

## **Implementing the UN Secretary-General's mechanism on alleged use investigations for chemical, biological and toxin weapons\***

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\* This presentation represents the views of the presenter and not necessarily the views of the United Nations Secretariat.

The absence of a dedicated inspection and verification regime for the Biological Weapons Convention to ensure compliance with the Convention has been a source of concern for many Member States. Article VI of the Convention states that any State Party which suspects any other State Party to be acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the United Nations Security Council, which may in turn carry out an investigation. This article was never acted upon. Moreover, the United Nations Security Council has no standing inspection capacity.

Therefore, efforts to strengthen the United Nations' Secretary-General's mechanism in case of use of chemical, biological or toxin weapons have increased over the last years.

The Secretary-General's mechanism is an international instrument for the investigation of allegations of use of chemical, biological or toxin weapons in an impartial manner which is triggered by a request from any Member State. The Secretary-General's mechanism was developed in the late 1980s in response to allegations of use of chemical weapons in the Iran-Iraq conflict and elsewhere.

The purpose of the Secretary-General's mechanism is to carry out prompt and efficient fact-finding missions in response to a request from any Member State to investigate alleged violations of the 1925 Geneva Protocol (which prohibits the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare) or any other customary international law. The prohibition extends therefore to the use against not only humans, but also against animals and plants to inflict damage and harm.

The mechanism consists of technical guidelines and procedures and a roster of experts and laboratories for the efficient investigation of reports of the possible use of chemical, biological or toxin weapons. The technical guidelines stipulate that the Secretary-General compiles, maintains and updates a list of qualified experts whose services could be made available at short notice to undertake such an investigation. The update of laboratories is to ensure that they possess the appropriate and requisite analytical capability to undertake testing of the presence of such agents. In this context, the Secretary-General is also invited to seek assistance as appropriate from relevant international organizations since their work in disease

surveillance and response complements significantly the implementation of an alleged use investigation.

The guidelines and procedures for the investigations also contain detailed information on procedures before and during a fact-finding mission and cover, *inter alia*, the type of information to be provided by a Member State when reporting the possible use of chemical, biological or toxin weapons in order to ascertain the facts; the preparation for and carrying out the fact-finding missions and the technical relevant procedures, including for on-site and near-site investigations; the role of consultants, experts and laboratories, and the drafting and content of the investigation report.

Furthermore, the guidelines allow for training to be made available by Member States to qualified experts. The Government of Sweden conducted the first ever such training course in June 2009, in cooperation with the Office for Disarmament Affairs where WHO provided five instructors with extensive field experience. Training activities for experts on the Secretary-General's roster were undertaken in close cooperation with specialized international organizations, such as the Organisation for the Prohibition of Chemical Weapons (OPCW), WHO and Interpol. Further training activities will increase the efficiency of the fact-finding team. Additional training events and educational activities are planned and could further enhance the skills of experts from the roster.

The Secretary-General's mechanism draws upon expertise and capabilities developed by UN Member States, UN bodies and other international organizations. The updated roster of experts now contains nominations of some 130 biological experts from 40 Member States and also from international organisations. A wide range of laboratories is also needed to support a comprehensive biological analytical capability covering bacteria, viruses, fungi and toxins that affect humans, animals and plants. Currently, there are some 30 diagnostic and analytical laboratories nominated by Member States, including one mobile laboratory for field deployment. These laboratories may be called upon by the Secretary-General to participate in interlaboratory calibration studies in order to establish validity and accuracy.

In September 2006, the General Assembly adopted the UN Counter-Terrorism Strategy<sup>1</sup> which specifically encouraged the Secretary-General to update the technical guidelines and procedures as well as the roster of experts and laboratories. Such an update was undertaken in 2007 by a group of experts from interested Member States and representatives of international organizations, including the OIE, the World Health Organisation and Interpol.

The update also took into consideration that in case of use of chemical weapons, following the entry into force of the Chemical Weapons Convention in 1997, investigations of alleged use would fall under the responsibility of the OPCW. The Chemical Weapons Convention was the first disarmament agreement negotiated within a multilateral framework that provides for the elimination of an entire category of weapons of mass destruction with an effective verification regime. This verification regime also includes special arrangements for alleged use investigations.

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<sup>1</sup> A/RES/60/288 (2006)

For cases of alleged use of chemical weapons involving a State not Party to the Chemical Weapons Convention or in a territory not controlled by a State Party, the Organisation would closely cooperate with the Secretary-General of the United Nations and if so requested, the OPCW would put its resources at the disposal of the Secretary-General of the United Nations.

The investigation of allegations of use of biological weapons remains an almost uncharted area. Therefore, the current focus on updating the Secretary-General's mechanism is in the biological weapons area. In 2004, the States Parties to the BWC recognized in the Report of the Meeting of States Parties that "the Secretary-General's investigation mechanism, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons".<sup>2</sup>

This year's meeting of experts to be held in Geneva in August will discuss the provision of assistance and coordination with relevant organizations in cases of alleged use of biological or toxin weapons as well as improving national capabilities for disease surveillance, detection and diagnosis and public health systems.

Over the past two decades since the mechanism was established, considerable experience has been gained by international organisations which are involved in epidemiological investigations of natural outbreaks of diseases. In order to strengthen the Secretary-General's efficiency the UN Secretariat has broadened and strengthened its cooperation with these relevant international bodies.

The Office for Disarmament Affairs in collaboration with the World Health Organisation has formulated a formal agreement on issues related to investigations which allows for the provision of sharing relevant technical support and equipment and for seconding its staff as appropriate. In this regard, a work plan between the WHO and UNODA was prepared in January 2009. Further collaboration is envisaged in education and training activities, the sharing of response and field operations procedures. A similar type of collaboration is being sought with OIE.

The ultimate objective for the efforts to reinvigorate the Secretary-General's mechanism is to create, based on the existing mandates, an effective and operational tool for investigation of alleged use of chemical, biological and toxin weapons.

Given the lack of relevant provisions for verification under the Biological Weapons Convention, the Secretary-General's capacity to investigate alleged biological attacks is a means to strengthen international norms against the use of such weapons. Though by no means does it represent a verification body for the Biological Weapons Convention, it is the only existing international instrument for investigation of alleged use of biological weapons in an independent and impartial manner. The refinement of this mechanism is an effort to make it more relevant in today's world. This mechanism clearly represents a state-of-the art and independent United Nations tool for addressing serious violations of international norms against the use of chemical, biological and toxin weapons.

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<sup>2</sup> BWC/MSP/2004/3