
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

6 December 2013

English only

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Geneva, 9–13 December 2013

Items 7–10 of the provisional agenda

Standing agenda item: cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X

Standing agenda item: review of developments in the field of science and technology related to the Convention

Standing agenda item: strengthening national implementation

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

Getting past yes: moving from consensus text to effective action

Submitted by Australia, Canada, France, Germany, Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America

I. Introduction

1. The purpose of the intersessional program established by the Seventh Review Conference is to “promote common understanding and effective action” on the issues included in the program of work. There are a variety of means through which common understandings are developed and expressed, and a range of ways in which States Parties may take effective action, whether individually, in small groups, or collectively. One such means is the reports of the annual Meetings of States Parties, which can be used to record such understandings. However, arriving at consensus report language on any given topic is not necessarily the same thing as “promoting common understanding,” much less “effective action.”

2. The new intersessional structure established by the Seventh Review Conference opens up important opportunities to strengthen the BWC, both because of the wide-ranging nature of the agenda, and because topics are addressed recurrently over the intersessional period, allowing for incremental progress. To achieve the goals of promoting common understanding and effective action through the report of the meeting, BWC States Parties must seek to identify and address issues where:

(a) There is something new to say: the repetition of agreed language on familiar topics does not, as a rule, further advance our shared understanding;

(b) There is enough agreement that something specific can be said: more contentious issues are expressed in general or even ambiguous language that promotes neither common understanding nor action. Specific language, on the other hand, can progressively refine and harmonize views—or more fully elucidate differences of opinion. We should be prepared to note areas where further consideration is required or indeed that there are currently no common understandings,

(c) There is something for States Parties to do: States Parties may be able to reach agreement on a wide range of things, but there is little benefit to pursuing common understandings unless they point clearly to actions that could be taken by States Parties to strengthen the Convention now without waiting for the next Review Conference.

3. Guided by these principles, we have carefully reviewed the Chairman's synthesis paper (BWC/MSP/2013/L.1), as well as the compilation of considerations, lessons, perspectives, recommendations, conclusions and proposals shared at the Meeting of Experts in August, and submit for consideration the following proposed common understandings on topics under discussion.

II. Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X

4. States Parties may be able to agree that use of the Assistance and Cooperation Database to date should be welcomed, but that greater use should be encouraged, both to communicate offers and to submit requests. In this context, States Parties might agree on the value of:

(a) Making offers of assistance/cooperation accessible on the open Implementation Support Unit (ISU) website, and prominently featuring a link to these offers on the main webpage;

(b) Requesting States Parties that have submitted offers to regularly update contact and other information;

(c) Requesting the ISU to explore more effective means of bringing assistance requests to the attention of States Parties that have made potentially relevant offers of assistance;

(d) Requesting the Chairman and the ISU to highlight the database and related assistance in the course of their outreach and universality efforts;

(e) Reviewing the status of these efforts, and of use of the database, on the basis of the Report of the ISU for 2014.

5. States Parties may also be able to agree that relatively few States Parties have to date submitted reports on their implementation of BWC Article X as requested by the Review Conference. Such reports are a valuable contribution to our efforts to strengthen implementation of this aspect of the Convention. In this context, States Parties might agree on the value of:

(a) Encouraging States Parties to submit reports as requested by the Review Conference;

(b) Inviting the Chairman to remind States Parties of this request when writing to remind them of the call by the Seventh Review Conference to participate annually in the CBMs.

6. On the basis of the presentation by representatives of WHO, WIPO, and WTO concerning access to and innovation of medical technologies, and subsequent expert

discussion, BWC States Parties may be in a position to recognize the important role played by the private sector in international exchange in the life sciences for peaceful purposes. If so, States Parties might agree on the value of reviewing their national regulations and policies with a view to ensuring that they create an environment conducive to these goals.

III. Review of developments in the field of science and technology related to the Convention

7. During the Meeting of Experts, the issue of dual-use research of concern (DURC) was a major focus of discussion under the S&T agenda item. Although areas of disagreement could be discerned, there also appear to be significant areas of potential agreement that could provide the basis for useful common understandings. States Parties may, therefore, be in a position to note that some life-science research may have both beneficial applications and the potential, if misused, to cause significant harm. In this context, States Parties might be able to agree on the value of:

(a) Developing appropriate national oversight measures to identify and manage such risks; such measures should be proportional, taking into account both risks and benefits;

(b) Undertaking efforts to engage the scientific community, research funding organizations and, when appropriate, industry in dialogue about how best to identify and manage DURC; and

(c) Sharing information about oversight frameworks, guiding principles, and practical experience with other States Parties.

8. States Parties have often reaffirmed the importance of keeping up with S&T developments but, given the rapidity with which these developments take place, keeping up is a difficult task – especially for non-scientists who comprise the majority of delegates. Another difficulty is the lack of a tried-and-true process for keeping up – how can diplomats learn what is truly new, important and directly relevant to this Convention? The breakdown of the standing agenda item on S&T into specific annual subject areas was designed to produce a coherent evaluation of S&T developments to inform the 2016 Review Conference, but this cannot be accomplished without better integration of expertise into the process. With this in mind, States Parties might be able to agree on the value of:

(a) Making life science technical experts routine members of delegations to Meetings of Experts, and encouraging their interaction and collaboration;

(b) Considering optimal ways that technical experts and diplomats can exchange information at BWC meetings to mutual benefit – for example, how technical experts can convey directly relevant S&T developments to diplomats, and how policy makers can educate technical experts about relevant governance issues.

IV. Strengthening national implementation

9. States Parties may be able to agree that compliance with the BWC requires that a State Party not only refrain from certain activities, but also to take a number of affirmative steps, including those necessary to prohibit and prevent anyone on their territory or under their jurisdiction or control from acquiring or developing biological weapons. States Parties have already agreed on the value of effective national export measures, pathogen control lists, and measures to ensure appropriate biosafety and biosecurity. They have also agreed on the value of complementary outreach and education measures and the importance of

regular review and updating of such measures, and have previously taken steps (establishment of a national implementation database, expansion of CBM Form E) to improve information about national measures—but such information tends to be fragmentary, insufficiently organized, and incomplete. States Parties might, therefore, be able to agree on the value of:

(a) Urging States Parties to provide and regularly update information on their legislative, administrative, and other national measures in the above areas;

(b) Noting that many States Parties could provide such information with little additional effort by submitting the relevant portion of their national United Nations Security Council 1540 matrix or any BWC-relevant legislative surveys that may have been conducted;

(c) Requesting the ISU to explore means of making the information collected more readily searchable;

(d) Emphasizing that such information should be used to identify areas of need for the targeted provision of implementation assistance.

V. How to enable fuller participation in the Confidence-Building Measures (CBMs)

10. States Parties have broadly affirmed the importance of CBMs but seem to lack common understanding of why participation in the CBM regime is perennially low. In order to remedy this, States Parties might be able to agree on the value of:

(a) Directing the ISU to conduct a survey of all States Parties in order to learn, inter alia, specific impediments to CBM participation – an essential first step to developing common understanding;

(b) Committing to review the anonymous survey results and use them to devise effective actions for consideration at the Eighth Review Conference;

(c) Establishing a CBM assistance network, 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.

11. Supporting 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 optimization.
