consolidation agenda” of follow-up to earlier review conference commitments; and scrutiny of the information to be declared through the United Nations by 15 April each year under the confidence-building measures (CBMs).<sup>11</sup>

But the agenda should not consist exclusively of matters for report. Agenda construction, building but also aiming to improve on the experience of 2003–2005, should be more imaginative and seek a new balance of government-led discussion *and* accommodation of the wider community of “friends of the convention”. Time should be allowed for general review and discussion arising from regional and individual initiatives of states parties, and for input from intergovernmental organizations, from the International Committee of the Red Cross as a unique international organization, and from non-governmental organizations.

Whether the annual meeting should be preceded by a meeting of experts, or by several thematic groups working in parallel, is for further consideration; but it would probably be inadvisable to compress everything into just two weeks of the year. Having secured three weeks a year for the BTWC in 2003–2005, it would seem a pity to settle for less in 2007–2010. The assumption is that the Seventh Review Conference will be held in 2011 and preceded by a Preparatory Committee, totalling at least three weeks in all.

#### INTERSESSIONAL COMMITTEE OF OVERSIGHT

The concept of an intersessional committee of oversight dates from the 1980s and early 1990s, when the gaps between review conferences yawned wide and empty, the emergent treaty regime suffered from neglect by most states parties most of the time, and nothing else seemed even remotely attainable as a possible remedy for the institutional deficit. “An entirely new kind of committee”, appointed by one review conference and reporting to the next, was proposed.<sup>12</sup> Various conceptualizations as an intersessional committee, a standing committee or a committee of oversight, two things were plain all along: it would have to be representative of the states parties as a whole, and its mandate would have to be carefully framed to ensure that it did not arrogate to itself functions or powers that properly belonged to the review conference or elsewhere. It became clear that such a committee could most economically be brought into being as a prolongation of the life of the bureau of the review conference, a body that works beyond the duration of the review conference, and that is already appointed following the nomination of states parties on a representative basis.<sup>13</sup> The bureau would simply have its post-conference existence formalized and it would not be necessary to elect a separate committee. It would be chaired by the president of the review conference, some of whose responsibilities have always extended into the five years until the next review conference. The committee’s work pattern and priorities would be largely determined by those decisions of the review conference that needed follow-up or that highlighted particular aspects for continuous attention on behalf of the collectivity of states parties.

The attraction of simply continuing the bureau and the presidency was that it required only the evolution of an existing institution. A distinct new committee would require negotiation of its title, composition and mandate, and then election, which would have been no less arduous than the painstaking negotiation of those matters for the initial Ad Hoc Group of Governmental Experts (also known as VEREX) in 1991 or for the subsequent Ad Hoc Group in 1994. Indeed, since both VEREX and the Ad Hoc Group were plenary bodies, it is very likely that to attempt to set up a body of limited membership, and a new kind of body at that, would prove even more difficult.

Proposals for some kind of representative intersessional body have never come to fruition, even at the Third Review Conference, where their chances of success were perhaps at their (relative) best because “during the Third Review Conference a significant number of states parties did in fact commit themselves to the idea of supporting institutions”.<sup>14</sup> In recent years they have receded to the margins of diplomatic interest for two reasons. One is the growing acceptance of a pattern of BTWC meetings for

all states parties in each of the years between review conferences, albeit on a restricted agenda basis. The other is the perception that a broad-agenda annual meeting is attainable as an evolution out of the restricted-agenda meeting of states parties, and could perform all the functions proposed for a representative committee without having to establish and sustain its representative character.

Since the initial proposal for an intersessional committee, then, the scene has been transformed. The perceived threat of biological and toxin weapons (if not always the BTWC) has greater prominence, and other, arguably more attractive, remedies for strengthening the convention's structures and processes have emerged. So the intersessional committee of oversight should probably be regarded nowadays as a second-best option, an alternative to the annual meeting if the latter is blocked and the discouraging prospect of an empty interval of five years between review conferences opens up again.

## ADVISORY PANELS

Advisory panels, like other remedies prescribed short of an OPBW, would be interim arrangements that could be introduced on the authority of the Sixth Review Conference or a subsequent gathering of states parties by decisions that could be modified or even reversed by the same authority. They would not be entrenched institutions and, more importantly, their creation would not require amendment of the convention.

