

International Workshop on Strengthening International Efforts to Prevent the Proliferation of Biological Weapons: The Role of the Biological and Toxin Weapons Convention

CO-CHAIRS' SUMMARY

From 4 to 6 November 2010, China, Canada, and the BWC Implementation Support Unit co-hosted this workshop in Beijing, China. Eighty-four representatives from thirty-two States Parties and nine international and specialist organizations participated. The workshop did not agree any conclusions or recommendations, but the three Co-chairs prepared the following summary of the discussions.

The Assistant Foreign Minister of China, H.E. Mr. Liu Zhenmin addressed the workshop at the opening ceremony. Mr. Liu shared China's views on the overall biological disarmament and non-proliferation situation and highlighted the irreplaceable role played by the BWC in eliminating the threat and proliferation of biological weapons and promoting the peaceful use of biotechnology. He pointed out that the BWC was well implemented and widely supported by States Parties. Under the new circumstances, how to respond to bioterrorism and prevent the abuse of biotechnology had become a new challenge facing the Convention. He emphasized the importance of the universalization of the Convention and international cooperation between/among States Parties to enhance the Convention, and encouraged participants to have open and candid discussions during this workshop, build up consensus and contribute to the success of the Seventh Review Conference. Ambassador Marius Grinius of Canada and Mr. Richard Lennane, Head of the BWC Implementation Support Unit, also addressed the workshop at the opening ceremony, highlighting the importance of the BWC to global security and the need for thorough preparations for the Seventh Review Conference.

The Evolving Context

The workshop heard the history of efforts to strengthen the BWC, culminating in efforts to reinforce aspects of its implementation through the 2007-2010 intersessional process. Past review conferences had achieved much, speakers suggested, but there were many opportunities to go further in the future. The meeting heard of the value of different types of meetings, in different settings, and in different locations, in preparing for the Seventh Review Conference.

On assessing the biological threat to international security, speakers noted that there was a broadening range of threats, as well as varying perceptions of these threats. A broad and flexible response was therefore needed. The vulnerability of food security and agriculture to an attack with a biological weapon was particularly stressed by some participants. Participants noted that States Parties shared the aim of strengthening the BWC: they agreed on the relevant principles, norms and many of the provisions, but opinions differed on how to create effective procedures. The discussions that followed highlighted that there was more than one way to approach this issue. Participants also suggested that there might be lessons to be learnt from other disarmament and non-proliferation regimes.

The meeting addressed developments in science and technology and their implications for the BWC. Participants stressed that efforts to address biological *warfare* should not be at the

expense of biological *welfare*. The workshop considered the importance of focusing on the benefits of scientific and technological advances for dealing with biological risks and threats, as well as their potential for use to cause harm. The meeting also heard that international and national scientific unions and academies are increasingly active in identifying relevant advances and investigating their implications. Discussions identified a number of relevant advances, in particular those advances that might pose a greater risk in the nearer term, including: advances in the understanding of the central nervous system; improvements in delivery and targeting technologies; and production advances through biopharming and bioreactor technology.

Issues of governance and oversight of science and technology were also addressed and the importance of closer collaboration between scientific and policy making communities was highlighted. Some participants expressed an interest in developing a framework for the BWC to address advances in science and technology more frequently and as part of its next intersessional process. The value of carefully considering risk and threat assessments was stressed, especially with regards to shaping responses to potential implications. Participants also stressed the importance of improving efforts to reach out to industry.

National and International Approaches, Resources and Partners

On national implementation of the BWC, participants noted there were challenges in coordinating domestic stakeholders and with international partners; in competing with other national priorities; and in securing the necessary resources for effective action. Some participants expressed a desire to move from politically-binding commitments on implementing the BWC to legally-binding ones. Discussing the need to effectively coordinate assistance for national implementation, some participants suggested that the ISU was best-placed to do this and should be provided with the mandate and resources to assume the primary responsibility in this area. Others suggested more of a clearing-house role for the ISU.

Participants were also briefed on the importance of closer collaboration to address current vulnerabilities to human, animal and plant disease. The importance of having the necessary capacity for disease detection and response was also stressed. The workshop considered the overlap between abilities to deal with natural, accidental and deliberate disease, with participants noting that safe and secure laboratory capacity was needed to help deal with disease outbreaks regardless of origin. Participants discussed how support for the mandates of relevant international organisations (such as WHO, FAO and OIE) can support the aims of the BWC.

On the importance of Article X, participants heard of differences between States Parties in terms of both the development of science and technology and their ability to implement the BWC. Participants noted the value of working together, both bilaterally and under the auspices of the BWC, to narrow gaps in these capacities. The workshop heard that the full implementation of all the articles of the BWC facilitates cooperation and assistance, and that implementation of Article X could not be considered in isolation from other aspects of the BWC. Speakers highlighted the need to ensure that efforts to address the threats posed by biological weapons do not unduly restrict the pursuit of, or collaboration for, the peaceful use of the biological sciences. The workshop heard examples of North-South, South-South and North-North cooperation among States Parties. Several participants noted the need for better coordination of action and cooperation among states under Article X, and for ensuring

relevant efforts are efficient, effective, sustained over the longer term, and do not duplicate existing efforts.

