

This is one of a series of complementary papers submitted by the EU Member States for the consideration of States Parties. [A reference to the outcome of third country alignment procedure will be added.]

EU Paper on the enhancement of the CBM process

The disappointing performance of the confidence-building measures:

The Confidence-Building Measures (CBMs), relating to Articles V and X of the Convention, were put in place at the Second Review Conference in 1986 and developed further at the Third Review Conference in 1991, with the aim of enhancing transparency and improving the implementation of the Convention. As the study appended to the present document indicates, CBM performance has not matched up to initial expectations:

- The States making CBM declarations often complete the forms in an unsatisfactory manner (responses that are inconsistent, incomplete, etc.) such that it is difficult to extract clear information from them.
- Overall, too few States Parties make such declarations (between 33 and 45 declarations each year for 155 States Parties to the Convention; 90 States have never submitted a declaration). The goal of transparency pursued by the CBMs has therefore not been satisfactorily attained.
- In the light of these facts, the EU proposes certain corrective steps to improve the usefulness of the CBMs. Some could be agreed on at the Review Conference, some could be examined in an expert meeting after the Review Conference as part of the next work programme.

1) EU proposals for the Sixth Review Conference

In order to make progress toward universality, the EU supports two categories of measures to improve the CBM process that could be discussed at the Review Conference: technical improvements and political incentives.

i- Technical improvements

- An expanded role could be assigned to multiple-choice questionnaires (MCQs), in order to facilitate the task of official departments responsible for submitting the CBMs. Indeed, administrative difficulties probably explain the lack of CBM declarations in many cases.
- A computerised CBM form (with or without MCQs) would make it possible to standardise declarations and would make the task of official agencies easier while avoiding any limitation of the scope of the responses: all the questions would be retained and the responses would be integrated into electronic data fields.

Electronic CBMs would also allow faster and easier circulation of declarations to the United Nations Department for Disarmament Affairs (DDA). They would however require a secure system for electronic transmission.

- Finally, States Parties in a position to do so could support other States Parties that request assistance in returning their CBMs. Requests for and offers of assistance could be channelled through the BTWC Secretariat.

ii - Political incentives

- Reminders sent out by the DDA to all States Parties to submit CBMs

In addition to the reminder by depositary States, the BTWC Secretariat could easily send out to all States Parties reminders of the CBM schedule. States Parties could be invited to designate a point of contact to which these reminders should be sent.

If necessary, further reminders could be sent out after the deadline of 15 April.

- An additional annual reminder by the United Nations Secretary-General (UNSG)

The UNSG could send out a communication in January every year to all States Parties to remind them of the CBM timetable and encourage them to send in the declarations to the DDA before 15 April of the coming year.

The EU considers these changes could easily be made at the Sixth Review Conference .

2) Further EU proposals to enhance the CBM process

The CBMs currently comprise two parts: a preliminary declaration intended to clarify the content of the CBM return, and the specific forms A-G.

i) The preliminary declaration

As this stands, it serves to increase confusion. It needs to be clarified:

- *The “nothing to declare” / “nothing new to declare” declaration is unsatisfactory since the responses of the States Parties are not always clear:*

- If the State Party ticks “*nothing new to declare*”:

- and completes the related form: it could be assumed that this information is from the previous year.

- and does not complete the related form: it could be assumed that the information from the previous year is still valid.

There therefore appear to be at least two different modes of response for one and the same situation.

- If on the other hand the State Party ticks “*nothing to declare*”:

- logic would dictate that the State Party is indicating nothing, which is what some do;

- but when the relevant form is completed, the interpretation is ambiguous: does the State consider the information to be insignificant?

There are therefore once again two modes of response for one and the same situation.

- Certain States indicate in addition for the same section that they have “*nothing*”, and also “*nothing new*” to declare, which seems paradoxical.
- The consistency between the preliminary declaration and the items entered on the forms varies considerably from State to State:
 - A good many States fill in a very limited number of fields, justifying this by stating that they have *nothing to declare*.
 - However, some fill in a very limited number of fields without justifying this by adding the statement (*nothing/nothing new to declare*)

All in all, the “nothing to declare” / “nothing new to declare” declaration does not, contrary to the purpose assigned to it in 1991, simplify the reading of the CBMs but rather adds to the confusion. Certain specific modifications to the preliminary declaration would make the CBMs easier to understand.

ii) Proposals for clarification of the preliminary declaration

A reshaping of the preliminary declaration form along the lines set out below would make it possible to eliminate the ambiguities arising from the declaration as it is currently constituted:

Does your country have anything to declare this year on Measure A, part I ?

- (a) *Yes, it has something to declare in this form for the first time (please complete form);*
- (b) *Yes, it has previously declared something in this form, and needs to update or modify details (please complete form);*
- (c) *Yes, but this information has already been declared since [year] and has not changed; (no need to complete form)*
- (d) *No - it has nothing at all to declare on this form¹.*

These four questions could then be repeated for each of the forms A to G (including all the parts to forms A and B).

iii) The questions on the forms A to G

The quality of the responses to the questions on the forms varies considerably from State to State and from one section to another. New “implementation procedures” could therefore supplement or clarify those agreed at the Third Review Conference:

- CBM “A”: the Third Review Conference requested the provision of data on research centres

¹ Nothing at all to declare means : There is and there has not been in the past any activity to report that could justify the issue of data or any type of information as defined in the Final Declarations of the 1986 and 1991 Review Conferences of the States Parties to the BTWC.

and laboratories that meet very high national or international safety standards, “for example those designated biosafety level 4 or P4 or equivalent standards”. There is a need to ensure that this formula is unequivocal by making it clear that it is necessary to include level 4 laboratories, while not limiting States that want to include other laboratories which meet very high safety standards.

- CBM “C”: Rather than the manner of interpretation of this measure, it is the measure itself that could include the following clarifications in order to make a clear distinction between “publications” and “policy regarding publication”:

“Encouragement of publications of results and promotion of use of knowledge

4.1 Publications of research centres and laboratories covering the area of the confidence-building measures.

4.2 Policy regarding the publication of results of biological research”

- CBM “D”: The implementing procedures could provide for two headings: past seminars on the one hand and, on the other, planned seminars: the section would in fact be more easily completed by States Parties if it were retrospective and not solely prospective.

These, and possibly other, modifications of the preliminary declaration adopted in the Final Declaration of 1991 and of the CBM forms could be discussed and agreed on at an intersessional meeting dedicated to CBMs, if necessary for referral to the Seventh Review Conference.