

《关于禁止发展、生产和储存细菌(生物)  
及毒素武器和销毁此种武器的公约》  
缔约国第六次审查会议

BWC/CONF.VI/WP.4  
20 October 2006

CHINESE  
Original: ENGLISH

2006 年 11 月 20 日至 12 月 8 日，日内瓦

临时议程项目 10

按照第十二条的规定审查《公约》的实施情况

## 推进建立信任措施的进程

法国代表欧洲联盟提交<sup>1</sup>

### 一、建立信任措施的执行情况令人失望

1. 在 1986 年第二次审查会议上制定了与《公约》第五条和第十条有关的建立信任措施，在 1991 年第三次审查会议上进一步发展了这些措施，目的是提高透明度，改善《公约》的执行情况。正如本文件所附研究报告指出的(只有英文和法文文本)，建立信任措施的执行没有达到最初的预期：

- (一) 在建立信任措施方面作出宣布的国家填写表格的方式常常不能令人满意(回答不一致，不完整等等)，以致难以从中清楚地了解情况。
- (二) 总的说来，作出此种宣布的缔约国太少(155 个《公约》缔约国每年作出宣布的有 33 个到 45 个；有 90 个国家从未提交过宣布)。因此，建立信任措施想达成的透明目标的实现情况不能令人满意。
- (三) 鉴于这些事实，欧洲联盟提出一些矫正措施以改善建立信任措施的有用性。在本次审查会议上可以就其中一些措施达成一致，另一些措施可以

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<sup>1</sup> 这是欧盟成员国提交缔约国审议的一系列补充文件之一。加入国保加利亚和罗马尼亚、候选国土耳其、克罗地亚和前南斯拉夫的马其顿共和国、稳定与结盟进程及可能的候选国阿尔巴尼亚、波斯尼亚和黑塞哥维那、塞尔维亚以及乌克兰和摩尔多瓦共和国也赞同本文件。

作为下一个工作方案的一个组成部分在审查会议之后的一次专家会议上审议。

## 二、欧盟对第六次审查会议的建议

2. 为了在普遍性方面取得进展，欧盟支持可以在本次审查会议上讨论的两类措施以推进建立信任措施的进程：技术改进和政策激励。

### 技术改进

3. 可以赋予多项选择问卷以更广泛的作用，以便利负责提交建立信任措施材料的政府部门的工作。事实上，在许多情况下，行政方面的难题大概是不作出建立信任措施方面的宣布的原因。

4. 一张计算机化的建立信任措施表(包括或者不包括多项选择问卷)将使得宣布的标准化成为可能，并且方便政府机构的工作，同时避免对回答范围的任何限制：所有问题将得到保留，对问题的回答将被纳入电子数据段。

5. 电子化的建立信任措施材料还可以使作出的宣布更快捷更容易地传到联合国裁军事务部。不过需要一个安全的系统来进行电子数据的传输。

6. 最后，有能力的缔约国可以向请求帮助的其他缔约国提供支持，帮助它们填报建立信任措施材料。可以通过《生物及毒素武器公约》秘书处请求获得帮助和提议给予帮助。

### 政策激励

7. 由裁军部向所有缔约国发出提交建立信任措施材料的提醒通知：除了保存国发出的提醒通知外，《生物及毒素武器公约》秘书处可以很方便地向所有缔约国发出建立信任措施时间表的提醒通知。可以请缔约国指定一个联络机构来接收这些提醒通知。如果必要的话，可以在 4 月 15 日这一期限之后进一步发出提醒通知。

8. 由联合国秘书长发出额外的年度提醒通知：秘书长可以在每年的 1 月发信给所有缔约国，提醒它们建立信任措施时间表，并鼓励它们在当年的 4 月 15 日以前向裁军部提交宣布材料。

9. 欧盟认为可以很容易地在第六次审查会议上作出这些改变。

### 三、欧盟关于推进建立信任措施进程的进一步建议

10. 建立信任措施材料目前包括两部分：意在阐明建立信任措施填报资料内容的初步宣布，以及具体的 A-G 表。

#### 初步宣布

11. 这样的初步宣布会增加混淆。需要阐明的是：“无情况可供宣布”/“无新情况可供宣布”这样的宣布不能令人满意，因为缔约国的回答并不一定清楚。如果缔约方在“无新情况可供宣布”项上打勾：