### *Scientific advisory panel*

The range of factors and their interrelation in motivating the repudiation of biological and toxin weapons is complex, but one of the things which would most evidently weaken the credibility of their repudiation is any scientific or technological development that could make biological or toxin weapons easier to develop, more effective to use or harder to detect or protect against. A scientific advisory panel would enable states parties to keep a watch over such developments.

The case for a panel is a relatively familiar one.<sup>15</sup> It rests partly on governments' need for expert advice, partly on the desirability of pooling assessments for the benefit of all. Individual governments doubtless make their own assessments and will go on making them. But in a multilateral treaty like the BTWC there ought to be a place for collective assessment. And the absence of verification provisions for the BTWC makes the work of a scientific advisory panel all the more essential. The panel would maintain constant watchfulness on relevant scientific and technological developments, and would be able to warn states parties how and where the balance of incentives and disincentives that upholds BTWC compliance may be coming under pressure.

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Until now, updates on advances in relevant fields of science and technology have taken place on a multilateral level during the preparation for each review conference.<sup>16</sup> But in a fast-moving field like the life sciences and their applications, a five-year interval is too long. The pace of change is such that states parties need to examine the implications of change for the BTWC and compare notes every year. A panel would in principle be free to survey the whole spectrum of developments in science and technology, though in practice it would identify areas of greater relevance to the BTWC, continuing a process of identification to which review conferences have already made a limited contribution.

While the word “research” appears nowhere in the convention, the absence of a related “regime of research” weakens it.<sup>17</sup> Any progress in agreeing prudent constraints on research would strengthen the ban on development, which *is* in the convention. The states parties have already recorded (in 1991) their agreement “that experimentation involving open-air release of pathogens or toxins harmful to man, animals or plants that has no justification for prophylactic, protective or other peaceful purposes is inconsistent with the undertakings contained in Article I” of the BTWC.<sup>18</sup> It would be good if they could record more self-denying ordinances of that kind, extending further into laboratory research: states parties would clearly benefit here from scientific advice formulated collectively in the interests of the BTWC as a whole. The panel might arrive at a position of advising against a line of research because of its implications for the BTWC.

To be effective, the panel must consist of experts in whom governments have confidence, and who enjoy the respect of the wider scientific community. The whole exercise needs to be placed on a systematic basis, with the panel members in frequent contact and meeting as often as necessary but at least once a year. This panel would not seek to replicate the Organisation for the Prohibition of Chemical Weapons’ Scientific Advisory Board, which is a statutory organ of the CWC: it would not be such a heavy structure, but instead a lightly organized, readily adaptable mechanism sufficiently nimble to fulfil the fast-changing requirements of the BTWC.

There would be merit in a clear reporting line from the panel to annual meetings of states parties or an intersessional committee of oversight so that states parties could act collectively on its recommendations without waiting for the next review conference. A recent recommendation from the Weapons of Mass Destruction Commission chaired by Hans Blix, while not explicitly advocating a scientific advisory panel, makes the link between more frequent assessment and the resulting action in these terms:

States parties should ensure more frequent reassessment of the implications of scientific and technological developments and reaffirm that all undertakings under Article I of the Biological and Toxin Weapons Convention apply to such developments.<sup>19</sup>

It is worth recalling that biological and toxin weapons pose threats to humankind and demand a common effort to counter them. Such an effort should be organized in the context of the BTWC, and a scientific advisory panel would play a vital part in putting this effort on a systematic, expert and collective basis.

### *Legal advisory panel*

Not as great a priority as a scientific advisory panel, a legal advisory panel has not been advocated as widely. Yet there is a respectable case for having one.

Each government receives its own legal advice and will doubtless go on doing so; but with a legal advisory panel, a multilateral treaty regime like that of the BTWC would be able to resolve its controversies multilaterally. Some of the BTWC’s legal controversies—mostly those concerning rival interpretations of Article I—are well known, some are relatively obscure; what can be predicted with confidence is that there will be new ones. A legal advisory panel would not lack work, even if it confined itself to those questions already identified as contentious.<sup>20</sup>

The main argument heard against a legal advisory panel is that it would be unnecessarily divisive. Governments may prove more tenacious of their juridical positions even than of their scientific assessments, and correspondingly less willing to modify them to arrive at a collective opinion. If this is

so, then a legal advisory panel might merely serve to amplify discordant voices and provide a fresh arena for acrimonious exchanges.

