

**Fourth Meeting
Geneva, 10-14 December 2007**

**Meeting of Experts
Geneva, 20-24 August 2007**

Items 5 and 6 of the provisional agenda

**Consideration of ways and means to enhance
national implementation, including enforcement
of national legislation, strengthening of
national institutions and coordination among
national law enforcement institutions**

EUROPEAN UNION INITIATIVES IN SUPPORT OF THE BTWC

Submitted by Portugal on behalf of the European Union

The fight against proliferation of WMD

1. The European Strategy against the proliferation of WMD (Fight against the proliferation of weapons of mass destruction - EU strategy against proliferation of Weapons of Mass Destruction)¹ was adopted by the European Council on 12 December 2003, in parallel with the adoption of the European Security Strategy. The WMD Strategy provides a fully-fledged roadmap for immediate and future action in the fight against proliferation of WMD.

2. The priorities based on the principle of prevention on which the EU is currently concentrating its efforts are:

- (i) Strengthening the international system of non-proliferation
- (ii) Pursuing universalisation of multilateral agreements
- (iii) Reinforcing strict implementation of and compliance with these agreements
- (iv) Co-operating closely with key partners
- (v) Assistance to third countries

¹ www.consilium.europa.eu/uedocs/cmsUpload/st15708.en03.pdf.

3. Work on implementation of the strategy is proceeding in a large number of areas. In principle currently there are on-going Council Joint Actions in support of the IAEA, the OPCW and the CTBTO, as well as in support of the BTWC and UNSC Resolution 1540.

The EU Joint Action in support of the BTWC

4. To implement the Strategy against proliferation of WMD in the field of biological weapons the European Union is focusing on practical measures. On 27 February 2006 the EU agreed on a Joint Action in support of the BTWC with the objectives of promoting universality and full national implementation of the Convention (Council Joint Action 2006/184/CFSP of 27 February 2006 in support of the Biological and Toxin Weapons Convention, in the framework of the EU Strategy against the Proliferation of Weapons of Mass Destruction)².

5. The projects corresponding to the objectives of the Joint Action are those that aim at:

- (i) carrying out activities, including regional and sub-regional workshops and seminars, aimed at increasing the membership of the BTWC,
- (ii) assistance in order to ensure that States Parties transpose the international obligations of the BTWC into appropriate national legislation and administrative measures.

6. The aim of the regional and sub-regional workshops is

- (i) to bring about participation by decision-makers and regional organisations to encourage greater membership and enhanced implementation of the BTWC in these regions,
- (ii) to explain the benefits and consequences of ratification or accession to the Convention,
- (iii) to better understand the needs of the States not Party to the BTWC in order to assist ratification or accession in the future through a follow-up Joint Action, and
- (iv) to offer EU technical and drafting assistance to States Parties to the Convention in need.

7. The EU actively seeks the involvement and the partnership of all States Parties in a region in these efforts to promote regional ownership and awareness.

8. Under the Joint Action regional workshops were organised in 2006 - 2007 involving three types of activities. Firstly, contacts with relevant actors in the diplomatic and expert communities were established by holding preparatory meetings and drafting information packages, carrying forward research and an implementation status review in targeted countries. Secondly, awareness-raising measures were undertaken to highlight the relevance of the BTWC to the diplomatic community and more widely among national administrations of selected countries. These were intended to prepare the ground for more effective participation of the countries concerned in the regional seminars and in order to learn about their needs and expectations. To this end, a number of

² http://www.eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_065/l_06520060307en00510055.pdf

meetings with diplomats of selected countries was organised in Brussels (3 April 2006), Geneva (25 April 2006), and New York (30 May 2006). Finally, four regional workshops were successfully held. A fifth workshop targeting Middle Eastern States is planned to take place in autumn this year.

9. The second goal of the Joint Action is to assist States Parties with the development of national implementation legislation for the BTWC. The focus is on drafting or enhancing national legislation or regulations as required under Article IV of the BTWC.

Regional workshops

10. The first regional meeting in support of the Biological and Toxin Weapons Convention (BTWC) was held at the United Nations Office in Nairobi, Kenya on 21 and 22 June 2006. The meeting targeted States in Eastern and Southern Africa. Eight States not Party to the BTWC were represented: Burundi, Comoros, Djibouti, Madagascar, Malawi, Mozambique, Namibia, and Zambia. In addition two regional BTWC States Parties participated: Kenya and Uganda.

11. The second regional workshop took place at the United Nations Conference Centre in Bangkok, Thailand on 8 and 9 November 2006, focussing on States in Asia and the Pacific Islands. Besides six States not Party to the BTWC: the Cook Islands, Marshall Islands, Myanmar, Nauru, Nepal, and Niue, nine BTWC States Parties were represented: Australia, Bhutan, China, Indonesia, Malaysia, Mongolia, Pakistan, Singapore, and Thailand.

12. The third meeting was held at the Ministry of Foreign Affairs in San José, Costa Rica on 18 and 19 January 2007. It targeted the States not Party to the BTWC in Latin America and the Caribbean and those States Parties to the Convention who might consider implementation assistance. One State not Party to the BTWC was represented: Trinidad and Tobago. The other two States not Party to the BTWC, Guyana and Haiti, were not able to join the seminar. The eleven BTWC States Parties participating were: Bahamas, Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Honduras, Jamaica, Peru and Suriname.

