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

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)

Step-by-step approach in CBM participation

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I. Introduction

1. The confidence-building measures (CBMs) were introduced and agreed upon at the Second and Third Review Conferences in order to contribute to enhancing transparency and confidence building under Article V of the BWC. It was recognised that CBM submissions serve "to prevent or reduce the occurrence of ambiguities, doubts and suspicions".

2. The Seventh Review Conference emphasised "the importance of the exchange of information among States Parties through the confidence-building measures (CBMs)" and "increasing and continuing participation in the CBMs". Equally, it also recognised the "technical difficulties experienced by some States Parties in completing full and timely submissions". In response to the challenges in CBM submissions, the Conference decided to revise the reporting forms in order to reduce the burdens of completion and to further enhance participation of States Parties in CBMs. Additionally, it set out the discussion of "How to enable fuller participation in the CBMs" as one of the biennial agenda items during this intersessional process in 2012 and 2013 to improve the number of participation of States Parties in fulfilling the CBMs regime.

3. However, statistics show that the level of CBM participation has declined in 2013, and that engagement by States Parties continues to remain low even after the introduction of the updated forms. In fact, only one third of States Parties fulfilled their political commitment and submitted CBMs. It is also understood that some States Parties encounter a range of difficulties in completing CBMs, which are beyond mere technical difficulties. For example, some States Parties difficulties start with the coordination process among internal governmental agencies. Based on this awareness, this working paper would like to propose to States Parties which have never submitted or have not annually submitted CBM returns for a "step-by-step approach in CBM participation" to encourage a gradual accumulation in submission of CBM returns, as a practical way of working towards the end-goal of "full and timely" CBM participation.

II. Objective of this approach

4. As a premise, it is widely recognised that the CBM submission requires effort and coordination among internal ministries and agencies in order to collect necessary information to fill out the forms. Establishing a cooperative and supportive relationship with domestic stakeholders is essential to enable States Parties to submit CBM forms periodically. Namely, it is recognized that the first step for CBM submission is building a network among domestic stakeholders in a cooperative manner.

5. However, each internal ministry and agency often has a different perception regarding their own responsibilities related to the BWC, as well as various concerns over the disclosure of sensitive information. In some situations it may be a challenging task to establish cooperative networks beyond the aforementioned differences.

6. Therefore, it would be sensible in the initial years for States Parties to enhance their mutual understanding and to build confidence with domestic stakeholders while keeping their submission forms at the minimum level. This approach could contribute in reducing the burdens in a practical manner and encourage States Parties to submit forms on a continual basis in the future.

7. In light of increasing transparency, one CBM from return would be more beneficial than to not submit any form, and would help build confidence in the context of the BWC.

III. The additional benefits of this approach

8. The proposal of a “Step-by-step approach in CBM participation” would serve to further benefit States Parties that have either never submitted a CBM return or have difficulties in submitting forms annually.

9. Making efforts for CBM submissions in a consecutive manner and taking appropriate steps to fill in the form would enable States Parties to recognise what are potential difficulties to effectively collection of relevant information.

10. Currently, CBM returns from States Parties vary in content, volume, and quality. Additionally, the means and processes of collective work and coordination among internal ministries and agencies are left to the discretion of each State Party. Under such circumstances, other States Parties have almost no means to know and understand what kind of challenges they are faced by others in their process and what reasons prevent them from submitting CBMs.

11. Therefore, it is important for States Parties to recognise these obstacles by taking steps towards participation and to discern what kind of assistance is required. By doing so, assisting States Parties can better consider how to support the specific needs of recipient States Parties.

12. This would contribute to an increase in participation and number, as well as the continuity of CBM submissions, which will generate an increase in transparency and confidence among States Parties.

IV. Practical considerations

13. This approach doesn’t necessarily adhere to the submission order of each form nor prioritise any form. It should also be recalled “that the exchange of information and data, using the revised forms, be sent to the United Nations Department for Disarmament Affairs no later than 15 April on an annual basis” was agreed upon at the Third Review conference,

and the sequential Review Conferences have recognised the importance of full and timely submissions. This approach doesn't promote to simply submit an incomplete set of CBMs, and it intends to improve the number of CBM participants while considering the challenges may be faced in the process to the final goal and encourages States Parties to submit CBM returns with a gradual accumulation.

14. Therefore, at their own initiative, States Parties should be entrusted with a flexible sequence, combination, and time period for a completed submission. In order to illustrate this to States Parties considering this opportunity, concrete examples are in the Annex of this working paper. Additionally, it would be encouraged States Parties in a position of taking this approach to address their commitment to a complete set of CBM submission in foreseeable future and to share their progress situations with other States Parties. These efforts could contribute to promote confidence and transparency among States Parties.

