

**Seventh 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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Preparatory Committee

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Organization of the Review Conference: Background documentation

**Information provided to past review conferences on
compliance by States Parties with their obligations under the
Convention**

Submitted by the Implementation Support Unit*

I. Introduction

1. Each of the preparatory committees for the last six review conferences of the Convention has requested the secretariat to compile a background information document on compliance by States Parties with all their obligations under the Convention. The secretariat was to request States Parties to provide the relevant information, and the document was compiled solely from the information provided by States Parties, which varied widely in length, format and content. To assist States Parties to decide what background information documents they might wish to request for the Seventh Review Conference, the current paper provides an overview of the types of information provided by States Parties in documenting their compliance with the Convention's obligations.

2. In preparing this paper, the Implementation Support Unit (ISU) examined the following compliance reports¹:

Sixth Review Conference	BWC/CONF.VI/INF.6
Fifth Review Conference	BWC/CONF.V/3, Add.1-9 and Corr.1
Fourth Review Conference	BWC/CONF.IV/3, Add.1-3 and Corr.1-2
Third Review Conference	BWC/CONF.III/3 and Add.1-3
Second Review Conference	BWC/CONF.II/3 and Add.1-5
First Review Conference	BWC/CONF.I/4

* / Document submitted after due date.

¹ All these documents can be found online at: <http://www.unog.ch/bwc/docs>

3. A total of 52 States Parties have provided compliance information to at least one review conference. A further four states no longer in existence have also provided information (see annex). Only two States Parties have provided compliance information to every review conference².

II. Trends in compliance reporting

4. Participation in compliance reporting at review conferences seems to be in decline. Almost a third of States Parties provided information to the First Review Conference in 1980. By the Fourth Review Conference in 1996 this had fallen to 21%. By the Sixth Review Conference, only 13% of States Parties participated in compliance reporting.

5. Information provided by States Parties, however, does seem to have become more detailed. The 25 returns made to the First Review Conference totalled 14 pages in English. In 1996 for the Fourth Review Conference, there were a total of 46 pages of information in English from the 29 returns. Although the Sixth Review Conference only received 20 returns, they totalled some 60 pages in English.

6. This increase in content might have been due, in part, to a trend to move from passive reporting (statements to the effect that prohibited activities are not taking place) to more active reports (details of the activities and efforts undertaken to meet the obligations). At the First Review Conference 56% of returns did not provide any information in the areas identified in this paper (see below); most simply announced that the state in question was complying with its obligations. By the Fourth Review Conference, only 34% of returns fell into this category. At the Sixth Review Conference every return (100%) provided at least some information for one of the areas discussed in this paper.

7. There is also a trend towards increasing the amount of supplementary information provided. Many of the early returns made simple statements and provided few if any details of actual measures. That was later supplemented by the identification of specific measures or activities. More recently summaries of what the measures do (or links to additional information) have been provided. For example, only 10% of returns to the First Review Conference identified what the relevant national laws and regulations were and only 4% provided summaries of what they did. By the Fourth Review Conference 39% of States Parties were reporting specific laws and regulations and 18% of returns included summaries. At the Sixth Review Conference, 70% of returns included mention of specific laws and regulations and 60% provided summaries or links.

III. Approaches to compliance reporting

8. States Parties have largely adopted one of three different approaches to providing information on how they comply with their obligations under the Convention. Just over a third of States Parties (36%) provided their information structured by the articles of the Convention. They provided details as to how they meet the obligations of some or all of the individual articles. Almost two-thirds of States Parties (61%) adopted a more thematic approach. They provided information on specific types of activities or made statements that addressed different facets of how they translate their obligations into national action (such as their export control arrangements, or their work with international partners). Four submissions (3%) focused entirely on national implementation legislation.

² The United Kingdom of Great Britain and Northern Ireland and the Soviet Union/Russian Federation.

9. Many States Parties have opted to include definitive statements of their compliance with some of the obligations of the Convention. Such statements most commonly relate directly to Articles I, III and X. Over three quarters of past submissions (78%) have included either a generic statement that the State Party is in compliance with its obligations under the Convention, or a statement to the effect that it is not developing, producing or stockpiling biological weapons. Just over a third of States Parties have made similar statements about not transferring or enabling others to develop biological weapons (35%) or on their efforts to facilitate the peaceful use of biology (37%).

IV. Areas covered by compliance reports

10. By reviewing the compliance reports compiled by previous review conferences, it has been possible to identify a range of areas found in the contributions made by States Parties. The individual areas can be grouped together into four themes: national activities; international activities; assistance; and participation. No State Party has reported on efforts in all four of these areas. The decision as to which areas are pertinent (and which are not) is a national prerogative. It is hoped that identifying the areas covered by past compliance reports will facilitate national decisions on areas that might be covered should States Parties prepare reports for the Seventh Review Conference.