- (一) 并且填写相关表格：可以认为该信息是前一年的信息。
- (二) 并且不填写相关表格：可以认为前一年的信息仍然有效。

因此对于同一种情况似乎至少有两种不同的回答方式。

12. 另一方面，如果缔约国在“无情况可供宣布”上打勾：

- (一) 根据逻辑可以断定缔约国没有指出任何东西，一些缔约国的确如此；
- (二) 但如果填写了相关表格，那就解释不清了：该国是否认为信息无关紧要？

因此，对于同一种情况又有了两种回答方式。

13. 某些国家对于同一部分还指出，它们“无情况”可供宣布，并且又“无新情况”可供宣布，这似乎自相矛盾。

14. 初步宣布与表格上的填写项目之间的一致性在国家间有很大差异：

- (一) 许多国家填写的项目很少，解释说它们无情况可供宣布。
- (二) 不过，有一些国家填写的项目很少但未增加任何说明(无情况/无新情况可供宣布)。

15. 总的说来，“无情况可供宣布”/“无新情况可供宣布”这样的宣布有违 1991 年作出规定时的初衷，没有方便对建立信任措施的了解，反而增加了混淆。对初步宣布做某些具体的修订将使建立信任措施更易于理解。

#### 关于澄清初步宣布的提议

16. 按照以下思路重新设计初步宣布表格有可能消除目前的宣布导致的混淆。

贵国今年关于措施 A 第一部分有什么要宣布的吗？

- (a) 是，有首次在本表格中要宣布的情况(请填写表格);
- (b) 是，有已经在本表格中宣布过但需要更新或修订详情的情况(请填写表格);
- (c) 是，但自(年份)以来该信息已经宣布并且没有变化; (无需填写表格)
- (d) 否——关于该表格根本无情况可宣布<sup>2</sup>。

随后对表格 A 到 G 都可以重复这四个问题(包括表格 A 和 B 的所有部分)。

#### 表格 A 到 G 上的问题

17. 对表格上的问题所作回答的质量在国与国之间以及部分与部分之间存在很大差异。因此，新的“执行程序”能够补充或澄清在第三次审查会议上商定的程序：

(一) 建立信任措施“A”：第三次审查会议要求提供符合极高的国家或国际安全标准的研究中心和实验室的资料，“例如生物安全 4 级或 P4 级标准或同等标准”。有必要明确指出必须包含第 4 级实验室，但不限制国家把符合极高安全标准的其他实验室包括进来，从而确保这一规定的意思清楚无误。

(二) 建立信任措施“C”：不是该措施的阐释方式，而是该措施本身可以包含以下说明，以便明确区分“出版物”和“发表政策”：

“鼓励发表有关成果和促进利用有关知识

4.1 研究中心和实验室有关建立信任措施领域的出版物。

4.2 关于生物学研究结果的发表政策。”

(三) 建立信任措施“D”：执行程序可以有两个标题：一方面是过去的研讨会，另一方面是计划的研讨会：事实上，如果不只可以前瞻而且还可以回顾的话，这一部分对缔约国来说更容易填写。

18. 对 1991 年《最后宣言》中通过的初步宣布以及建立信任措施表的这些修订以及可能的其他修订可以在关于建立信任措施的一次闭会期间会议上讨论并商定，并可根据需要提交第七次审查会议。

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<sup>2</sup> 根本无情况可宣布指的是：不管是现在还是过去都没有任何要报告的活动能够证明有理由按照 1986 年和 1991 年《生物及毒素武器公约》缔约国审查会议《最后宣言》的规定提供数据或任何类型的资料。

Annex

[ENGLISH and FRENCH ONLY]

CONFIDENCE-BUILDING MEASURES: ANNUAL INFORMATION EXCHANGE BY  
STATES PARTIES  
(REPORTS 2000-2005)

