

**Meeting of the States Parties to the Convention
on the Prohibition of the Development,
Production and Stockpiling of Bacteriological
(Biological) and Toxin Weapons and on Their
Destruction**

12 November 2012

English only

2012 Meeting

Geneva, 10–14 December 2012

Item 9 of the provisional agenda

**Biennial item: how to enable fuller participation
in the Confidence-building Measures (CBMs)**

Next steps on the CBMs: some key questions for 2013

**Submitted by the United Kingdom of Great Britain and Northern
Ireland**

I. Introduction

1. The Seventh Review Conference noted that the exchange of information carried out under the Confidence Building Measures (CBMs) had contributed to enhancing transparency and building confidence, and emphasised the importance of increasing and continuing participation in the CBMs. It recognised the technical difficulties experienced by some States Parties in completing full and timely submissions, and urged the provision of technical assistance and support. Furthermore, the Conference stressed the need to ensure that the CBMs provide relevant and appropriate information to States Parties.

2. Thus the Conference decided that the intersessional programme in 2012 and 2013 would discuss how to enable fuller participation in the CBMs. It is evident that any inquiry into the level of responses to the current CBMs should consider several factors. There are many mitigating factors that are clearly preventing some States Parties from fulfilling their political obligation to submit annual returns. Such factors may include: limited resources within relevant government departments; difficulties in coordination between departments; the low priority of the BTWC for hard pressed small foreign ministries; and a lack of awareness on how to go about compiling the necessary data.

3. Another factor is a perception that CBMs are not relevant for States Parties' security needs and that, as currently constituted, CBMs do not provide useful information. We can be sure, however, that their underlying purpose as expressed at the Second Review Conference in 1986 remains valid – *'to prevent or reduce the occurrence of ambiguities, doubts and suspicions'*. One of the benefits of the CBM process is purely at national level. It contributes to internal inter-agency coordination, national implementation of the BTWC, and government awareness and oversight of relevant biological activity within the state. This helps too to demonstrate that States Parties are taking their Convention-derived responsibilities seriously. We can be less confident that the current CBMs as crafted are necessarily the best way to achieve these objectives. In the more than a quarter of a century since their first appearance there has never been a root and branch review by the States

Parties of the CBMs' fundamental object and purpose. It is entirely proper therefore that any discussion of '*how to enable fuller participation in the CBMs*' devotes time to addressing basic questions, in addition to considering improvement of the current forms and submission process, and enhancing provision of assistance on completion of annual CBM returns to States Parties who request it.

4. At the 2012 Meeting of Experts, some States Parties proposed that we need to consider further possible improvements to CBMs' content to ensure they provide relevant and appropriate information to enhance transparency and build confidence. Such proposals are recorded in the Chairman's paper at Annex 1 to the Report of the Meeting of Experts and include, for example, consideration of additional facility types and the relevance of developments in science and technology, as well as the continuing validity of some of the information currently exchanged.

II. Some key questions

5. We should make maximum use of the time available to discuss CBM issues next year. To this end we believe that the 2013 Meeting of Experts should have a substantive discussion of the problems that we face individually and collectively in enabling a fuller participation in the CBMs. This requires that a clear agenda is circulated in good time to enable States Parties' Experts to come ready to address the items proposed below in paragraph 6, and to prepare presentations and papers accordingly.

6. The United Kingdom suggests that the 2013 Meeting of Experts has two CBM sessions to address the following specific topics:

(a) Lessons learned from national compilation of CBM returns; issues and problems encountered and possible solutions. How does the information submitted in annual returns contribute to the stated goals of the CBMs? How do we demonstrate the value added?

(b) What assistance do States Parties need to improve the quantity and quality of returns?

(c) What further technical changes are required to help improve returns?

(d) How should the CBM regime evolve? Do we have clarity in the underlying purpose and how does this impact on return rate and on quality of returns?

7. Agenda items (a) and (b) could occupy the first session, whilst (c) and (d) could fill the second. Our objective for the last two questions should be to develop recommendations for consideration and decision at the Eighth Review Conference.

III. Evolution of the CBM regime

8. If we are to avoid the stasis that has affected the CBM regime since its inception, we must address some questions sooner rather than later and what better place to do so than in a States Parties Experts' Meeting? Examples of issues that could usefully be addressed include:

(a) Do we have clarity in the underlying purpose and how does this impact on return rate and on quality of returns?

(b) Clarification on how the CBM regime should evolve in view of scientific and technological change— are we asking the right questions in light of modern technological capabilities and standards?

(c) Are we looking for transparency in the right places? What sort of information do we need to know – again both individually and collectively – that will help prevent or reduce the occurrence of ambiguities, doubts and suspicions?

(d) Are we including the most relevant facilities? For instance, should we still be seeking returns of facilities producing licensed human vaccines, and if so should we be seeking more information? Conversely, should we also seek to include returns on facilities producing licensed animal vaccines?

(e) Do we need more data on high containment laboratories, and if so what sort? Have advances in biotechnology led to other types of relevant facilities?

(f) Are there emerging areas of life science research that could benefit from further transparency, such as that highlighted by the recent debate on H5N1 research?

9. Discussions might of course conclude that for some issues current arrangements are adequate or that some change may be beneficial, but in other areas the situation may still be unclear. However, we have not yet had that dialogue.

10. A focus on reducing the occurrence of ambiguities, doubts and suspicions must necessarily and almost by definition have clear implications for overall national assessments of compliance. Clearly the CBMs are not the sole tool for this task, which is a national responsibility of States Parties. However, transparency around capabilities and intentions lies at the heart of assessing compliance and promoting mutual confidence in a BTWC context; CBMs can and do contribute in a modest way to national assessments of compliance with the Convention and confidence between States Parties. If States Parties are able to develop a shared sense of the value that CBMs can play in this process, this recognition alone could well enable fuller participation.

IV. Conclusion

11. Delaying further substantive discussion of CBMs until the Eighth Review Conference in 2016 would be a missed opportunity. Review Conferences are not the place to present substantial new proposals without any prior preparation. A full discussion of the above agenda for time allocated for CBMs in 2013 would achieve two objectives. First, we can identify immediate specific steps that could be taken to help States Parties submit their first CBM returns and to continue to do so annually thereafter, and also to improve the quality of information submitted by States Parties. Second, we can move towards a shared understanding of what the CBMs are for and how we might make any necessary changes in 2016. Triggering a debate *now* will put us in a better position to review the CBMs and to decide where we should take them in the next intersessional process. Our aim here is to secure much higher levels of sustained participation than we have seen hitherto.