However, against this, there needs to be weighed the corrosive effect on the BTWC of allowing rival interpretations to continue indefinitely, with no concerted attempt to resolve them. If different governments understand their obligations differently, there is an absence of symmetry, which at best is unhelpful and at worst erodes the basic reciprocity of obligation on which all treaty relationships are founded.

## STANDING SECRETARIAT

The idea of endowing the BTWC with a standing secretariat has recently received a boost of welcome support from the Weapons of Mass Destruction Commission (WMDC). Its Recommendation 34 reads:

States Parties to the Biological and Toxin Weapons Convention should establish a standing secretariat to handle organizational and administrative matters related to the treaty, such as review conferences and expert meetings.<sup>21</sup>

At a minimum, this would formalize the position of the BWC Meetings Secretariat within the Geneva Branch of the United Nations Department for Disarmament Affairs. It might also (depending upon the limitations states parties choose to place upon its role) be tasked with functions in support of the convention all year round. These could usefully include:

- adding value to CBM returns and increasing their accessibility through assisting in their processing and dissemination;
- providing technical assistance to states parties with national implementation;
- following up review conference decisions on a continuous basis where this is necessary, for example in respect of action plans on universalization and national implementation, or on the “consolidation agenda”;
- facilitating contact between the states parties and intergovernmental, international and non-governmental organizations, including relevant sectors of industry and the scientific and academic communities;
- enabling the scientific and legal advisory panels, if appointed, to fulfil their respective functions;
- producing updated editions of the Additional Understandings and Agreements document, which links extracts from Final Declarations to the relevant articles of the convention; and
- acting as an enquiry and information point on behalf of the convention.

All these activities *might* be justified (some more easily than others) in terms of follow-up to specific review conferences or meetings of states parties, or in preparation for a forthcoming conference or meeting; but it is surely neater and more straightforward to see them as the proper functions of a standing secretariat for the convention, and to allow the use of the title “BWC Secretariat”, without “Meetings” in the middle.

Such a move may be politically sensitive in some quarters, but the alternative is to perpetuate the legal fiction that the secretariats of each review conference, each preparatory committee, and each meeting of states parties and its attendant meeting of experts, are distinct entities and, by implication, that no continuity in the secretariat function is needed between meetings.

The staffing complement would doubtless remain modest, based on current arrangements: there has never been any danger of the BTWC states parties creating an unnecessary bureaucracy to administer their treaty regime. Some evolution would nevertheless be necessary. At least one CBM-processing specialist, one science and technology specialist and one legal specialist would be desirable, reporting to a Senior Political Affairs Officer as head of secretariat. Additional staff might be needed for intensified consultation with states parties over implementation assistance, and with non-parties over progress toward ratification or accession, if these aspects of action-plan follow-up involve too much work for one legal specialist to handle alone. And as before, the secretariat might need reinforcement with extra staff around the time of special events such as review conferences and possible annual meetings.

A standing secretariat, the term used in the WMDC recommendation, is conveniently neither explicitly interim nor explicitly permanent. This should help it to achieve broad acceptability. If accepted by the Sixth Review Conference—or by a subsequent meeting under its authority—as part of a package of strengthening structures for the BTWC, it would probably have the same interim and reversible status as the other structures already discussed. The Seventh Review Conference would decide in 2011 whether to renew, adjust or revoke the secretariat’s mandate (or, if proceeding by negative resolution, would be able to stop it from continuing into the next five years).

