

### **3. UN Documents**

The BWC is a product of the international community's multilateral disarmament negotiating forum in Geneva. Now known as the Conference on Disarmament (formerly the Ten-Nation Committee on Disarmament (1960), the Eighteen-Nation Disarmament Committee (1962-68), the Conference of the Committee on Disarmament (1969-78) and the Committee on Disarmament (1979-1984)), the CD is not a formal UN organ but it has a special relationship with the UN. Under this relationship, the CD adopts its own agenda and rules of procedure, but acts on recommendations from the UN General Assembly and it reports annually to the General Assembly. In addition, the CD's funding is included in the UN's budget and the conference is serviced by staff members of the UN Department for Disarmament Affairs.

Besides the CD, biological weapons issues have also been taken up periodically by the main organs of the United Nations, namely the General Assembly and the Security Council and also by the Secretary-General. A useful resource for documents of the United Nations and some related bodies is the UN documents server which can be found at <http://documents.un.org>.

#### **UN General Assembly**

Discussions in the UN General Assembly on biological weapons stretch back to its first resolution in 1946. The General Assembly has also adopted a resolution on the BWC almost every year since the treaty's completion in 1971. These resolutions typically call on all States to adhere to the BWC, urge all States Parties to submit their CBM returns annually and reiterate the affirmations made at the review conferences regarding the scope of the BWC's prohibitions. The resolutions are also the mechanism through which UN funds and resources are allocated to support BWC meetings such as the review conferences. This section of the Briefing Book includes copies of the BWC resolutions adopted since the Sixth Review Conference. Copies of earlier General Assembly resolutions on the BWC are available at <http://www.unog.ch/bwc>

In September 2006 the General Assembly adopted resolution 60/288 setting out the United Nations Global Counter-Terrorism Strategy. The plan of action annexed to the resolution includes a number of measures to prevent and combat terrorism such as: strengthening coordination and cooperation among States in combating crimes that might be connected with terrorism, including the smuggling of biological materials; the development of a single comprehensive database on biological incidents; the updating of the UN Secretary-General's investigative mechanism (see below); stepping up efforts to improve border and customs controls in order to prevent and detect illicit trafficking in biological weapons and materials; inviting the UN to improve coordination in planning a response to a terrorist attack using weapons of mass destruction; and encouraging the World Health Organization to step up its technical assistance to help States improve their public health systems to prevent and prepare for biological attacks by terrorists. A copy of General Assembly resolution 60/288 is included in this section of the Briefing Book.

#### **UN Security Council**

For most of the first 30 years of its existence statements by the Security Council on weapons of mass destruction issues were made in general terms. During the Iran-Iraq War of the 1980s, the Security Council passed resolution 620 (1988) which recognizes the UN Secretary-General's mandate to carry out prompt investigations into allegations by Member States of the use of chemical or biological weapons (see below). Resolution 620 also call upon States to enact export controls on chemical precursors, particularly to states involved in conflicts in which chemical weapons are suspected of being used.

At its first summit meeting, held in January 1992, the Security Council agreed a Presidential Statement in which it stated that proliferation of weapons of mass destruction (WMD) was a “threat to international peace and security”. This section of the Briefing Book includes a copy of the 1992 Presidential Statement, S/23500.

The UN Security Council has also established subsidiary bodies to carry out mandates relating to biological weapons (as well as nuclear and chemical weapons) disarmament. For example, the Security Council established the UN Special Commission (UNSCOM) in 1991 and the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) in 1999 to monitor, verify and assist in the disarmament of Iraq’s WMD programmes. For reasons of space, no UNSCOM or UNMOVIC documents are included in the Briefing Book, but most are available at <http://www.un.org/Depts/unscom/> and <http://www.unmovic.org>

In April 2004, the Security Council adopted resolution 1540 under Chapter VII of the UN Charter, on the non-proliferation of weapons of mass destruction. The resolution affirms that the proliferation and illicit trafficking of nuclear, biological and chemical weapons are threats to international peace and security and it requires all Member States to enact and enforce laws to prohibit and prevent the manufacture, acquisition, possession, development, transport, transfer or use of nuclear, chemical or biological weapons and their means of delivery by non-state actors. States must also take and enforce national measures to prevent the proliferation of these weapons, including means to account for and secure weapons and their means of delivery, physical protection measures, effective border controls and export controls. The resolution also obliges Member States to refrain from supporting attempts by non-state actors to acquire WMD capabilities.