A. National activities

11. Aspects of national activities covered in compliance reports submitted by States Parties have included:

- (a) The presence of relevant national laws and regulations, as well as a summary of measures and arrangements or a link to their text;
- (b) The existence of a National Point of Contact;
- (c) The presence of an export (and import) control regime, as well as a summary of measures and arrangements or a link to their text;
- (d) The presence or absence of any biodefence activity, as well as a summary of activities or a link to additional information;
- (e) The presence of biosafety and biosecurity regimes, or efforts to strengthen such capacity, as well as a summary of measures, arrangements and activities or a link to additional information;
- (f) The presence of education and outreach activities with the life sciences (including codes of conduct), as well as a summary of activities or a link to additional information;
- (g) Interactions with industry and the private sector, as well as a summary of activities or a link to additional information;
- (h) The presence of disease surveillance regimes, or efforts to strengthen such capacity, as well as a summary of measures and arrangements or a link to additional information; and
- (i) The presence of an emergency response capacity that might be used following the use of a biological weapon, or efforts to strengthen such capacity, as well as a summary of measures and arrangements or a link to additional information.

B. Working with other States Parties

12. To illustrate how they comply with their obligations some States Parties provided details of how they work with other States Parties, including:

- (a) The presence of relevant bilateral or collective cooperation, as well as a summary of activities or a link to additional information;
- (b) An offer to provide assistance in implementing the Convention and/or following the use of a biological weapon³;
- (c) Participation in meetings held under the auspices of the Convention (such as Meetings of Experts and Meetings of States Parties); and
- (d) Participation in the Confidence-Building Measures.

C. Working in regional forums

13. To illustrate how they comply with their obligations some States Parties provided details of how they work in regional forums, including through the presence of relevant regional initiatives, as well as a summary of activities or a link to additional information.

D. Working in other international forums

14. To illustrate how they comply with their obligations some States Parties provided details of how they work in other international forums, including:

- (a) Reports provided to the United Nations Security Council Resolution 1540 Committee, as well as a summary of the information provided or a link to additional information;
- (b) Status with, and any relevant reservations to, the Chemical Weapons Convention;
- (c) Status with, and any relevant reservations to, the 1925 Geneva Protocol;
- (d) Participation in other relevant international regimes, such as the Australia Group or Proliferation Security Initiative;
- (e) Relevant efforts under the United Nations Secretary-General's investigative mechanism, as well as a summary of activities or a link to additional information;

E. Working with international organizations

15. To illustrate how they comply with their obligations some States Parties provided details of how they work with international organizations, including efforts to build international health capacity, with the Food and Agriculture Organization, the World Health Organization or World Organization for Animal Health or through other international organizations, as well as a summary of measures, arrangements and activities or a link to additional information.

³ To date, no State Party has provided details in its compliance report as to what type of assistance would be available

Annex

List of states that have provided compliance information to past review conferences

Key: 1RC = First Review Conference, 2RC = Second Review Conference, etc

I. States Parties

1. Argentina (6RC, 5RC)
2. Australia (6RC, 5RC, 4RC, 3RC, 2RC)
3. Austria (3RC)
4. Belarus (5RC, 4RC, 1RC)
5. Belgium (1RC)
6. Benin (1RC)
7. Bulgaria (5RC, 4RC, 3RC)
8. Canada (5RC, 4RC, 3RC, 2RC, 1RC)
9. Cape Verde (1RC)
10. China (6RC, 5RC, 4RC, 3RC, 2RC)
11. Colombia (4RC)
12. Cuba (6RC, 5RC)
13. Cyprus (4RC, 1RC)
14. Czech Republic (6RC, 4RC)
15. Denmark (4RC, 3RC, 2RC, 1RC)
16. Estonia (6RC)
17. Finland (6RC, 5RC, 4RC, 2RC, 1RC)
18. France (6RC, 4RC, 3RC, 2RC)
19. Germany (6RC, 4RC, 2RC)
20. Greece (5RC, 1RC)
21. Hungary (6RC, 1RC)
22. India (4RC, 1RC)
23. Italy (6RC, 4RC, 3RC)
24. Japan (6RC, 5RC)
25. Kuwait (1RC)
26. Laos (1RC)
27. Latvia (5RC)
28. Lebanon (5RC, 4RC)

29. Luxembourg (4RC)
30. Mongolia (1RC)
31. Netherlands (6RC, 5RC, 4RC, 2RC)
32. New Zealand (5RC, 4RC, 2RC)
33. Nigeria (6RC)
34. Norway (3RC, 2RC, 1RC)
35. Pakistan (5RC, 4RC)
36. Philippines (4RC)
37. Poland (5RC, 1RC)
38. Portugal (6RC)
39. Republic of Korea (5RC, 4RC, 3RC)
40. Russian Federation (6RC, 5RC, 4RC)
41. Serbia (6RC)
42. Slovakia (4RC)
43. Spain (1RC)
44. South Africa (4RC)
45. Sweden (4RC, 3RC, 2RC, 1RC)
46. Switzerland (6RC, 2RC)
47. Thailand (3RC)
48. Turkey (4RC, 2RC, 1RC)
49. Ukraine (4RC, 1RC)
50. United Kingdom of Great Britain and Northern Ireland (6RC, 5RC, 4RC, 3RC, 2RC, 1RC)
51. United States of America (6RC, 5RC, 4RC, 2RC, 1RC)
52. Uzbekistan (5RC)

II. Former states

1. Yugoslavia (5RC)
 2. Czechoslovakia (3RC, 2RC)
 3. Soviet Union (3RC, 2RC, 1RC)
 4. German Democratic Republic (1RC)
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