## I. Introduction

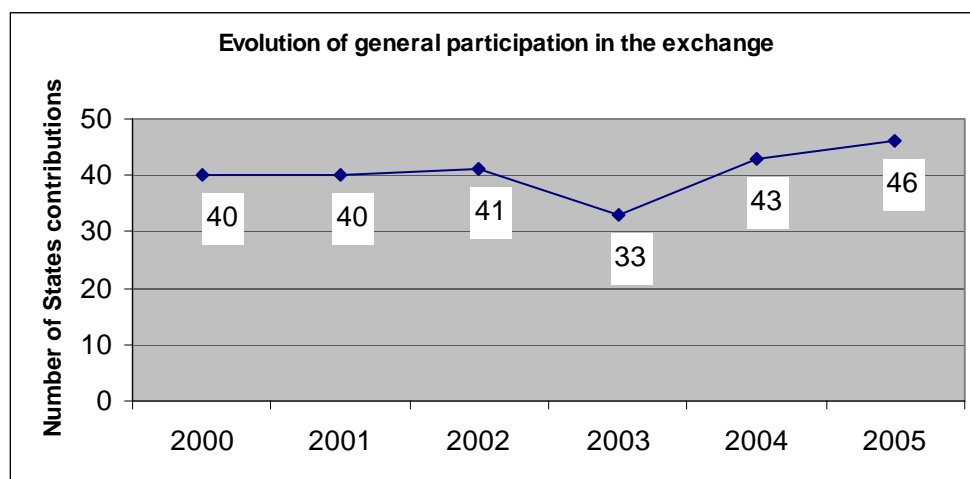
1. At the Second Review Conference of the BTWC in 1986, the States Parties agreed to implement some measures intended to strengthen compliance with the Convention and to improve transparency. These were extended at the Third Review Conference in 1991. These confidence-building measures (CBMs) consist of an annual exchange of data and information, as well as declarations of past and present activities of relevance to the Convention.

2. In November 2006, the Sixth Review Conference of the BTWC will take place in Geneva and the question of strengthening the CBM mechanism will be one of the issues of interest. This report is therefore an overview of the information submitted by States Parties to the BWC from 2000 to 2005.

## II. General trends

General participation in the exchange since 2000:

Year	2000	2001	2002	2003	2004	2005
Number of States contributions	40	40	41	33	43	46



These figures are approximately at the same level as during the previous decade (1990-2000) when the number of contributions varied from 31 (1990) to 53 (1996).

Between 2000 and 2005:

- 22 States Parties have submitted data every year.
- 60 have done so at least once.
- More than 90 have never participated.

In other words, only a minority of States are involved in this exchange of information.

*Every year, less than a third of States Parties to the Convention submit a declaration.*