All States were required to provide a report on their implementation of the resolution to a committee (the ‘1540 Committee’). This committee had a two-year mandate under resolution 1540, which was extended for a further two years by Security Council resolution 1673 in April 2006 and a further three years by Security Council resolution 1810 (2008). Resolution 1977 (2011) adopted by the Security Council in April 2011 extended the mandate of the Committee for ten years until 25<sup>th</sup> April 2021.

Resolution 1977 reaffirms the objectives of resolutions 1540 (2004), 1673 (2006) and 1810 (2008), and urges the 1540 Committee to continue to engage actively with States and relevant international, regional and sub regional organizations to promote the sharing of experience, lessons learned and effective practices, in the areas covered by resolution 1540 and to continue strengthen its role in facilitating technical assistance, including by engaging actively in matching offers and requests for assistance, therefore confirming its clearinghouse function. Through resolution 1977 (2011), the Security Council also requested the 1540 Committee to intensify its efforts to promote the full implementation by all States of resolution 1540 (2004), through its Programme of Work, which includes the compilation and general examination of information on the status of States’ implementation of resolution 1540 (2004) as well as States’ efforts at outreach, dialogue, assistance and cooperation. The tenth work programme (for the period 1 June 2011 to 31 May 2012) was submitted to the Security Council on 17<sup>th</sup> June 2011.

The 1540 Committee released its first report to the United Nations Security Council on implementation of the resolution in April 2006, a second one was presented in July 2008 and the third report in April 2011. These reports are available at <http://www.un.org/sc/1540/index.shtml>. Resolutions 1540 and 1977 are included in this section of the Briefing Book. Also included are the sections of the matrices relevant to biological weapons issues.

## **Other UN activities, including Secretary-General’s Investigatory Mechanism**

As part of the ongoing process of UN reform and in acknowledgement of the challenges posed by changes in the geopolitical environment, the UN Secretary-General appointed a High-Level Panel on Threats, Challenges and Change in November 2003. The Panel, made up of 16 high-ranking experts submitted its report, *A More Secure World: Our Shared Responsibility*

(A/59/565) to the Secretary-General in December 2004. The report included a number of recommendations relating to the World Health Organization's (WHO) role in public health emergencies and the UN Secretary-General's mechanism for the investigation of allegations of CBW use. The full report is available at [www.un.org/secureworld/](http://www.un.org/secureworld/)

In March 2005, the Secretary-General published *In Larger Freedom: Towards Development, Security and Human Rights for All* (A/59/2005) which was intended to contribute to the 2005 World Summit and which built upon some recommendations of the High-Level Panel. In the report, the Secretary-General called for the strengthening of his capability to investigate suspected use of biological agents and announced his readiness to bring to the attention of the Security Council any overwhelming outbreak of infectious disease that threatens international peace and security. The full report is available at [www.un.org/largerfreedom/](http://www.un.org/largerfreedom/)

In April 2006 the Secretary-General published *Uniting Against Terrorism: Recommendations for a Global Counter-Terrorism Strategy* (A/60/825), as requested by the 2005 World Summit. The report called for the creation of "a forum that will bring together the various stakeholders — Governments, industry, science, public health, security, the public writ large — into a common programme, built from the bottom up, to ensure that biotechnology's advances are used for the public good and that the benefits are shared equitably around the world". The full report is available at [www.un.org/unitingagainstterrorism/](http://www.un.org/unitingagainstterrorism/). This section of the Briefing Book contains the relevant extracts from *Uniting Against Terrorism*.

## **UN Secretary-General's Investigative Mechanism**

The UN Secretary-General has a long-standing authority to investigate activities that may constitute a violation of the 1925 Geneva Protocol "or other relevant rules of customary international law".

The first action to support such an authority was the adoption in 1980 by the General Assembly of resolution 35/144 C in which it decided to carry out an investigation of allegations of the use of chemical weapons in South East Asia. These allegations were controversial and a number of States voted against the resolution. The "Group of Experts to Investigate Reports on the Alleged Use of Chemical Weapons" produced two investigation reports in 1981 and 1982. The Secretary-General's mechanism emerged in a form recognizable today from General Assembly resolution 37/98 D which was adopted in 1982, but which was also subject to some of the earlier controversies and was not adopted by consensus. Under this resolution, which is included in this section of the Briefing Book, the General Assembly requested the Secretary-General to investigate, with the assistance of qualified experts, allegations of violations of the Geneva Protocol. The resolution instructed the Secretary-General to compile lists of qualified experts who could be sent at short notice on investigations and to devise procedures for timely and efficient investigations. The Secretary-General duly appointed a group of consultant experts that submitted its final report, including procedures for investigations, in October 1984. Earlier in the same year, the Secretary-General also conducted the first investigation in the Iran-Iraq War, although not under the authority of resolution 37/98 D.

