



## **Regional Workshop on Preparations for the Seventh Review Conference of the Biological Weapons Convention**

30 June – 1 July, 2011, the New World Hotel, Makati City, the Philippines

### **Vice-Chair's Summary**

On Thursday 30 June and Friday 1 July 2011, 41 representatives from ASEAN countries (Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam) as well as Australia, China, the European Union, Japan, Norway, the Republic of Korea, the United States and the United Kingdom participated in a regional workshop on Preparations for the Seventh Review Conference (RevCon) of the Biological Weapons Convention (BWC). The BWC Implementation Support Unit (ISU), United Nations Office for Disarmament Affairs (UNODA), the United Nations Secretariat for Resolution (UNSCR) 1540 and the non-governmental organisation VERTIC also participated. The two-day workshop was one of three consecutive events held in Manila under the heading 'BWC Conference Week for East Asia and the Pacific'. The Anti-Terrorism Council, Office of the Philippines President and Department of Foreign Affairs of the Philippines, provided the Secretariat.

This Regional Workshop, co-chaired by Australia and the Philippines, followed on from four earlier seminars on preparations for the RevCon<sup>1</sup>. It provided an opportunity for participants from the East Asia and Pacific regions to share ideas on the seventh RevCon. Participants explored ideas for strengthening the BWC and for strengthening the voice of the region in the Review process. Discussions focussed on universality, Confidence Building Measures (CBMs), the next intersessional process, compliance, advances in science and technology (S&T), the ISU, assistance in the case of an alleged use and international cooperation.

As with earlier seminars, this workshop did not attempt to agree a final document. Instead, the Vice-Chair has prepared a summary of discussions for the information of States Parties. The discussions were under Chatham House rules.<sup>2</sup>

#### Universality

Participants heard that universalisation efforts had resulted in nine new states acceding since the last intersessional process began in 2007. Participants noted that within the region, Nepal and Myanmar were not yet BWC States Parties.

The variety of reasons why states are not party to the Convention were discussed – these range from a lack of awareness of, and misperceptions about, the Convention, the priority given to other issues, including poverty alleviation and development, and capacity and financial constraints. Participants also heard that, in very few cases, security considerations resulted in a decision by a state not to join the BWC – these states were described as 'hard

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<sup>1</sup> The first held at Wilton Park in September 2010, the next in Beijing in November 2010, the third in Montreux in April 2011 and, most recently, in Berlin 9-10 June.

<sup>2</sup> Comments have been not attributed to particular participants.



targets'. In this context, the positive contribution of universalisation to reinforcing the global norm prohibiting the use of biological weapons was emphasised.

Participants acknowledged that raising awareness of the BWC is a team effort – not only the role of the Chair and of the ISU but also of States Parties. The importance of coordinating with other agencies' efforts was also noted – VERTIC, the EU Joint Action, UNSCR 1540 Committee, the Organisation for the Prohibition of Chemical Weapons (OPCW) and the World Health Organisation (WHO) were cited as relevant examples. Participants noted the range of resources available. It was suggested that a coherent operational plan for universalisation could be developed. It was also suggested that the advancement of international cooperation and assistance will contribute to the universalisation as it provides an incentive for states to accede the Convention.

### Confidence Building Measures (CBMs)

Participants noted the objectives of CBMs - to enhance transparency and build confidence of compliance among States Parties, and to avoid as well as reduce ambiguities, doubts and suspicions. Some participants argued that they can also facilitate improved international co-operation. The interrelated external (international) and internal (domestic) roles of the CBM returns were acknowledged - externally, they build confidence, which in turn supports international co-operation and assistance activities, which (internally) enhances national capacity. The indirect value of the process was also recognised. Compiling CBMs enables a review of national implementation by each State Party and ensures that States Parties are aware of BWC-relevant activities taking place within their own borders.

There appeared to be broad agreement on a two-track approach to refining CBMs, involving a modest streamlining and amendment of the forms to be agreed by the 7<sup>th</sup> RevCon, with States Parties undertaking to engage in broader conceptual discussions on refining and enhancing CBMs, as well as potential additional transparency tools, in the next intersessional period. The informal process undertaken by Germany, Norway, Switzerland and the Geneva Forum was acknowledged as being very useful. Participants noted a number of issues yet to be agreed, including how to increase participation (quantitatively and qualitatively), how best to improve procedures and make the information provided more meaningful (e.g. through analysis and, possibly, translations). Some participants emphasised that CBMs should not be confused with compliance. The possibility that small groups, or peer groups, could review and discuss the CBM returns was also raised.

### A new intersessional process for 2012-2015

In discussions on a new intersessional process for 2012-2015, participants heard of the need to balance ambition with practical and feasible ideas. It was recognised that the last two intersessional processes had been useful in facilitating dialogue and identifying challenges which required further work. But a number of participants expressed concern at the lack of flexibility in the approach used so far, with the intersessional topics agreed at the five-yearly Review Conferences, which does not provide the opportunity for States Parties to continue discussion of a key topic between meetings.



It was suggested that it may be appropriate to re-organize the intersessional process to enable particular issues to be addressed in a more timely manner. Some saw it as important that intersessional annual meetings had discretion to address individual topics on an ongoing basis, such as:

- (i) national implementation – including strengthening and making more effective use of CBMs
- (ii) international cooperation – including identifying gaps that need to be addressed
- (iii) scientific and technological advances, including dual-use issues.

Participants heard a proposal for the establishment of a series of working groups on these issues, which could become part of the Meetings of Experts held in August. Each working group could appoint a facilitator who would collaborate with the ISU. Working groups would be open ended and participation would be on a voluntary basis. Facilitators would report outcomes to the annual Meeting of States Parties (MSP) to enable States Parties to exchange their views and consider any actions required.