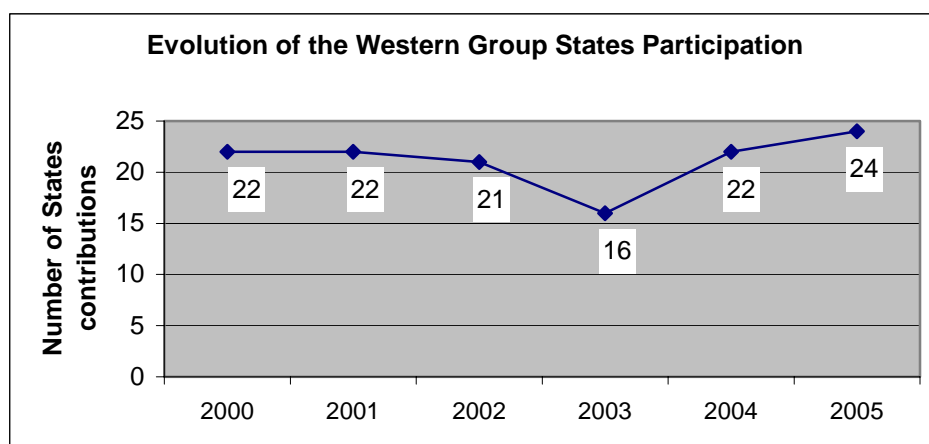
### III. Trends in regional groups

#### Trends in the Western Group

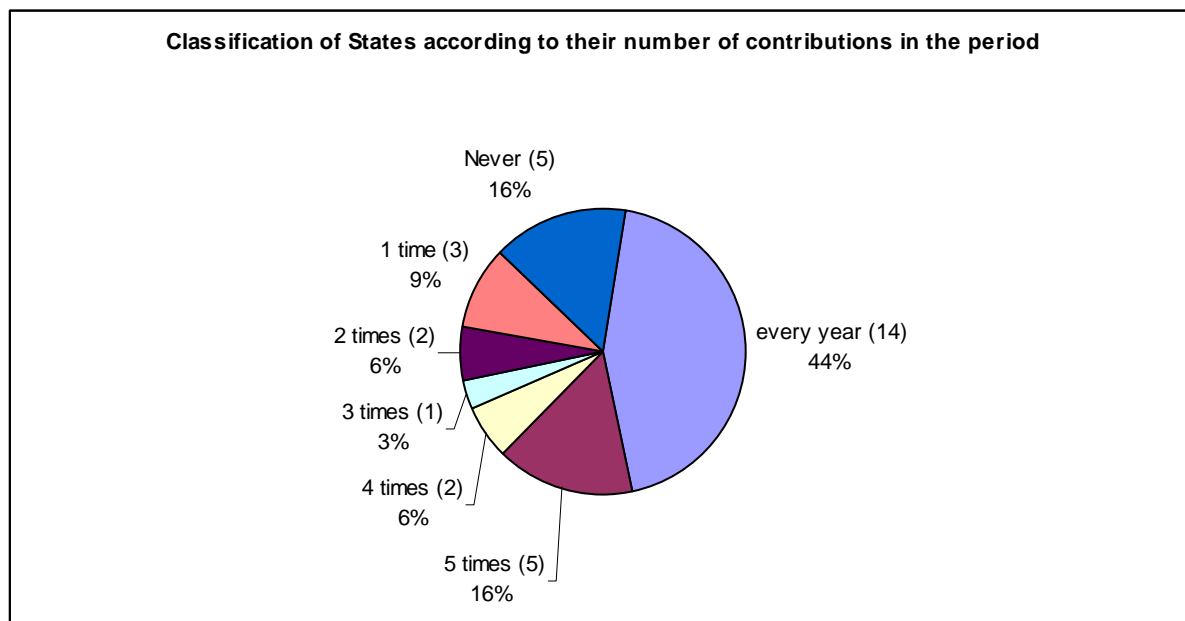
The Western group is composed of 32 States Parties to the BTWC.

Evolution of participation in this group:

Year	2000	2001	2002	2003	2004	2005
Number of States contributions	22	22	21	16	22	24
% of States participating	69%	69%	66%	50%	69%	75%



Number of contributions by Western group States in the period:



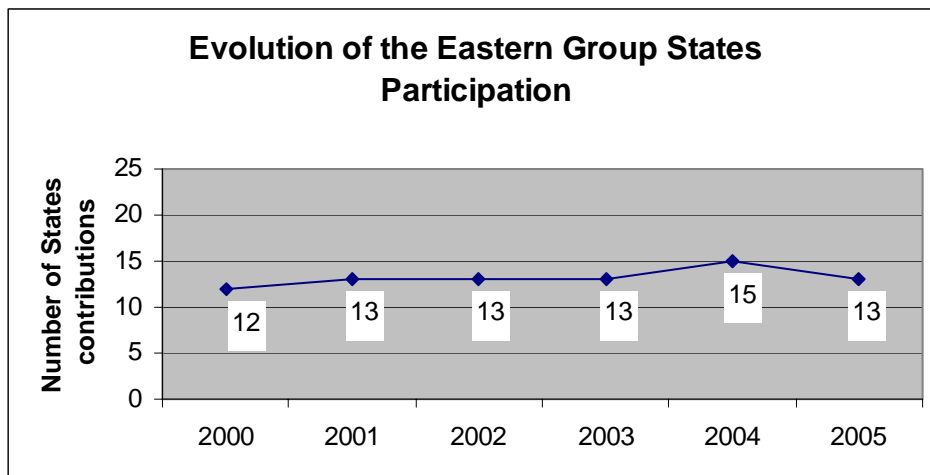
- The States having participated every year are as follows: Argentina, Australia, Canada, Finland, Germany, Italy, Netherlands, Norway, New-Zealand, South Korea, Switzerland, Turkey, United Kingdom, United States
- The States having participated 5 times are as follows: Austria, Belgium, France, Japan, Spain
- 4 times: Liechtenstein, Sweden
- 3 times: Malta
- 2 times: Ireland, San Marino
- once: Denmark, Greece, Luxembourg
- The States having never participated are as follows: Cyprus, Holy See, Iceland, Monaco, Portugal.