The experience of the numerous investigations that followed during the Iran-Iraq War led to a reappraisal of the mechanism and in 1987 the General Assembly adopted by consensus resolution 42/37 C which called on the Secretary-General to update the technical guidelines and procedures for conducting investigations. The Secretary-General accordingly appointed another group of consultant experts which submitted its final report in October 1989. The General Assembly endorsed the group's report in resolution 45/57 C adopted in December 1990. During the group's existence, the Security Council also passed resolution 620 in August 1988 (mentioned in the Security Council section above) which implicitly endorsed the mechanism by encouraging the Secretary-General to investigate allegations "promptly". A further two investigations were carried out in 1992, these being the most recent to have been conducted.

Locations visited by investigators under this mechanism and the reports that were produced are as follows: Thailand, (A/36/613, 20 November 1981); Pakistan, Thailand, (A/37/259, 1 December 1982); Iran, (S/16433, 26 March 1984 [also issued as A/39/210]); European hospitals, (S/17127, 24 April 1985); Iran, S/17911, 12 March 1986); Iran & Iraq, (S/18852, 8 May 1987); Iran & Iraq, (S/19823, 25 April 1988); Iran, (S/20060, 20 July 1988 [released 1 August 1988]); Iraq, (S/20063, 25 July 1988 [released 1 August 1988]); Iran, (S/20134, 19 August 1988); Mozambique, (S/24065, 12 June 1992); and Azerbaijan, (S/24344, 24 July 1992).

During the 1990s, the mechanism was somewhat neglected as international attention focused on the entry into force of the CWC and on the efforts to negotiate a protocol to the BWC. Recently however, more attention has been paid to the mechanism, particularly in the reports released by the Secretary-General himself. The 2004 High-Level Panel report, *A More Secure World*, stated that “the Security Council should avail itself of the Secretary-General’s roster of inspectors for biological weapons, who should remain independent and work under United Nations staff codes.” The Secretary-General’s report to the 2005 World Summit, *In Larger Freedom*, said that “the capability of the Secretary-General to investigate suspected use of biological agents, ... , should be strengthened to incorporate the latest technology and expertise; and the Security Council should make use of that capability”. Most recently, under General Assembly resolution 60/288 adopted in September 2006 states “encourage the Secretary-General to update the roster of experts and laboratories, as well as the technical guidelines and procedures, available to him for the timely and efficient investigation of alleged use”. In the Final Document of the Sixth Review Conference, States Parties to the BWC noted “that the Secretary-General’s investigation mechanism...represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons”.

In 2007 the Office for Disarmament Affairs (ODA) organised two meetings of a group of experts with the participation of representatives of a number of relevant international organizations. The group discussed the update of the 1989 Guidelines and Procedures. It decided to leave the main document from 1989 unaltered and recognised that a broad review process would necessarily entail the direct involvement of Member States. The group prepared revisions of the Appendices associated with the guidelines and procedures, in particular taking into account the developments in the biological area. The updated Appendices focus on relevant technical biological aspects of investigation of alleged use and are available at [http://www.un.org/disarmament/WMD/Secretary-General\\_Mechanism/appendices/](http://www.un.org/disarmament/WMD/Secretary-General_Mechanism/appendices/)

In January 2009, a work plan for joint activities and collaboration was agreed with WHO. Upon a request by ODA, WHO reviewed and provided substantive input to the draft operational manuals prepared by ODA. WHO and ODA prepared a special Memorandum of Understanding on issues of cooperation in investigations of alleged use. The cooperation was expanded to include participation of roster experts in specific WHO training activities, sharing of information on outbreak response procedures and field operations as well as facilitating planning and logistic support. Other areas of cooperation are also included. Ongoing discussions are occurring with FAO and OIE to establish similar collaborative relations.

The first-ever training course for experts was offered by the Government of Sweden and was conducted in cooperation with ODA in Umeå, Sweden from 25 May to 5 June 2009. Fourteen national experts from fourteen Member States completed the training course.