V. Collaborative development with other approaches

15. Continuous efforts for improving the number of States Parties providing CBMs, such as a substantive review of the forms, translation of CBM returns, and the development of an electronic submission platform may be worth considering and would be welcomed, while taking into account exiting procedures already in place in some states parties for effectively collating CBM returns. This approach aims at introducing flexibility for each State Party in the CBM submission process and anticipates a synergistic effect with other initiatives.

VI. Conclusion

16. Although submission of CBM returns is a politically binding obligation, the number of participating States Parties remains low and only one third of States Parties currently fulfil their commitment. As the United Kingdom[1] and the United States[2] pointed out in the 2013 Meeting of Experts, periodic compilation work regarding the BWC national implementation provides States Parties with valuable opportunities to review their current national status of BWC implementation and to consider further possible measures and improvements. In addition, it is critical to enhance transparency and to build confidence through the participation of a CBM regime as one of the measures to reinforce the effectiveness of the BWC and States Parties should continue their political efforts to increase the number of participants in CBMs.

17. As a measure to ease the burden for CBM submissions, this proposal encourages States Parties to submit each CBM form separately and to gradually increase submitting additional forms to meet the objective of CBMs. Japan/co-sponsor submitting this working paper propose(s) that the 2013 Meeting of States Parties encourages the States Parties that have never submitted or have not annually submitted its returns to submit one or two forms as an initial step for their forthcoming CBM submission.

[1] Working paper submitted by the United Kingdom (BWC/MSP/2013/MX/WP.3)
[2] Working paper submitted by the United States (BWC/MSP/2013/MX/WP.9)

Annex

Examples

Example 1

1st year: Form E. 2nd year: Form A & F + updated Form E. 3rd year: Form B+C+G+ updated A, E, F

1. Form E of the CBMs includes a declaration of legislation, and regulations and other measures. Both of these will require information from a number of internal ministries and agencies. Therefore, it is necessary to build a cooperative network among all relevant BWC stakeholders. Recognising such a requirement, the first year is allocated for intergovernmental coordination and only Form E would be submitted. The States Parties could also focus their efforts on coordinating at the national level, while simultaneously, the domestic stakeholders could review the status of national implementation from the point of legislative measures through Form E. After the second year, necessary information for filling in the remaining forms would be easily collected from the relevant ministries and agencies based on the cooperative network built in the first year.

2. In addition, other States Parties could use the information as a positive reference to further consider improvements to their own national measures.

Example 2

1st year: Form E & F, 2nd year: Form A,B,C + G updated Form A+E, 3rd year: review of all Forms

3. In the 1st year, concurrent with our efforts on intergovernmental coordination for the submission of Form E, States Parties would also prepare Form F which includes past activities in offensive and/or defensive biological research and development programmes and in most cases its information could be obtained from the ministries in charge of defence or national security. Based on the network built in the first year, States Parties would work on the remaining forms in the second year and aim at the submission of a completed set of CBM returns in two years.

4. It would be recommended that the information in all the forms and the way of collecting information are reviewed in the third year from the perspective of quality of information and improvement as well as ensuring the domestic network.

Example 3

1st year: Form B & G, 2nd year: Form A,F + G updated Form B+G 3rd year: Form C & E form+ updated Form A, B, F, G

5. This example illustrates the way to involve national stakeholders in the CBM regime gradually and to expand the intergovernmental network each year. In the first year, emphasis will be placed upon building a network with ministries or agencies in charge of public health. The 2nd year, a focus will be towards those responsible for defence or research. The 3rd year, attention will be on trade and exchange. In addition, States Parties could focus on building a network with national stakeholders within a specific field each year.

6. Form A includes relatively sensitive information in the context of national security, such as data on research centres and laboratories, and information on national biological defence research and development programmes. In particular, ministries and agencies in charge of defence and national security would need enough time to consider the information disclosure standards. Therefore, starting a discussion about Form A earlier (in the first year) and giving considerable time to submit Form A (in the 2nd year) could allow stakeholders to provide information after carefully examining its disclosure. Such a consideration could be important to fulfil CBM forms as a political obligation and could contribute to enhance transparency and to build confidence.

7. Regarding Form 0 (a cover page with questions to check boxes), it would be recommended to respond to Yes/No questions to the extent possible, and to be submitted every year with other forms.

Reference: outline of each form

Form A

Exchange of Data on research centres and laboratories, Information on national biological defence research and development programmes

Form B

Exchange of Information on outbreaks of infectious diseases and similar occurrences caused by toxins

Form C

Encouragement of publication of results and the promotion of use of knowledge

Form E

Declaration of legislation, regulations and other measures

Form F

Declaration of Past activities in offensive and/or defensive biological research and development programmes

Form G

Declaration of vaccine production facilities