#### Trends in the Eastern Group

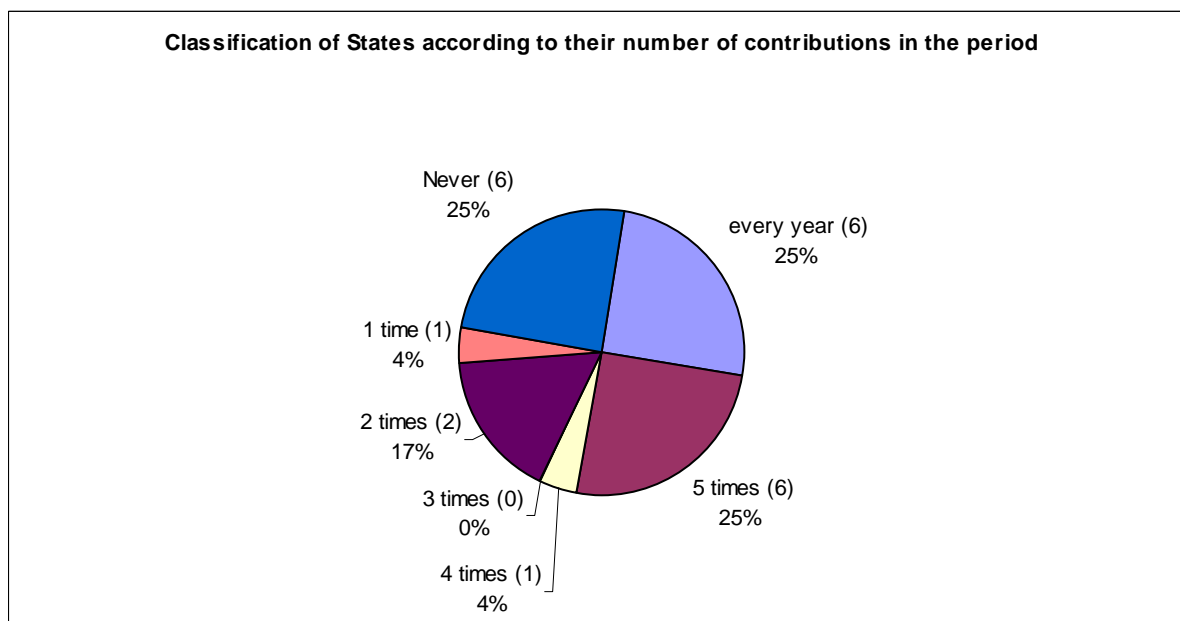
This group is composed of 24 States Parties.

Evolution of participation in this group:

Year	2000	2001	2002	2003	2004	2005
Number of States contributions	12	13	13	13	15	13
% of States participating	50%	54%	54%	54%	63%	54%



Number of contributions by Eastern group States in the period:



- The States that submitted data every year are as follows: Belarus, Bulgaria, Czech Republic, Lithuania, Russia, Slovakia.

- The States that participated 5 times are as follows: Estonia, Georgia, Poland, Romania, Ukraine, Uzbekistan.

