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Regional Workshop for South-East Europe on the Seventh Review Conference of the Biological Weapons Convention – Belgrade, Serbia – 1-2 November 2011

SESSION II: National Implementation and Confidence Enhancing Measures Facilitator: Scott Spence, Senior Legal Officer, VERTIC

1130-1140	Opening remarks
1140-1200	National implementation
1200-1220	Confidence-building measures (CBMs)
1220-1240	Supporting the BWC through UNSCR 1540
1240-1300	General Discussion

FACILITATOR'S OPENING REMARKS

Good morning distinguished delegates, ladies and gentlemen.

I would first like to take the opportunity to thank Ambassador Latinovic and the Government of the Republic of Serbia for inviting VERTIC to participate in this important workshop. I would also like to thank Ambassador van den Ijssel, the Implementation Support Unit and the European Union's Joint Action for the Biological Weapons Convention for encouraging civil society to participate in the series of events leading up to the Review Conference in Geneva in December. VERTIC looks forward to our continued co-operation, and to a successful Conference and set of outcomes.

Previous speakers have already noted the series of workshops around the world, which have had the objective of discussing themes and outcomes for the BWC Review Conference in December. The second session of this workshop – *National Implementation and Confidence Enhancing Measures* – will cover three topics: national implementation, confidence-building measures (or CBMs as they are also known) and supporting the BWC through UN Security Council Resolution 1540. To guide us through these topics, we have with us today two distinguished panellists: Mr Alojz Grabner, Director



of the Chemicals Office, from the Ministry of Health in the Republic of Slovenia; and Ms Olivia Bosch, an Expert with the 1540 Committee at the United Nations in New York. I would like to invite each speaker to speak for fifteen to twenty minutes on their topic; this will be followed by twenty minutes of general discussion.

I would like to recall that we have been asked by the workshop organisers to think about these issues alongside the following questions:

- How should national implementation be covered at the Review Conference?
- Should the CBM process be revised?
- What decisions are feasible?
- What is required to reach decisions?

I have also been asked to say a few words about the discussions from the other Review Conference workshops and some of those workshop participants' views on these topics; I will then give the floor to our first speaker, Mr Grabner.

National Implementation

A common theme arising from the previous Review Conference workshops is broad support for national implementation of the Convention, for example, as a way to prevent the proliferation of biological weapons and to encourage investment in the biotechnology sector. Several challenges associated with it were discussed however, including:

- the co-ordination of domestic stakeholders and international partners;
- competing national priorities; and
- securing the necessary resources for effective action.

To address these challenges, proposals were raised included national implementation as an ongoing intersessional topic, an action plan to give political momentum for enacting laws and regulations to implement the BWC, and a stronger clearinghouse role for the ISU for assistance requests and offers. The BWC-related legislation databases of the ISU and VERTIC were noted, and participants



encouraged States to think about having their laws and regulations posted on these databases, if they have not been already, as a step towards more transparency and best practices.

Previous workshop participants confirmed that laws and regulations are important but that awareness-raising among relevant stakeholders – such as scientists, parliamentarians, law enforcement officials and civil society – was also important to ensure that they are understood and enforced. The importance of a national agency to lead national implementation efforts was recognized, and it was generally agreed that a one-size-fits-all approach is not ideal. Previous workshop participants also noted that governments could effectively draw on international resources such as the ISU and other organisations in the BWC network for co-operation.

Finally, a number of participants noted that comprehensive national implementation means implementing all BWC articles, including Article X, and that information concerning national implementation would play an important role in confidence-building. It was noted that transparency about national implementation could usefully be improved this way.

CBMs

The future of CBMs engaged a large share of the previous workshop participants' attention; it was largely agreed that the regime is important but that changes to it are necessary. Some proposed modalities for doing this between the upcoming Review Conference and the next one were raised.

The discussions centred around *participation, content* and *procedure* and the related challenges (for example, lack of capacity to fill them out or different priorities; problems in collecting accurate and comprehensive data; and problems with how the CBMs are submitted, collated and used, and the lack of translations). Participants also had the opportunity to learn about the informal Norway/Switzerland/Germany process on how to improve the CBMs in these three areas and to think about them in a larger conceptual sense.

Proposals for consideration at the Review Conference included:

• enhancing their assistance clearinghouse and information-sharing role;



- considering their utility in light of rapid changes in science and technology;
- a two-track process involving quick fixes to the immediate forms with a longer term project to entirely reconsider them conceptually;
- requesting the Implementation Support Unit to do trend analyses with the CBM submissions, or perhaps establish a peer review process; and
- encouraging the co-ordination of reporting under the CBM, International Health Regulations and Security Council Resolution 1540 regimes.

There were also a number of discussions on the relationship between CBMs and the concepts of compliance and verification and on how successfully they are building confidence and promoting transparency. Some participants highlighted that CBMs are not a compliance mechanism and cautioned that, even if the CBM mechanism is developed further, it cannot be a substitute for effective verification and compliance measures. Finally, some participants have questioned whether their politically binding (versus legally binding) nature has had an impact on the CBM regime.

UNSCR 1540

UN Security Council Resolution 1540 was largely addressed at the *Regional Workshop on National Implementation of the BWC in East Asia and the Pacific* in Manila, during 27-28 June. After a general discussion of the Resolution and its requirements, participants suggested that there could be better co-ordination of activities under the Resolution and the BWC such as the facilitation of reporting to the 1540 Committee through CBM Form E (on laws and regulations) and vice versa. The BWC community was also encouraged to consider joint activities, between the BWC and ISU for example, to facilitate such reporting. As an excellent example of this BWC-1540 collaboration, we will be hearing from Ms Olivia Bosch, a 1540 Committee expert, later during this session. But first, let's hear from Mr Grabner about the first topic, national implementation. Mr Grabner, you have the floor.