States Parties were encouraged to avoid a proliferation of topics, given the resource constraints. Also, it was acknowledged that a change in approach would be required to enable MSPs to recommend actions flowing from the outcomes from the working groups, and in the selection of issues to be considered by the working group in the following year, to enable the activities of working groups to adapt year by year to developments in their areas of responsibility. Examples set by other Conventions may be useful in this context.

Participants also considered options to enhance the regional dimension of the BWC in the next intersessional period. In this context, one suggestion was that regional deliberations on the Convention could be incorporated into existing regional processes (e.g. ASEAN Regional Forum). Some noted that while regional BWC-related activities would be less expensive for participants, they may impose additional financial and other burdens on the secretariat.

### Compliance

Views were expressed that, given the history of the compliance issue, it would not be helpful for the 7<sup>th</sup> RevCon to call for a return to negotiations on a legally binding verification instrument. An alternative proposal was suggested involving the establishment of a compliance working group for the next intersessional period. This would discuss and develop common understandings on relevant BWC compliance issues and consider appropriate action.

It was noted that there have been different views on what constitutes ‘compliance with the BWC’ and this is still not clear (for example, do we mean compliance with some or all Articles of the Convention? And what constitutes compliance with each Article?). In addition to definitional issues, the working group could consider what types of information would enhance assurance in compliance, how existing mechanisms could be better used (i.e. Articles V, VI and the UN Secretary General’s Investigation Mechanism), and what new mechanisms might be useful to enhance transparency and enhance confidence in compliance.

It was noted that the underlying aim of compliance activities was to gain a greater level of assurance that other States Parties were fully complying with the Convention. The question whether we could in fact verify the BWC in a manner comparable to other WMD treaties was



raised. Participants nonetheless acknowledged there were a range of means to enhance assurance of compliance, and that providing for some discussions of these issues in the next intersessional period could be useful.

### Review of advances in science and technology

Participants heard of the benefits of advances in, *inter alia*, synthetic biology, nanotechnology, certain toxins and pharmoco-genomics, but also noted the dual-use implications of some of these developments. It was acknowledged that the relevance of Article I has not diminished. Given the rapid advances in science and technology (S&T) with implications for the BWC, several participants expressed the view that reviews of relevant developments should be undertaken more frequently than the five-year interval between Review Conferences. The suggestion that there be annual reviews was highlighted, with some support for an open ended meeting of scientific experts rather than a scientific advisory board or panel. It was suggested that the Inter Academy Panel and other international scientific societies could contribute to such a process.

Participants also considered the importance of examining advances in S&T from a regional perspective, and not only from the developed world point of view. The possibility of convening a regional workshop was discussed, and the importance of ensuring different regional membership of any S&T review process was noted. In this context, it was recognised that the globalisation of the biotechnology sector makes the distinction between ‘developed’ and ‘developing’ countries less clear-cut.

### Implementation Support Unit

It was noted that the BWC Implementation Support Unit has been characterised as one of the success stories of the last Review Conference in 2006. Participants acknowledged that, through its work supporting States Parties’ implementation of the Convention, the ISU has clearly shown its efficiency, effectiveness and professionalism. Its ability to work with other organisations was highlighted. Its role in providing administrative support to meetings and to the comprehensive implementation and universalisation of the Convention, in addition to centralising the exchange of confidence building measures, was recognised as continuing to be important.

Participants were encouraged to give their full support for proposals for the ISU to continue beyond the next Review Conference and for increased resources to be made available.

### Assistance (Article VII)

Participants heard that RevCons provide an opportunity to review the functioning of the Convention, to ensure the treaty and its provisions are realised. In this context, it was noted that Article VII requires a decision by the UN Security Council that a State Party has been exposed to danger as a result of a violation of the Convention, and that this provision has yet to be invoked. States Parties have however recognised the critical requirement for effective national capacity in preparedness and response in order to mitigate the effects of a disease outbreak. As a consequence, States Parties are already providing international assistance



under Article VII, including in enhancing national capacities for disease surveillance, preparedness and response to a disease outbreak.

It was suggested that a review of such Article VII related assistance activities undertaken by States Parties would emphasise their importance. It was also suggested that the Review Conference should recognise the contribution of other international organisations in this area.

Participants were encouraged to ensure that Article VII remains an important part of the intersessional process. In this context, the possibility of a working group was raised – to bring together relevant experts, connect countries with needs to assistance programs available, share experiences and best practice and identify/address any impediments to international assistance projects.

#### International cooperation (Article X)

Participants heard that international cooperation and assistance is relevant to Articles V, VI, VII and X of the BWC. The contribution to enhanced implementation of these Articles based on the recommendations of the 6<sup>th</sup> RevCon and the outcomes of the intersessional process, as well as various seminars and workshops, was highlighted. The proposals for an Article X action plan and the establishment of a mechanism for its effective implementation were noted.

Participants acknowledged the broad range of ongoing international cooperation activities which fit under the scope of Article X. Activities highlighted included international programs for combating emerging diseases, assisting industry in the life sciences, facilitating trade in the biotechnology sector, national education programs in biological sciences including biosafety and biosecurity training, and various bilateral S&T cooperation projects.

An apparent gap in understandings of the implementation of Article X was acknowledged. While some States Parties want to establish a formal mechanism for the advancement of international cooperation and assistance, others consider that Article X is already working well and question whether such a mechanism is required. It was suggested that some work on specific proposals could help bridge this gap. Some ideas were suggested:

- a clearing house mechanism: matching offers and needs
- a working group or standing committee
- a database of past and ongoing cooperation relevant to the BWC, possibly in matrix format
- raising the profile of Article X on the ISU website.

An EU paper providing ideas on a reporting format for assistance and cooperation for Article X was noted.