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**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**

13 August 2013

English only

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**2013 Meeting**

Geneva, 9–13 December 2013

**Meeting of Experts**

**Geneva, 12–16 August 2013**

Item 7 of the agenda

**Standing agenda item:**

**strengthening national implementation**

**Preliminary views on the paper entitled “We need to talk  
about compliance”**

**Submitted by Japan**

**I. Introduction**

1. The working paper titled “We Need to Talk about Compliance”<sup>1</sup>, submitted by Australia, Canada, Japan, New Zealand and Switzerland at the Meeting of States Parties to the Biological Weapons Convention (BWC) in December 2012, encouraged the commencement of conceptual discussions on compliance issues at the 2013 Meeting of Experts under the standing agenda item of strengthening national implementation.
2. The BWC plays a vital role for international peace and security and its compliance is a common interest of a state party as well as the whole international community. It is important that each state party implements the BWC within the territory of the state under its jurisdiction or anywhere under its control. It is also essential for state parties to demonstrate its status of implementation of the BWC for enhancing mutual confidence among them. Thereby, the international community as a whole can increase the viability of the BWC.
3. The working paper proposed two broad questions and four additional questions which could be a basis for discussion to develop common understandings on issues relevant to enhancing assurances of compliance with the BWC. This paper contains some preliminary views of Japan primarily from the perspective of national implementation.

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<sup>1</sup> Document issued during the 2012 Meeting of State Parties under symbol BWC/MSP/2012/WP.11, is available at <http://unog.ch/bwc>.

## II. What constitutes compliance with the BWC?

4. Japan takes the view that compliance with the BWC requires, among others, the implementation of Article I by taking necessary measures as provided for in Article IV and the implementation of Article III.
5. This could include the following:
  - (a) Introduction of domestic laws, regulations, and other measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I including the criminalization of prohibitions contained in the BWC;
  - (b) A comprehensive national export control;
  - (c) Appropriate measures for biosafety and biosecurity;
  - (d) The implementation system for aforementioned (a), (b), (c);
  - (e) Effective implementation of aforementioned (a), (b), (c);
6. In addition, efforts to develop a voluntary code of conduct as well as education activities or awareness-raising for scientists could ensure effective implementation of the BWC and contribute to enhancing compliance assurances.
7. Given the implications of the rapid advancement of life sciences on Article I and III, full implementation of the BWC requires regular review of aforementioned national measures, responding to changing circumstances.

## III. How can state parties better demonstrate their compliance with the BWC and thereby enhance assurance for the States Parties?

8. States parties could better demonstrate their compliance and enhance assurance through a CBM submission which provides their implementation status on Article IV and their obligation to fulfil Article III. Additionally, voluntary initiatives to examine the status of implementation and to provide information periodically to the state parties could also contribute to building confidence among them.
9. Sharing efforts on developing a voluntary code of conduct and activities of education and awareness-raising for scientists could also be a means to prove compliance on BWC.
10. Furthermore, state parties could better demonstrate their compliance by sharing information relating to their international cooperation efforts under Article X, which also serve the objectives of Article IV. For example, international cooperation on biosafety and biosecurity measures could contribute to enhancing assurances.

## IV. Additional four questions

### 1. Whether there would be a role for declarations in demonstrating compliance, and if so, whether additional information to that which is already requested in the current CBMs would enhance assurance of compliance?

11. Japan believes periodic submissions of CBM returns and the BWC Compliance Reports are important to enhance assurances of compliance in the context of the BWC. In particular, the improvement and enhancement of Form E on CBMs, which includes

declaration of legislation, regulations and other measures of state parties could prove their commitment and contribute to enhancing assurances.

12. With regard to the enhancement of form E, information provided to the 1540 Committee is a useful resource for states parties, and consideration should be given to how it can effectively be utilized in order to reduce the workload of the states parties. Additionally, the state parties should consider ways to effectively use each report actively hereafter.

**2. Whether the consultation and cooperation mechanisms under Article V require further development, including, for example, consideration of mutually agreed visits to sites of compliance concern?**

13. It is necessary to resolve concerns for compliance in order to maintain mutual confidence among state parties. States parties agreed at the past Review Conferences to provide a specific, timely response to any compliance concern alleging a breach of obligations under the BWC within the framework of consultation and cooperation pursuant to Article V. Mutually agreed visits to sites of compliance concern could be a form of such specific response.

**3. Whether mechanisms for the investigation of alleged use of biological weapons (Article VI) require further attention, including the role of the UN Secretary-General's Investigation Mechanism?**

14. In order for the UN Secretary-General's investigation mechanism to effectively function reflecting technical advances in life sciences, it would be recommended to update lists of qualified experts and of laboratories with the capability associated with the above mechanism.

**4. Whether the potential impact of advances in the life sciences on demonstrating compliance and enhancing assurance of compliance, including, for example, the impact of rapid advances in bio-forensics?**

15. Advances in science and technology, inter alia, in bio-forensics may have an impact on methods of investigation for biological related issues as well as the implementation framework of the BWC in each state party. In this connection, states parties should bear in mind potential impacts of such advances in light of demonstrating compliance and enhancing assurances of compliance.

## **V. Conclusion**

16. National implementation measures taken by states parties are required to keep pace with the rapid advances in life sciences. In parallel, the development of a possible means for better demonstration of compliance and enhancement of assurances would be crucial. From this perspective, Japan is of the view that it is vital to continue discussions on compliance under the standing agenda item on strengthening national implementation in order to develop a common ground for the next Review Conference.

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