Meeting 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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Biennial item: how to enable fuller participation in the Confidence-building Measures (CBMs)

Confidence-Building Measures: enabling fuller participation

Submitted by Switzerland

I. Introduction

1. Switzerland attaches great value to the BWC's Confidence-Building measures. They continue to be the only instrument for States Parties to the BWC that establishes some degree of transparency, provides information about the implementation of the Convention and that allows for demonstrating compliance to a certain extent. The broad objectives set forth for the CBMs when they were established in 1986 remains entirely valid. The challenge today is to ensure that the CBM process and the individual forms enable us to meet these objectives.

2. Switzerland is convinced that the number of returns, that is, the fuller participation in CBMs, is inextricably linked to the relevance of the information to be provided in the CBMs. We are of the view that the core requirements of the CBMs are still valid. Hence, in order to "enable fuller participation in the CBMs" we need to discuss the contents of the CBM Forms themselves. We need to assess whether we are asking the right questions, also taking developments in science and technology into account, in order to keep the process relevant.

3. Not only the quantity but also the quality of CBM returns has to be addressed. Switzerland, like other States Parties regularly filing CBM returns, believes that having an effective system in place at the national level to collect and compile all necessary data from the diverse pertinent domestic agencies is of primary importance. At the national level, the process of collecting CBM-relevant information also has the benefit of drawing together stakeholders and of reinforcing national coordination, awareness and oversight.

4. Switzerland is of the view that fuller participation in the CBMs is a direct indicator of States Parties' attitude towards the importance of fulfilling the Convention's

requirements. Only with qualitatively acceptable annual returns transparency and confidence will increase.

II. Asking the right questions: suggestions

5. Exchange of data on research centres and laboratories (Form A, part 1):

(a) Instead of focussing solely on maximum biosafety level laboratories, we should also seek to address activities and related facilities pertaining to technologies relevant to the Convention, such as synthetic biology.

(b) Furthermore, sharing additional information on measures related to biosafety and biosecurity in BSL4 facilities would add transparency in terms of the discussions revolving around the dual-use dilemma. Such measures would allow an assessment of the safe and secure application of said technologies.

6. Exchange of information on national biological defence research and development programmes (Form A, part 2):

(a) Another measure for increased transparency and relevance is to declare information on biological defence programs in general and not only on biodefence research and development programs. Such information would also show capabilities and capacities of relevance to the Article X database.

(b) Additionally, we propose sharing information on oversight mechanisms, such as information on biosafety and biosecurity boards overseeing research and development programs, directed toward ensuring compliance with the provisions of the Convention.

7. Declaration of legislation, regulations and other measures (Form E):

(a) In order to make further progress in national implementation, we suggest expanding Form E significantly. Instead of only having to check a box and to simply [Quote] "... be prepared to submit copies of the legislation or regulations, or written details of other measures on request to the Implementation Support Unit ..." [/Unquote], we should specifically ask for this information to be provided in Form E by stating that "States Parties shall submit detailed information on the respective legislation, regulations and other measures".

(b) Furthermore, we see merit in adding a sentence giving the opportunity to mention assistance offers and requests as follows: "States Parties should indicate areas in which assistance to further implementation of legislation, regulations and/or other measures would be welcomed or could be offered, providing a point of contact to whom such offers might be directed."

8. Declaration of past activities in offensive and/or defensive biological research and development programmes (Form F): Switzerland would welcome a discussion on the questions contained in Form F dealing with past offensive and defensive programmes and on whether to ask for additional (declassified) details, which could provide assurances of States Parties' compliance.

9. Declaration of vaccine production facilities (Form G):

(a) The evolution of biological concepts needs to be taken into consideration in this form. As a matter of fact, the traditional understanding of the term "vaccine" gets blurred, that is, vaccines can be of different use, such as prophylactic or therapeutic. Hence, there is no longer a clear cut line between vaccines and drugs or pharmaceuticals in general. We therefore believe that there is a need for a discussion of these highly relevant

developments in science & technology, especially today's production technologies, in order to be able to address them in a proper and up-to-date way.

(b) Due to these technological developments in recent years, we deem asking for declarations of relevant animal vaccines facilities an important issue to consider, in addition to declarations of human vaccine facilities.

(c) There is no production size limit included in the questions to be answered. However we deem it important to distinguish commercial production scales as opposed to small single lot productions for clinical trials that are only licensed for this particular purpose. We believe that this issue needs also to be addressed with appropriate adaptations to the current wording.

(d) Currently, Form G asks for vaccines produced on a State Party's territory that are licensed by the State Party. Current trends in industry reveal that some companies produce vaccines on a State Party's territory that are licensed exclusively in other sovereign states. We feel that these kinds of production facilities should be captured by Form G, but they are not: neither the State Party having the production facility on its territory, nor the State Party in which the vaccine is licensed has currently the obligation to declare such facilities in Form G.

III. Facilitating the process

10. Switzerland believes that an easy to use electronic process for the CBMs could in fact "enable fuller participation in the CBMs". Switzerland therefore commends the EU for its welcomed efforts in developing an electronic platform to, inter alia, compile, submit and retrieve CBM declarations.

11. We also welcome other efforts aimed at facilitating work with, and access to, the CBM declarations, such as the provision of translations into additional languages.

IV. Conclusion: We need to ensure that the CBM process is politically relevant

12. We need to make the CBMs politically more relevant as well. We have to work towards submissions that are complete, accurate, and consistent with other sources of information. In addition, we have to achieve a common understanding as to how we handle and process the wealth of information submitted by States Parties in a systematic way, and how we intend to address any ambiguities, doubts and suspicions in light of Article V's aim towards increased transparency. The declaration of legislation, regulations and other measures in Form E plays an important role in terms of giving some insight into the status of national implementation, which we believe is one of the key compliance indicators.

13. In order to consolidate our efforts to strengthen national implementation, and particularly engage in finding practical solutions to better assess the status of national implementation based on information on national implementation measures, it will be important to address the issues outlined in this Working Paper in the context of the Standing Agenda Item on Strengthening National Implementation in the next two years leading to the Eighth Review Conference.

14. Finally, we would like to underline our view that submitting CBMs is not voluntary, but a political obligation pertaining to BWC compliance that needs to be respected by all States Parties to the Convention.