

**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**

3 December 2013

English only

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**2013 Meeting**

Geneva, 9–13 December 2013

Item 10 of the provisional agenda

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

**Confidence-building measures: time to redouble efforts for  
effective action**

**Submitted by the United States of America**

**I. Introduction**

1. This year's Meeting of States Parties (MSP) is the last of the current intersessional program for which confidence-building measures (CBMs) appear as a biennial agenda item. To fulfil the mandate given by the Seventh Review Conference – to promote common understanding and effective action on how to enable fuller participation in the CBMs – the MSP should seek to achieve a clear understanding of why participation in the CBM process is perennially low, and to identify practical, effective steps that can be taken to move toward universal participation.

2. Discussion in BWC intersessional meetings should have provided a valuable opportunity to better understand low CBM participation rates and to consider possible solutions: after all, in any given year, the majority of States Parties do not submit CBMs. Unfortunately, appetites for discussing the CBM agenda item during 2012 and 2013 have been minimal. Up to now, each of the previous plenary sessions devoted to CBMs ended early. While many States Parties noted the importance of CBMs during these abbreviated sessions, there was disappointingly little discussion about why the rate of participation remains so low in a regime widely noted as an important component of national implementation.

3. Although the Seventh Review Conference took steps to streamline CBM reporting requirements, and the 2012 MSP identified some modest steps that could improve participation, States Parties collectively seem to lack a clear understanding of the problem or of how to adequately respond to it. Meanwhile, the situation is getting worse, rather than better: the rate of CBM returns for 2013 is the lowest in nearly a decade. While States Parties may continue to address this topic, either under the Standing Agenda Item on national implementation or among groups of interested countries, time is running out on our best opportunity to address the problem of low CBM participation.

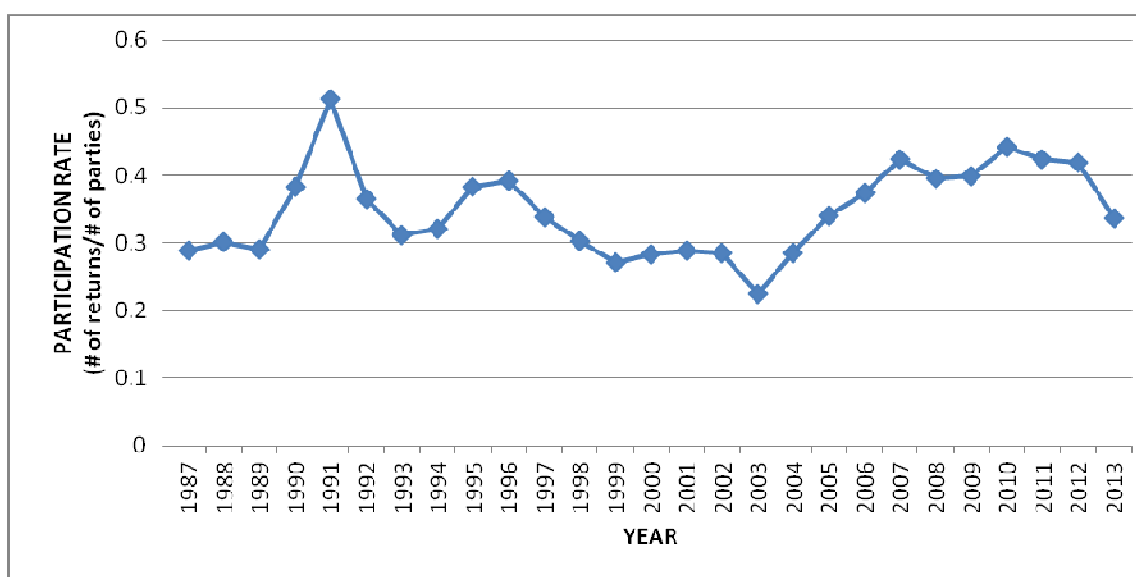
## II. By the numbers

4. The latest CBM submission data available on the ISU website<sup>1</sup> indicate that the average participation rate per year since 1987 is 35 per cent<sup>2</sup>. While participation improved slightly in recent years, hovering near or above 40 per cent since the Sixth Review Conference, the fact remains that with the exception of one year (1991), the participation rate has not exceeded 50 per cent (see graph below). As of 27 November, only 34 per cent of Parties have submitted CBM returns in 2013 – the lowest participation rate since 2005.

5. Of a current total of 166 States Parties, 52 (or 31 per cent) have never submitted a CBM return<sup>3</sup>. Nearly half of these (a total of 24) have been party to the BWC since the CBM regime began in 1987.

6. While there has been some variation in the participation rate since 1987 (see graph below), the fact remains that on average, only about one-third of States Parties have participated in a given year. There can be little dispute that in order to invigorate the CBM regime, a fundamental question must be addressed: Why do States Parties not participate? Without an understanding of why – informed by inputs from States Parties themselves – this Convention cannot achieve anything close to universal CBM participation.

**Graph: rate of participation in the CBMs**



7. The reasons for low participation remain unclear. States Parties have suggested several plausible explanations, which are by no means mutually exclusive: that CBMs may be a burdensome reporting requirement; that the intragovernmental communication and

<sup>1</sup> [http://www.unog.ch/80256EE600585943/\(httpPages\)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument)

<sup>2</sup> For each year, the total number of CBM returns was divided by the total number of parties to the BWC as of the prior year (since CBMs comprise data from the prior calendar year).

<sup>3</sup> The Convention welcomed four new States Parties in 2013. These four new Parties were excluded from the total, since CBM returns are compiled using the prior calendar year's data; therefore, a total of 166 States Parties was used to calculate this percentage.

coordination required may pose a challenge; and that a perceived lack of utility or political relevance gives States Parties little incentive to submit. Several possible actions have been suggested on the basis of these explanations. The problem is that, almost without exception, the States Parties suggesting these explanations and actions have exemplary records of CBM submission—and are probably not the best-suited to propose remedies for others.

8. For States Parties lacking biodefense programs and BSL-4 facilities, the data requirements of the CBMs are in fact quite minimal. Moreover, a substantive CBM submission is required only when information has changed. The one-page Form 0 permits a State Party to simply record that there is “nothing to declare” or “nothing new to declare” under individual CBM forms and submit only those additional forms (if any) necessary to update information.

### **III. Recommendations**

9. Building on the measures agreed in 2012, the 2013 Meeting of States Parties should:

(a) Urge the ISU to conduct a comprehensive survey of all States Parties to learn, *inter alia*, specific impediments to CBM participation – an essential endeavor to develop common understanding. While the ISU should report the percentage of States Parties participating in the survey, answers should remain anonymous.

(b) Commit to reviewing the anonymous survey results and using them to devise effective actions for consideration at the Eighth Review Conference.

(c) Establish a CBM assistance network, to be coordinated by the ISU, which facilitates voluntary information sharing among ministry officials ranging from the very experienced to those for whom CBM submission is a new responsibility. The experiences of network participants could then be presented to States Parties in advance of the Eighth Review Conference to inform them of best practices and lessons learned within the network.

(d) Support the upcoming “beta” test phase of electronic CBM platform development, when ministry officials will be needed to try the platform and provide feedback to the developers to enable its optimization.

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