
**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**

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English only

**Confidence and compliance with the Biological and Toxin
Weapons Convention: Workshop Report**

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

1. States Parties discussed “How to enable fuller participation in the Confidence-building Measures (CBMs)” under the biennial agenda item in the Intersessional Programme during 2012 and 2013, and agreed some practical measures that might help in increasing submissions. Since there is no specific agenda item for discussion of the CBMs for the remainder of the current intersessional programme, the United Kingdom is funding a project to create a discussion forum to contribute towards filling this gap, and to aid States Parties to prepare for a considered and effectual discussion of CBMs at the Eighth Review Conference in 2016.

2. As part of the project, a workshop titled “Confidence & Compliance with the BWC” was held in Geneva on 3 August 2014, jointly organized by King’s College London and the Geneva Centre for Security Policy. The following report is authored by Dr. Filippa Lentzos of King’s College London, lead implementer of the project and includes her assessment of the workshop discussions.

Confidence and compliance with the BWC

Key workshop themes

3. Confidence and compliance with the BWC encompasses a wide range of interlinked facets. This workshop focused on three key aspects and considered:

- (a) To what extent is the BWC verifiable?
- (b) Do the CBMs build confidence?
- (c) What would a legally-binding mechanism look like today?

4. The workshop provided a unique forum for cross-Group state party representatives, civil society experts, UN agencies and other BWC stakeholders to interact in an environment that facilitated a fruitful debate on these questions. The debate was stimulated through a mix of expert presentations, plenary discussion and dialogue in smaller breakout groups.



Verifiability

5. Unusually for an arms control treaty, the BWC was agreed without on-site verification mechanisms to deter or to safeguard against treaty violations. Some states maintain that the nature of biological weapons is such that they are inherently impossible to verify; others argue that while the same level of accuracy and reliability as the verification of, for example, nuclear arms control treaties is unattainable, it is possible to build a satisfactory level of confidence that biology is only used for peaceful purposes.

6. Presentations at the workshop provided empirically rich detail about biological verification processes both in routine on-site inspections and in investigations of alleged BWC violations. The resounding response to whether the BWC is verifiable was “yes”. It is possible for skilled inspectors to distinguish legitimate from cheating facilities while not compromising proprietary information; it is also possible to uncover a bioweapons programme even in situations where elaborate concealment strategies are deployed.

Confidence

7. Central to the compliance structure of the BWC are the CBMs – the means by which States Parties disclose information annually. Improving this process was one of the key substantive topics of the last Review Conference in 2011, and has been an agenda item during the past two years of the intersessional process. Despite this, many perceive that the measures are not relevant for States Parties’ security needs and that, as currently constituted, they do not provide useful information.

8. Approaching the question of whether CBMs build confidence from a new angle, the workshop explored the larger question of what “confidence” in the BWC means for different people and states. For some, confidence in the BWC means knowing the Convention: is widely adhered to (universalization), without significant gaps in coverage (to risks of proliferation), has an element of transparency and verifiability (to prevent cheaters), and is taken seriously by its member states (implemented nationally). Others emphasized that cheating must imply costs, and for some confidence in the BWC means a strong norm against the use and development of bioweapons, transparency of programmes and capacities, and mutual trust between States Parties and between States Parties and wider civil society.

9. Some of the practices and conditions that inhibit confidence in the CBMs were presented to encourage further thinking about confidence in the BWC context. These resonated with many of the workshop participants, and included: limited inquiry into and public testing of CBMs’ content and purposes; lack of a mechanism for testing the veracity or completeness of CBM reports; CBMs limited accessibility; perception of low utility; and accusations of “doing politics” directed at those who raise criticisms.

10. The response to the question “Do the CBMs build confidence?” that emerged from the workshop was “yes, the CBMs do build confidence and they are an important aspect of building confidence in the BWC, but CBMs should not be equated with confidence”. In short, confidence-building goes beyond the CBMs.

A legally-binding mechanism

11. Over the years, there have been a number of proposals for a legally-binding mechanism to strengthen the BWC. These have varied greatly; most have been very general, few have gone into detail. The most significant was the draft Protocol negotiated

by the Ad Hoc Group from 1995 but rejected in 2001, which highlighting the significant technical and political challenges of developing a legally-binding mechanism.

12. Differences in approach to a legally-binding mechanism were also apparent at the workshop. A number of participants argued for a multilaterally negotiated, legally-binding and verifiable provision that would implement all articles of the Convention in a balanced and comprehensive manner.

13. Some were more specific, arguing for an implementing agency — the Organisation for the Prohibition of Biological Weapons (OPBW) — responsible for investigating allegations of bioweapons use and suspicious disease outbreaks, assisting and protecting against bioweapons, promoting international cooperation, confidence-building measure, national implementation and monitoring developments in science and technology. The OPBW would be supported by a professional Technical Secretariat and policymaking organs (Executive Council and Conference).

14. Others highlighted the different political, security and technical contexts of today arguing that old concept won't work. New thinking is required, and two principal purposes for a legally-binding mechanism were put forward: to analyse implementation and to coordinate cooperation and assistance. Structurally, it was argued for a small organization focused on “declaration management” (which could include inspections), cooperation and assistance, an executive mechanism (of rotating, elected members but not a “council”), an intersessional process with decision-making power, and Review Conferences that move away from an Article-by-Article review and instead take on a stronger role of the highest decision-making body.

15. Finding a middle ground, some acknowledged that there are imperfections in the BWC but that it is still workable. They argued not to amend or add to the Convention itself, but rather to strengthen it incrementally through extended understandings, agreed procedures and politically-binding commitments, all accumulated through successive Review Conference and recorded in their Final Documents.

16. Airing these differences in views and entering into dialogue about them well in advance of the upcoming Review Conference in 2016 was in large part the aim of the workshop. The positive feedback received on the workshop suggests a significant step was taken in that direction.

Further details

17. A full workshop report will be launched on the opening day of the MSP, on Monday 1 December 2014 from 13:00–15:00 in Room XXV of the E-building at the Palais des Nations.

18. The report will also be available to download from www.filippalentzos.com. Additional project details are also available there.

19. The Twitter hashtag #BWCMX was used for the workshop and for the subsequent Meeting of Experts. Comments made by participants and others can be viewed there. Feedback on the report is most welcome.