#### IMPLEMENTATION SUPPORT UNIT

“Provision for BTWC implementation support” might be among the tasks of a standing secretariat, or could be undertaken by an implementation support unit.<sup>22</sup>

An implementation support unit has the advantage that it may allay fears (however unwarranted) of a standing secretariat spreading its wings too wide by becoming “politicized” or simply engaging in task expansion. As a unit it is confined to supporting states parties in implementing particular aspects of the convention. It could expect to be tasked directly by the review conference or by an annual meeting. Similar to the 1997 Mine Ban Treaty’s<sup>23</sup> Implementation Support Unit, which has been of interest despite the differences between the two conventions, it might be funded by a small but gradually expanding number of individual states parties. (In the BTWC context the members of the European Union might well contribute some funding collectively, having recently adopted a Joint Action channelling funds toward outreach and implementation of the BTWC.<sup>24</sup>)

The main disadvantage of an implementation support unit, for the BTWC, is its relative inflexibility compared with a standing secretariat. By its very nature it is more narrowly angled or oriented toward particular tasks, thus it is less well placed to respond to changing needs or priorities for the treaty

***Unlike a standing secretariat, an implementation support unit would not be able to shift its mandate according to priorities.***

regime as a whole. In 2006, the top priorities appear to be technical assistance with national implementation, universalization and CBM-processing, but in a few years’ time, states parties’ perceptions of where help is most needed may have shifted. Unlike a standing secretariat, an implementation support unit would not be able to shift its mandate according to priorities. So an implementation support unit may be regarded as a second-best remedy—and much better than nothing if it proves impossible to overcome opposition to a standing secretariat.

Be it a standing secretariat or an implementation support unit, the body would work under the political direction of the states parties represented by either the presidency and bureau of the most recent review conference or the annual meeting, and within the management structure of the UN Department for Disarmament Affairs.

To create *neither* a standing secretariat *nor* an implementation support unit would be a major failure of the Sixth Review Conference, because it would leave a key dimension of the BTWC's institutional deficit unresolved.

## Conclusion

In the long run, the BTWC needs an OPBW. Until a change of circumstances brings a new context that makes that possible, however, there are short-term measures that states parties can and should take to alleviate the institutional deficit of the convention.

A modular approach to strengthening the BTWC emphasizes the separability of proposed remedies for the different areas of weakness in the treaty regime, including the institutional deficit.<sup>25</sup> Adopting this approach, the Sixth Review Conference might approve—or open the way to a subsequent meeting approving under its authority—an annual meeting (or, failing that, an intersessional committee of oversight); a scientific advisory panel and possibly a legal advisory panel; a standing secretariat (or, failing that, an implementation support unit). Each could exist independently of the others. For the conference to approve any one of them would be a useful advance.

Yet there is an evident synergy among all these institutions. They *could* stand alone; but there is also a logic of integration according to which an annual meeting would operate better for receiving advice from panels of scientific and legal experts, and for being served by a standing secretariat to which it could also look for continuing work on a year-round basis. Likewise, advisory panels and a standing secretariat would be able to operate better for the regular political direction of an annual meeting to which they could report. In more abstract terms, the interplay between the technical and the political realms, and between science, law and diplomacy, would be enhanced by such integration. Throughout the history of disarmament, these have been recurrent disjunctions. There is now a good opportunity to overcome them in the case of the BTWC.

## Notes

1. Jez Littlewood, 2005, *The Biological Weapons Convention: A Failed Revolution*, Aldershot, Ashgate, especially Part II, "The Protocol Negotiations"; Chapter 8, "The Organization", is particularly relevant to this article. For more on the negotiations in this issue of *Disarmament Forum*, see the article by Richard Lennane.
2. Statement by the Delegation of Malaysia on Behalf of the Group of Non-aligned Movement and Other States Parties to the Biological Weapons Convention, BWC Meeting of States Parties, 5 December 2005, available at <[www.opbw.org](http://www.opbw.org)>.
3. Statement by Fiona Paterson, UK Deputy Permanent Representative to the Conference on Disarmament, on behalf of the European Union, BWC Meeting of States Parties, 5 December 2005, available at <[www.opbw.org](http://www.opbw.org)>.
4. This is the title given to the article-by-article compilation of extracts from past Final Declarations that the Secretariat has been asked to prepare for the Sixth Review Conference, UN document BWC/CONF.VI/INF.1, 11 July 2006.
5. For more on the possible work of review conferences, see Nicholas A. Sims, 2003, "Biological Disarmament Diplomacy in the Doldrums: Reflections after the BWC Fifth Review Conference", *Disarmament Diplomacy* 70, April–May, pp. 11–18, at <[www.acronym.org.uk/dd/dd70/70op2.htm](http://www.acronym.org.uk/dd/dd70/70op2.htm)>.
6. Littlewood, 2005, op. cit. p. 193.
7. Statement by Fiona Paterson, see note 3.
8. See the Final Declaration of the First Review Conference, UN document BWC/CONF.I/10, 21 March 1980, and Second Review Conference Final Declaration, UN document BWC/CONF.II/13/II, 26 September 1986, both available at <[www.opbw.org](http://www.opbw.org)>.
9. For the text of the BTWC, go to <[www.unog.ch/bwc](http://www.unog.ch/bwc)>: Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, opened for signature 10 April 1972, entry into force 26 March 1975.