13. The fourth workshop, targeting States in Western and Central Africa, took place at Dakar, Senegal on 17 and 18 April 2007. Out of the eleven targeted States not Party to the Convention eight were represented: Angola, Central African Republic, Chad, Cote d'Ivoire, Eritrea, Gabon, Guinea and Liberia. In addition seven States Parties to the BTWC participated: Democratic Republic of Congo, Equatorial Guinea, Gambia, Nigeria, Senegal, Sierra Leone and Togo.

14. Representatives from international and regional organisations contributed to presentations and discussions in the meetings, including, *inter alia*: African Union (AU), Organization of American States (OAS), Pan American Health Organization (PAHO), UN Department for Disarmament Affairs (UNDDA), UN Economic and Social Commission for Asia and the Pacific (UNESCAP), UN Office for West Africa (UNOWA), Union Economique et Monétaire Quest Africaine (UEMOA), World Health Organization (WHO), World Organisation for Animal Health (OIE), Food and Agriculture Organization (FAO), International Criminal Police Organization (Interpol), Inter-Governmental Authority on Development (IGAD), the International Committee of the Red Cross (ICRC), and the European Union (EU).

15. The European Union is grateful to the Governments of Kenya, Thailand, Costa Rica, and Senegal for faithful cooperation in preparing and running the meetings, to the participating

countries for fruitful and interesting discussions, and to the representatives of international and regional organisations for their stimulating contributions.

Principal findings from the workshops

16. Natural outbreaks of disease were considered a greater threat than those posed by deliberate use of biological agents or toxins to cause disease. But, there was also some concern expressed that some countries might be used as a safe haven by terrorists and criminals to develop or produce biological weapons. In a number of regions the issues of insufficient detection capabilities and training of customs officers as well as weak disease surveillance systems and limited national response capacities to accidental release of biological agents and toxins were invoked.

17. Biological weapons risks were not seen as an acute problem for global security by most of the countries involved, which consequently leads to low priority in national political agendas compared with domestic political problem areas. Nevertheless, strong commitment to regional and common security was expressed, which may offer the opportunity to mobilize States to accede to the BTWC and to establish and/or improve existing national legislation. In the context of unusual disease outbreaks, the need for regional cooperation and confidence building measures were raised. Against the background of multiple internal problem areas, e.g. regional conflicts and internal instabilities, there are difficulties in creating domestic BTWC awareness given the need to mobilize diverse government agencies, parliaments, and other stakeholders to initiate ratification or accession or to introduce and implement legislation. Raising public awareness and gaining public support is also a major challenge.

18. Representatives of several States expressed the need for support in convincing their national key stakeholders of the importance of the BTWC. Creating interest in the Convention may be achievable when linked with assistance in improving public health, e.g. the development of local diagnostic and treatment capacities to deal with natural as well as unusual outbreaks of disease, or with technical assistance in capacity building for customs and immigration.

National implementation

19. The development of national implementation legislation is the second goal of the Joint Action. This project has been carried out through a number of activities. Firstly, EU experts met in Brussels on 4 September 2006 to prepare the conceptual basis for the legislative assistance and to allow for networking among the EU experts. A roster of EU experts in various aspects of the BTWC implementation was established. Secondly, a launching conference was organized in Paris in September 2006 with the participation of EU Member States and a number of States Parties to the Convention to discuss BTWC implementation in general prior to the Sixth BTWC Review Conference, to report on the EU assistance project, and to identify specific problems that States Parties may have with national implementation in order to coordinate assistance better. At this stage, an internet-based Information and Collaboration Management System (ICMS) was developed³. The ICMS operates as an open accessible website and a closed communication tool between the EU experts and the States requesting the assistance. Its management and further development is work in progress. Thirdly, the EU started to cooperate with a number of countries to review legislation and draft legislative or administrative measures related to BTWC implementation.

³ www.euja-btwc.eu

20. The EU offer to support States on a bilateral basis in developing or improving national legislation was welcomed by most representatives of States.

21. The first bilateral project is currently under way with Peru. The project started with a review of their legislation and identified areas to complement their national legislation. In September 2007 EU experts will visit Peru to discuss drafting details of legislation with Peruvian experts. A second bilateral project is under discussion. A number of countries in Africa and Asia expressed their interest in these activities.

Future perspectives

22. The present EU Joint Action in support of the BTWC will be implemented until end of 2007. After a thorough evaluation of the present activities and taking into account the needs expressed by participants in the regional workshops as well as bilaterally, the European Union will consider an extension of the current Joint Action, both to continue cooperation with States not Party to the BTWC to increase membership and to assist States Parties in their national implementation of the BTWC. Such States are invited to make use of the EU offer. The Information and Collaboration Management System (ICMS) website will keep States informed on all present and future activities.

EU Action Plan

23. As a complement to the Joint Action the EU has adopted in parallel an Action Plan (2006/C57/01) containing two measures to be implemented by EU member States. The first measure was related to Confidence Building Measures (CBMs). With the aim to revitalise the interest in and use of CBMs and to increase the transparency in the implementation of the BTWC the EU Member States decided that they will ensure the fulfilment of their obligations to file a CBM return each year, beginning with 2006 as a first step.

24. The second measure was related to the UN Secretary General's mechanism for investigating cases of alleged use of chemical, biological and toxin weapons. To increase the effectiveness of the current mechanism the EU Member States decided to volunteer expertise to the Secretary General in helping him update the list of experts and laboratories that he may call for an investigation.

EU Common Position

25. On the 20th March 2006, the EU adopted a Common Position (2006/242/CFSP) aiming at guiding the actions of the Member States of the EU in their efforts to strengthen further the Convention and contribute to a successful outcome of the 6th Review Conference in 2006.