Current shortcomings in assistance and cooperation were considered. One participant noted that much of the current effort under Article X was focused on diseases affecting humans and that more needed to be done with animal and plant diseases. Some participants said that too much assistance and cooperation was focused on efforts to strengthen biosafety and biosecurity capacity. Other participants referred to a broad range of existing Article X assistance activities, highlighting current efforts in education, joint research, disease surveillance capacity and the consolidation of strain collections.

Some participants called for a specific mechanism to improve the implementation of Article X and to broaden the provision and availability of assistance, referring to specific proposals made at the Sixth Review Conference and at the 2009 Meeting of States Parties¹. Other participants noted that efforts undertaken outside of the BWC, through ministries of health, development, and agriculture, enabled States Parties to meet many of their obligations under Article X. It was suggested that additional meetings on this issue would be useful prior to the review conference in order to develop common understandings.

The workshop discussed the importance of expanding the membership of the BWC and the means of doing this, including through UN resolutions, summit statements, regional workshops, ISU outreach activities, and bilateral demarches by States Parties. Participants discussed the need for incentives for states not party to join the BWC, including cooperation and assistance activities under Article X. Participants also stressed the need for wider involvement of States Parties from all regions in universalization efforts.

Speakers highlighted the importance of effective networking among international organizations and other multilateral security forums pursuing activities relevant to and directly supportive of the BWC. Speakers suggested that it was necessary to remove barriers to collaboration, to identify common ground and improve cooperation between regimes, and to optimise the use of resources. At the same time, some participants stressed the importance of international organizations respecting their specific mandates and suggested that dedicated capacities under the BWC might be necessary to complement their activities. Concerns were expressed over the current duplication of efforts, the need for greater coordination, and poor communication of assistance activities. There were suggestions that the ISU might have a role to play in improving communication.

Participants highlighted the important roles for scientists, education and civil society. Speakers welcomed the fact that the scientific community had become much more active in considering the potential security implications of its work, and had been developing capacity to educate practitioners on dual-use concerns, the BWC and relevant national laws and regulations. The workshop heard that there remained a great deal of work to do in this area. Civil society, participants suggested, provided capabilities and contacts that complemented other efforts. To this end, participants noted the important role played by individual “champions” and non-governmental individuals. Several participants proposed the value in creating a prize to reward the outstanding efforts of such individuals.

¹ See BWC/CONF.VI/WP.29 and BWC/MSP/2009/WP.2 respectively

Past Approaches

On the 2007 to 2010 intersessional process, the workshop considered the various outcomes and what opportunities had been created. Speakers noted that the intersessional processes proved more useful than initially expected and had prompted regional and national action. Participants heard that the 2007-2010 meetings had improved on the work of the 2003-2005 process, initiated useful discussions on the agreed topics, solidified working relationships and facilitated greater involvement of relevant government agencies from outside the arms control community. According to speakers, the intersessional process also enabled greater cooperation with other relevant international activities; provided for greater involvement by IGOs, NGOs, the scientific community and civil society; and fostered more effective support for national implementation.

The workshop also considered opportunities which might have been missed. Speakers noted that these included: the lack of focus on increasing treaty membership; opportunities for greater cooperation between BWC States Parties and the Organization for the Prohibition of Chemical Weapons; a lack of conceptual discussions on compliance with the BWC; as well as a lack of focus on how to improve confidence in compliance. Some participants also highlighted initiatives where interests were shared across regional groupings, as a useful approach for future activities.

The workshop examined what might need to be improved in a future process. Speakers made several suggestions, including: a specific mandate for meetings of States Parties to take decisions; focusing experts meetings on specific issues to strengthen the treaty, such as the CBMs, measures for universalization, assistance and cooperation, or the role of the ISU; enabling meetings of States Parties to return issues to expert level discussion for further improvement; and using standing expert groups to work on a continuing basis on particular issues such as cooperation and assistance, science and technology, and national implementation. Some participants believed that the current format of meetings had run its course. Other participants thought that the current process continued to be valid, but still wished to improve its functioning, including by making better use of limited meeting time. Another participant called for a framework that embraced the BWC as a whole and to develop a roadmap to make better use of the intersessional processes to strengthen the treaty.

Towards the Future

The workshop considered areas that might form part of the outcome at the Seventh Review Conference, including verification and compliance, CBMs, international cooperation and assistance (Article X), science and technology, the intersessional process, and the ISU.

On what success at the Review Conference might look like, speakers noted that a minimum would be a final document that included understandings on the three pillars of disarmament, non-proliferation and cooperation and assistance. One participant called for the creation of a framework to help find a balance between these issues. The workshop also heard that there were some issues that would need to be addressed after the review conference and that one element of success would be reaching an agreement on how best to do this. Some participants suggested progress on cooperation and assistance would be a key to unlock success. Speakers and participants were optimistic that the Seventh Review Conference would also be able to agree upon a further intersessional process for 2012-2015.