10. For more on the proposed action plans, see Statement by Paul Meyer, Ambassador and Permanent Representative of Canada to the Conference on Disarmament, BWC Meeting of States Parties, 5 December 2005, available at <[www.opbw.org](http://www.opbw.org)>.
11. These agenda items are discussed in more depth in Nicholas A. Sims, 2006, "Towards the BWC Review Conference: Diplomacy Still in the Doldrums", *Disarmament Diplomacy* 82, Spring, pp. 8–16, at <[www.acronym.org.uk/dd/dd82/82ns.htm](http://www.acronym.org.uk/dd/dd82/82ns.htm)>.
12. Nicholas A. Sims, 1988, *The Diplomacy of Biological Disarmament: Vicissitudes of a Treaty in Force, 1975–85*, London, Macmillan, pp. 298–306.
13. Charles C. Flowerree, 1990, "On Tending Arms Control Agreements", *The Washington Quarterly*, vol. 13, no. 1, Winter, p. 199.
14. Littlewood, 2005, op. cit., p. 191.
15. See United Kingdom Foreign and Commonwealth Office, 2002, *Strengthening the Biological and Toxin Weapons Convention: Countering the Threat from Biological Weapons*, Green Paper, London, The Stationery Office, 29 April, at <[www.fco.gov.uk/Files/kfile/btwc290402,0.pdf](http://www.fco.gov.uk/Files/kfile/btwc290402,0.pdf)>; Statement by Paul Meyer, see note 10.
16. The process goes back to the preparatory committee session of 9–18 July 1979, which asked the depositaries to prepare a background paper and invited other states parties to comment on that paper and also to submit their views on new scientific and technological developments relevant to the convention.
17. Nicholas A. Sims, 2001, *The Evolution of Biological Disarmament*, SIPRI Chemical and Biological Warfare Studies no. 19, Oxford, Oxford University Press, pp. 179–182.
18. Final Declaration, Third Review Conference, UN document BWC/CONF.III/23, 27 September 1991, at <[www.opbw.org/rev\\_cons/3rc/docs/final\\_dec/3RC\\_final\\_dec\\_E.pdf](http://www.opbw.org/rev_cons/3rc/docs/final_dec/3RC_final_dec_E.pdf)>.
19. Weapons of Mass Destruction Commission, 2006, *Weapons of Terror: Freeing the World of Nuclear, Biological and Chemical Arms*, Stockholm, Recommendation 36, at <[www.wmdcommission.org](http://www.wmdcommission.org)>.
20. For more on the legal advisory panel, see Nicholas A. Sims, 2006, "Legal Constraints on Biological Weapons", in Mark Wheelis, Lajos Rozsa and Malcolm Dando (eds), *Deadly Cultures: Biological Weapons since 1945*, Cambridge, MA, Harvard University Press, pp. 329–354.
21. Weapons of Mass Destruction Commission, 2006, op. cit.
22. Statement by Paul Meyer, see note 10.
23. Full title: Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. Also known as the Ottawa Convention.
24. EU Council Joint Action in support of the Biological and Toxin Weapons Convention, 2006/184/CFSP of 27 February 2006, at <[eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l\\_065/l\\_06520060307en00510055.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_065/l_06520060307en00510055.pdf)>.
25. Trevor Findlay and Angela Woodward, 2004, *Enhancing BWC Implementation: A Modular Approach*, Weapons of Mass Destruction Commission paper no. 23, December, at <[www.wmdcommission.org](http://www.wmdcommission.org)>.