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TOWARDS THE SIXTH BTWC REVIEW CONFERENCE: AN ACCOUNTABILITY FRAMEWORK

Discussion paper prepared by Canada

Introduction

1. Feedback on the 2005 Canadian Biological and Toxin Weapons Convention (BTWC) Review Conference non-paper, as well as views expressed in numerous consultations, seminars and conferences, suggest a general recognition that States Parties should focus on the full implementation and continued strengthening of the Convention. The BTWC Sixth Review Conference can help achieve this goal by making States Parties more accountable to one another in how they implement the provisions of the Convention. A comprehensive approach to this objective is elaborated in the following accountability framework, focussing on **national implementation, confidence building measures, implementation support and annual meetings**.

National implementation

2. Article IV of the BTWC contains an obligation to enact national legislation. Unfortunately, not all States Parties have yet done so. At the Review Conference, States Parties should agree to:

- (i) promote action on National Implementation, including at the regional level, and encourage, in particular, the development of specific goals, time lines and methodologies to facilitate effective implementation;
- (ii) encourage States Parties to report on their progress in passing national implementing legislation on a regular basis, such as at annual meetings and in their Confidence Building Measure (CBM) submissions;
- (iii) encourage those in a position to do so to provide implementation support.

Confidence building measures

3. Annual submissions of CBMs foster increased transparency and help demonstrate States Parties' compliance with the BTWC process. To enhance accountability, and ensure we are getting the right information to demonstrate compliance we need both better CBMs and better performance and participation from States Parties on completing them.

Accordingly, the States Parties should agree at the Review Conference to:

- (i) encourage all BTWC States Parties to submit CBMs on an annual basis, completed accurately and in a timely manner, and encourage individual States Parties to offer support to states requiring assistance to complete their CBMs;
- (ii) submit information for every CBM on an annual basis, even when there have been no new developments since the previous year, to enhance transparency and ensure that all States Parties have access to complete CBMs;
- (iii) develop a more user-friendly CBM form that allows, to the extent possible, use of specific check-boxes rather than requiring written entries (such standardized forms would help overcome the hurdle posed by the lack of translation);
- (iv) mandate DDA to prepare a summary of major elements, trends and considerations presented in CBM reporting;
- (v) more efficiently distribute CBMs (electronically through a CD-ROM or on a secure website);
- (vi) consider proposals to modify and expand existing CBMs, including those that were made at previous Review Conferences, as well as proposals to create new CBMs.

Implementation support

4. Another element of an "accountability package" would be a strengthened institutional capacity, such as a BTWC secretariat or implementation support unit. This would allow for better implementation and follow-up on BTWC obligations. States Parties could mandate such an entity to carry out specific activities, including:

- (i) tracking implementation and preparing an annual overview of the status of national implementation;
- (ii) working with States Parties to improve performance in implementation, including by providing assistance for the drafting of relevant legislation and regulations as well as by providing enhanced support for CBMs (reminders, assistance, annual summaries);
- (iii) facilitating and supporting States Parties' efforts to achieve universal adherence to the Convention, including those at the regional level.
- (iv) serving as a clearing house in conveying requests for implementation assistance to States Parties that have expressed a willingness to provide such assistance;

- (v) providing preparation, substantive service and institutional memory for BTWC meetings, including preparing background documentation related to topics of annual meetings and summaries of developments between meetings (including developments those in related fora such as the World Health Organization (WHO) and the UN Food and Agricultural Organization (FAO));
- (vi) coordinating with other fora and International Organizations (IOs) whose mandates and work are of relevance to that of the BTWC.

Annual meetings

5. Annual meetings provide an important opportunity for States Parties to consider the state of implementation of the Convention and new developments relevant to its purpose. The 2006 Review Conference should mandate annual meetings that could combine the consideration of set topics with the possibility to discuss matters of contemporary concern for the Convention. For example, a portion of such meetings, or “accountability sessions”, could be dedicated to such themes as National Implementation, Cooperation and Assistance, CBMs and Science and Technology. These recurrent themes could be considered during a portion of all annual meetings and be complemented as required by consideration of other themes such as universalization. Cross-cutting topics such as bio-safety and bio-security, as well as disease mitigation and surveillance, could be considered within the context of these themes. The current meeting format of two weeks for experts and one week for States Parties could reasonably be combined into a single meeting of two weeks duration. In this way, expert-level working groups might consider designated issues in the first week of the annual meeting and feed into the decision making deliberations of the second week. Such an approach would ensure that each annual session covered the range of issues facing the Convention at any given period of time.