Speakers identified verification as one issue where there remains disparity of positions, with diverse national views on the feasibility of verification, ranging from those still in favour of a protocol, through those that felt the rate of development of the science and technology was a challenge to that approach, to those that felt that the treaty was inherently unverifiable. The workshop heard a proposal for a three stage process to help enable progress in reaching common understandings in this area: firstly, to solicit opinions prior to the review conference from a wide range of parties, secondly, to consider compliance issues during a future intersessional process; and to develop commitments under Articles V and VI to ensure that there are effective measures to confront allegations of non-compliance. Another participant called for concrete proposals as to how a verification mechanism might work at a practical level. Some participants expressed a preference for returning to negotiating a legally-binding instrument to strengthen all the articles of the BWC. Other participants expressed a preference for seeking alternative approaches to further elaborate the provisions of, and developing specific procedures under, the BWC. One participant suggested identifying those elements that might reach consensus in the near term and which would also strengthen the BWC, and starting work on them as soon as possible. Another participant called for actionable outcomes and proposed targeted initiatives on specific areas, such as education, or participation in CBMs, that could bring together interested parties to develop guidelines and tools, hold workshops and support activities in these areas.

On practical considerations for developing a consensus outcome at the review conference, participants heard that the key considerations were “ambition, realism, consensus and passion”. Participants noted that sound procedural approaches enable successful substantive discussions and that it was important to develop concrete proposals well in advance of the conference. Several participants and speakers called for additional meetings prior to the Review Conference but cautioned that it was important that efforts were developed collectively. Working groups could be created to flesh-out ideas on areas such as Article X and CBMs. The importance of transparency and inclusiveness was stressed, as was the need to encourage civil society participation.

On CBMs, the workshop heard an account of an informal process led by Norway, Germany and Switzerland to develop proposals to improve the CBMs, which examined many of the issues that were later discussed by participants. Participants discussed changes in the scientific and political contexts since the CBMs were introduced in 1987. It was suggested that there were two options for the Review Conference: reform the CBMs, or replace them with something entirely new. The workshop considered three issues main issues: participation, content (comprising accuracy, comprehensiveness and comprehensibility), and procedure. The various possible reasons for low participation were reviewed, including lack of manpower, lack of awareness of relevance, different priorities, and possible lack of relevance of content. On content, participants recognised it was a complex issue, and that gathering accurate and comprehensive data was a significant challenge for States Parties. On process, participants discussed with collation and distribution of CBMs was enough, or if CBMs should be part of some wider mechanism, such as an accountability framework.

Some participants suggested combining CBMs with reporting on Article X, and requests for assistance. Other participants cautioned that CBMs, even if developed and expanded, could not be a substitute for effective verification and compliance measures. Participants also discussed the question of whether to see k agreement on CBMs at the Review Conference itself, or to commission work on the issue in the intersessional process, or a combination of both.

On the ISU, participants recognised the very positive role played by the ISU since its establishment. Many participants suggested expanding the ISU in terms of both size and mandate, but some noted that it was important for States Parties first to decide what they wanted to do to strengthen the BWC, and then decide how the ISU could contribute. The workshop heard that there was still much to be done in strengthening the BWC where the ISU could play a role. Some highlighted cooperation and assistance activities in particular, and specific proposals were made for the ISU to assist in the implementation of Article X, including through establishing a database of requests for and offers of assistance.

Proposals

In the course of the workshop, various participants made the following specific proposals for the Seventh Review Conference to consider:

- To include national implementation: in a new action plan; in the next intersessional process; in the agendas of relevant international, regional and sub-regional organizations; and in building law enforcement capacity.
 - To further elaborate the provisions of the BWC and develop specific procedures to strengthen the treaty regime.
 - To build capacity to deal with disease, irrespective of cause.
 - To enhance and improve mechanisms for information exchange, including on disease surveillance and disease situations as well as through the Confidence Building Measures.
 - To improve specific efforts to strengthen education, outreach, awareness raising and codes of conduct amongst those involved with the life sciences.
 - To strengthen Article X by defining precisely what is meant by cooperation and assistance, examining what assistance is currently available, and identifying gaps so that future assistance can be focused in these areas.
 - To better integrate assistance and cooperation efforts into the CBM process and to consider a greater role for the ISU in acting as a clearing-house for Article X, including through establishing a database and providing reports to States Parties.
 - To develop an action plan on universalization to strengthen efforts to expand the membership of the treaty.
 - To establish a mechanism to sponsor participation in BWC meetings.
 - To agree to an intersessional process between the Seventh and Eighth Review Conferences and to enable it to take decisions on issues in which consensus exists.
 - To develop CBMs in light of advances in the biological sciences and technology.
 - To establish working groups to discuss specific issues, such as cooperation, science and technology
 - To enhance the mapping of available resources, such as for export controls, etc. The ISU should further develop this activity.
 - To consider the good practices of other entities, other processes and regimes.
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