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Item 10 of the provisional agenda

**Review of the operation of the Convention
as provided for in its Article XII**

**IMPLEMENTATION OF THE BIOLOGICAL AND TOXIN
WEAPONS CONVENTION (BTWC): NEED FOR A
CONCERTED AND COORDINATED APPROACH**

Submitted by the Netherlands on behalf of the European Union¹

I. Introduction

1. The intersessional work programme for 2003 – 2005 has been very successful. It provided States Parties with an opportunity to share national experiences on a range of important topics. The meetings also provided States Parties with an overview of where they stand with regard to the implementation of and compliance with the Convention.

2. Although many States Parties have implemented the Convention fully or partially, and others have started a process to that end, it is clear that a lot of work still needs to be done, particularly in the areas of national implementing legislation, national measures to maintain the security and oversight of pathogenic microorganisms and toxins (biosafety and biosecurity), and awareness raising. The EU considers that more work is necessary in these areas in the years after 2006.

3. Apart from the issues discussed during the intersessional programme of work, many States Parties have formally or informally mentioned a number of other issues that need BTWC attention in the years to come, such as improvement of the exchange of Confidence-building Measures (CBMs), and promoting universality of the Convention.

4. The enhanced emphasis on the importance of compliance with BTWC obligations, through implementing the treaty provisions and commitments made at respective Review

¹ This is one of a series of complementary papers submitted by the EU Member States for the consideration of States Parties. The Acceding Countries Bulgaria and Romania, the Candidate Countries Turkey, Croatia and the Former Yugoslav Republic of Macedonia, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Serbia, as well as Ukraine and Republic of Moldova align themselves with this paper.

Conferences at a national level, has clear parallels with similar developments in the context of the Chemical Weapons Convention and the Non Proliferation Treaty (IAEA Safeguards). The EU considers that this emphasis should and will only increase in the coming years.

5. The EU also considers that, since States Parties to the BTWC clearly recognise the importance of enhanced implementation of the Convention, they should agree on specific measures to achieve this and should be willing to intensify bilateral and international efforts to meet any concrete targets the Review Conference might agree on.

II. Increased importance of provision of assistance

6. Already at the intersessional meetings in 2003 it was suggested by many that States Parties in a position to do so could offer (technical or financial) assistance in respect of national implementing legislation. States Parties in need of such assistance were encouraged to contact those offering assistance. Similar calls were made at the intersessional meetings in 2004 (improvement of disease surveillance and outbreak response) and 2005 (codes of conduct). Already in 2003, a number of countries officially indicated their willingness to provide assistance and provided lists of institutions or experts that could be contacted to that end. The importance of these initiatives needs no further explanation.

7. As a result of the intersessional meetings, some States Parties are already providing bilateral implementation assistance. The EU, under its Joint Action in support of the BTWC has also committed itself to assist States Parties in their efforts to implement the Convention. Furthermore, the EU as well as other States Parties is actively promoting universality of the Convention and other States Parties have been active in the area of Confidence-building Measures. The EU, through a number of initiatives, is also assisting third countries in complying with sanitary and phytosanitary requirements. The EU welcomes all these initiatives and activities, which should be continued and intensified where possible.

III. Need for concerted and coordinated approach

8. In order for all these initiatives to be effective, i.e. contributing to achieving the targets to be agreed at the Review Conference, a coordinated approach is indispensable. Bilateral activities should complement and reinforce each other, and should not overlap. Furthermore, no State Party in need of assistance should be excluded from such assistance simply because countries providing assistance were not aware of the demand. Finally, in some cases, implementation is not so much dependent on the availability of assistance, but on access to basic information concerning treaty obligations and other background knowledge.

9. A complete overview of all relevant activities by BTWC States Parties in respective areas of assistance at a central point, as well as coordination of such efforts would already contribute much to the effectiveness of States Parties' efforts. Likewise, a central point where all relevant BTWC information can be obtained and received would serve the goal of a more effective treaty.

IV. Possible roles for BTWC Secretariat in the area of implementation support

10. The EU considers this to be an impediment to our enhanced and concerted efforts to improve compliance with and effective implementation of the treaty. The EU suggests that States

Parties at the Review Conference consider in depth how to make better use of already existing structures in the BTWC context and how to improve these to meet the standard of effectiveness. More specifically, the EU proposes to make better use of the current BTWC Secretariat by assigning it some additional tasks in the field of implementation support.

11. Apart from managing any future meetings of States Parties, and assisting the Chair thereof as well as participants in these meetings, this enhanced BTWC Secretariat – or ‘Implementation Support Unit’ –, hosted within UNDDA, if so assigned by the Review Conference, could undertake additional tasks, such as:

- (i) Provide a central point of contact for States Parties for all matters concerning the Convention and its implementation, and a standard channel for communication among States Parties.
- (ii) Assist States Parties in their efforts to promote universal adherence to the Convention, including through liaising with non States Parties, and attending universality-related events.
- (iii) Act as a “clearing house”, matching requests from States Parties for assistance with national implementation, submission of CBMs, bio-security and preparedness with offers of such assistance from other States Parties.
- (iv) Maintain a reference collection of existing national implementing legislation, model legislation, international standards, guidelines, codes of conduct, manuals and other resources, provide an annual overview of newly enacted national implementing legislation, and provide basic advice to States Parties on drafting relevant legislation.
- (v) Collect and circulate to States Parties the annual Confidence-Building Measures, send out reminders for CBM submissions, and provide basic advice to States Parties on preparing and submitting CBMs .
- (vi) Assist the Depositaries with the administration of the Convention: maintain status lists, notify States Parties of accessions, meetings, initiation of formal proceedings, etc.
- (vii) Continue to support the intersessional process, and thereby facilitate active participation by all States Parties, by conducting research on assigned topics, preparing background papers, and liaising with relevant organisations.

12. While these seem to be the most essential tasks for such an ‘Implementation Support Unit’, hosted within UNDDA, with regard to national implementation and universality-related activities, there are other tasks it could carry out, again depending on what States Parties consider useful and necessary.

13. All the activities described above could be carried out without a significant increase in the costs already involved in secretarial support for the meetings of States Parties and their Chairs. If the Review Conference were to agree to assigning the abovementioned tasks to this ‘Implementation Support Unit’, hosted within UNDDA, it would seem appropriate that the Review Conference should also agree on a mandate to carry out such activities for the whole

intersessional period until the next Review Conference in 2011. This would provide the necessary continuity for States Parties as well as certainty for members of the secretariat.

14. Such an 'Implementation Support Unit', hosted within UNDDA, could be financed on the basis of a cost estimate by the secretariat of the Review Conference, to be decided upon by the Review Conference. The cost estimate should cover the activities of such an enhanced BTWC Secretariat for the entire period until the next Review Conference in 2011.