- 4 times: Hungary

- No State participated 3 times

- 2 times: Armenia, Croatia, Latvia, Slovenia

- Once: Serbia and Montenegro

- States that never participated: Azerbaijan, Albania, Bosnia, Moldova, FYROM, Tajikistan

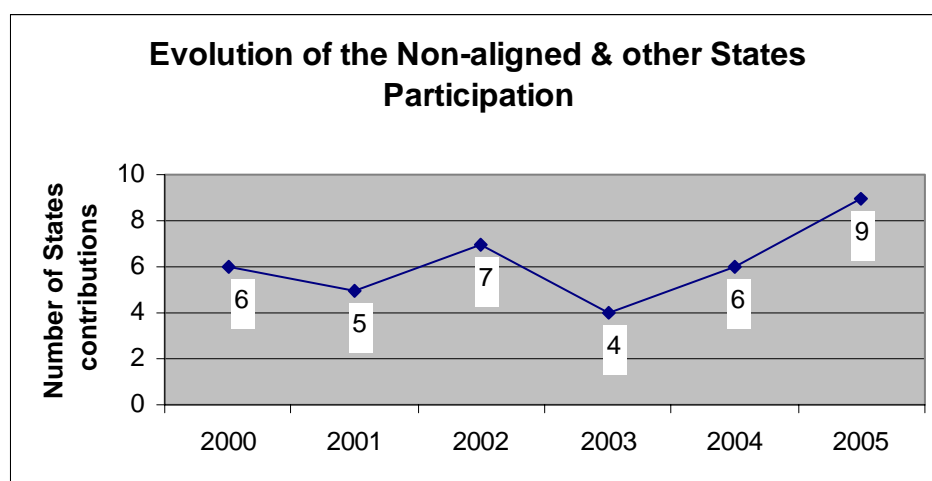


Trends in the group of non-aligned and other States:

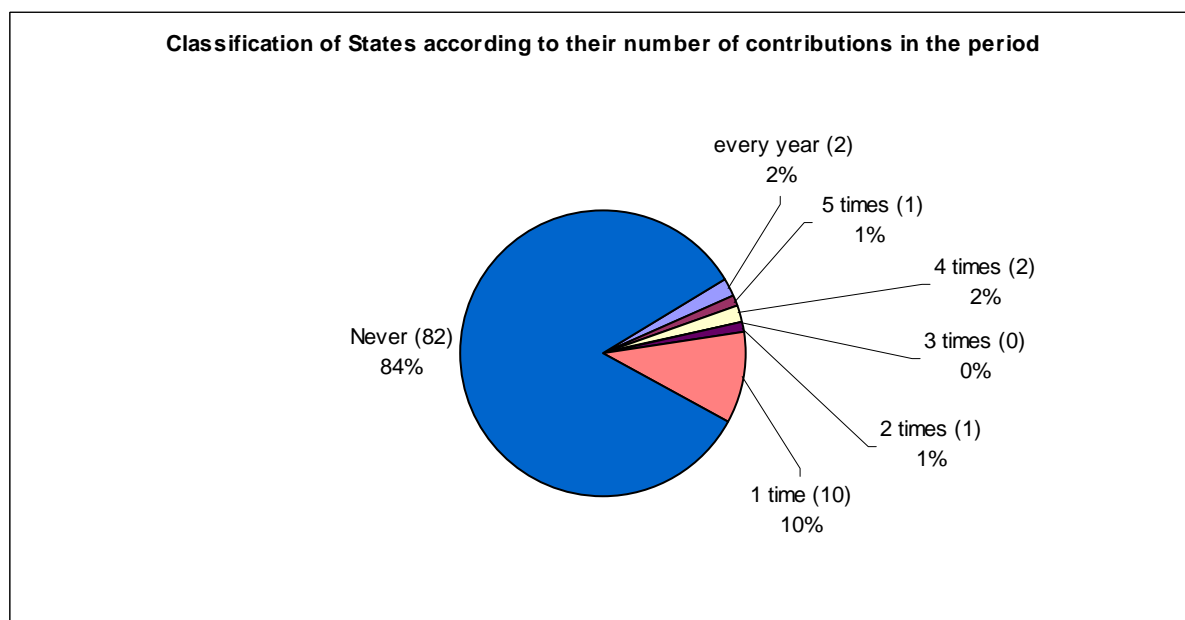
This group is composed of 98 States Parties.

Evolution of participation in this group:

Year	2000	2001	2002	2003	2004	2005
Number of States contributions	6	5	7	4	6	9
% of States participating	6%	5%	7%	4%	6%	9%



Number of contributions by States in the period:



- The States that have submitted data every year are as follows: China, Cuba
- States that have done so 5 times: South Africa
- 4 times: Brazil, Chile
- No States have participated 3 times

- 2 times: Costa Rica
- Once: Belize, Grenada, Iran, Libya, Mauritius, Mexico, Peru, Qatar, Tunisia, Turkmenistan
- The 82 others have never participated.

### Analysis

3. These figures allow us to reach two main conclusions:

(1) The level of participation in each group is quite constant:

- In the Western Group, it is usually between 60 and 70 %
- In the Eastern Group, it is usually between 50 and 60 %
- In the non-aligned and other States group, it never goes beyond 10 %
- From a general point of view, a slight increase in the number of contributions can be observed over the past two years, but it remains below the highest point reached in 1996 (53).

(2) There are significant differences in the different groups' level of participation.

The participation level is especially low in the non-aligned and other States group. In this group, many States have given information only once. About 10 % of them (10 States) have done so since 2000. But many participated once (or twice) in the 80s/90s. That includes 27 (about a third) of the 82 States that have not submitted any data since 2000. Therefore, over 40 % of these States have participated in the exchange at least once in the past. They may consider that participating once is enough if they have nothing more to say.

### **IV. Qualitative analysis**

4. After having studied the number of contributions (quantitative analysis), we can now adopt an analytic point of view. This allows us to make different observations. Firstly, some remarks have to be made on the following concepts: “nothing to declare” and “nothing new to declare”:

- (i) The form is divided into 11 different kinds of measures and questions that States have to answer. A simple pro forma gives States the opportunity to tick boxes labelled “nothing to declare” and “nothing new to declare” for each CBM. The existence of this introductory Declaration Form is beneficial as a way to buy time, but States seem to have different understandings of these expressions. Indeed, most States do not submit any information on the measures in respect of which they have ticked one of these boxes, but it is not the case for all of them.
- (ii) When States submit data while indicating “nothing new to declare”, this generally means that they are giving the same information as previous years.
- (iii) When States submit data while indicating “nothing to declare”, the situation is more ambiguous. This probably means that these answers are insignificant and/or do not pose any problems regarding compliance with the Convention.

But these are only assumptions and one cannot be sure regarding the States' understanding of these concepts. There is no clear definition of these notions. A clarification would be useful.

5. Secondly, one can note a great variety regarding the quality of the forms. Although a majority of States fill out the form in a substantive manner, this is not the case for all of them:

- (i) A small number of States answer a minority of answers without justifying it by indicating "nothing to declare" or "nothing new to declare".
- (ii) A greater number of them indicate "nothing to declare" for a lot of CBMs and therefore generally deliver little information. It is difficult to determine whether they have effectively "nothing to declare" or whether it is an issue of willingness.
- (iii) Some others indicate "nothing new to declare" for a lot of CBMs. In theory, this means that the information has been delivered in a previous report, but it is difficult and time-consuming to check.
- (iv) Some others tick both kinds of boxes, which raises the same issues. Some even only tick boxes in the Introduction Declaration Form without submitting further information.

## V. Conclusions

6. Participation in the exchange is limited. Every year, in the 90s as well as since 2000, less than one-third of States Parties submitted data. Efforts should therefore aim at increasing this level of participation and we can note that the strengthening of the mechanism at the September 1991 Third Review Conference allowed a slight improvement of the participation level which rose from 41 in 1991 to 53 in 1996.

If participation is not general for any regional groups, the nonaligned and other States group appears to be the one where it is lowest.

7. The quality of the declarations submitted also fluctuates greatly. This is another issue that could be tackled.

8. The meaning of the two concepts "nothing to declare" and "nothing new to declare" is moreover unclear and a redefinition would be useful. The repeated use of the box "nothing new to declare" is particularly confusing. It means - at least in theory - that the information has been delivered in a previous report. Therefore, in order to facilitate the research of information, it would be useful to ask States to specify when the data was submitted, which has not been the case to date.

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