

Ninth Review Conference 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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Follow-up to the recommendations and decisions of the Eighth Review Conference and the question of future review of the Convention

Proposals to Enhance Confidence-Building Measures Participation by Step-by-Step Approach

Submitted by Japan, co-sponsored by Australia, Germany, Malaysia and Republic of Korea

I. Introduction

1. The Confidence Building Measures (CBMs) are the only formal tool for States Parties to demonstrate their transparency and compliance with the Biological Weapons Convention (BWC), and as such they play an important role in preventing and reducing the occurrence of ambiguities, doubts and suspicions among States Parties. We therefore strongly commend the more than 90 States Parties who have submitted CBMs in recent years. We particularly appreciate the States Parties who contributed to the highest CBM submission rate in history in 2022 and call on all others to honour this political obligation.

2. However, it is concerning that the CBM submission rate remains low, at just over 50%. Reasons for this low submission rate certainly include difficulties in collecting the necessary information to complete each form, but also seem to be linked to an unawareness of the multiple benefits of CBMs. This paper therefore not only provides suggestions on how to overcome technical difficulties, but also reiterates both the importance and utility of CBM participation.

II. Focusing on the Benefits of CBM Participation

3. The CBMs were introduced and agreed upon at the Second Review Conference to enhance transparency and confidence under Article V of the BWC. Acknowledging that this agreement has to this point failed to persuade all States Parties to actively engage in the CBMs, we suggest the following approaches to enhance States Parties' engagement.

4. Article X of the BWC affirms that the States Parties undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials, and scientific and technological information for the use of biological agents and toxins for peaceful purposes. The submission of CBM reports advances this goal in so far these reports contribute to the creation of an atmosphere of transparency and trust, in which associated risks are addressed and international companies and research institutes can operate in full confidence that all provisions of the BWC are being respected.

5. In addition, CBM reports can provide valuable information on opportunities for cooperation and assistance. For example, Form A, which provides information on a State Party's main research centers and laboratories, may serve as a first reference point for all



those wishing to assist a State Party to improve its preparedness and response to biological incidents. Form B, which deals with information on outbreaks of infectious diseases and similar occurrences by toxins, demonstrates where States Parties may require urgent emergency support. Similarly, Form E on national legislation and regulation can help the international community to identify those aspects of national implementation that are most challenging and require deepened cooperation.

6. Although the primary objective of CBM report submission is to enhance transparency and trust among the BWC States Parties, it is also worthwhile to further explore and highlight their more direct benefits to participating States Parties. As explained above, CBMs can help States Parties to participate in the peaceful use of biological agents and toxins and to provide information on opportunities for cooperation and assistance.

III. Networking among Domestic Agencies

7. One crucial precondition for CBM submission is the establishment of a cooperative network of relevant domestic stakeholders, whose support is often required to collect the necessary information and complete the forms. Creating such a network, however, tends to be a challenging task, not least because perceptions often vary among stakeholders in regard to their role in the Convention's implementation.

8. In fact, States Parties may need to focus on enhancing mutual understanding and building confidence with domestic stakeholders in the initial years of their CBM participation. As a starting point, the "Guide to Participating in the Confidence-Building Measures of the Biological Weapons Convention"¹ recommends that States Parties establish a list of all relevant government agencies. In a second step, it provides a letter template to request the necessary information from the identified agencies. Although the letter template provided in the Guide is very helpful, such a letter in itself may prove insufficient to guarantee the necessary commitment from relevant agencies.

9. In order to maintain the network among the relevant ministries, Japan holds regular meetings with BWC focal points from other ministries to exchange views and reconfirm cooperation on CBM implementation. These meetings provide a perfect opportunity for the focal points to share and learn from one another, as they are all involved in national implementation of the BWC but hold different knowledge and expertise. This approach, also implemented in similar ways by other co-sponsors, has proven to be an effective means to foster and maintain the necessary close linkages.

10. In addition to the States Parties' own efforts, other States Parties may have the opportunity to assist in involving domestic stakeholders in CBM implementation. For example, States Parties that provide bilateral support in the field of biotechnology, health, agriculture, or safety legislation could include information on the BWC and, more specifically, CBMs in their programme. States Parties providing support could also encourage their project partners to contact the relevant national BWC focal points and provide strong backing for the ministry's requests for cooperation.

IV. CBM Step-by-Step Approach

11. Japan and other co-sponsors have been advocating for a Step-by-Step Approach to CBM submission which would benefit States Parties that have either never submitted a CBM report, or have difficulties in completing annual forms.² This approach reduces the burden on States Parties by allowing flexibility in the degree of their CBM participation, in the hope that over time this will encourage them to regularly submit forms. According to this gradual approach, even limited submissions help build confidence and increase transparency among BWC States Parties. Submission of a single CBM form is clearly preferable to no submission.

¹ <https://www.un.org/disarmament/publications/more/cbm-guide/>

² BWC/MSP/2018/MX.3/WP.6 and Corr.1 - Step-by-Step Approach to CBM Participation Submitted by Japan, Co-sponsored by Australia, Germany, Malaysia, Republic of Korea and Switzerland.

12. Working towards CBM submission in a Step-by-Step Approach would enable States Parties to recognize, and, in due course, to address potential challenges in the collection of relevant information. It is important for States Parties to recognize the challenges they are facing regarding the collection of necessary information for CBMs and openly communicate those to other States Parties, so that those in a position to do so can provide adequate support.

13. In this way, the Step-by-Step Approach aims to introduce flexibility for each State Party in the CBM submission process, while still increasing transparency and confidence among States Parties through growing CBM participation. We encourage all States Parties to recognize and endorse the value of this approach and consider its adoption by the next Review Conference.

V. Conclusion

14. Considering that the submission rate for CBM reports is still only around 50% of BWC States Parties, continuous efforts should be made to improve CBM participation. In addition to the above suggestions, the electronic CBM submission platform,³ which was developed with the support of Germany and the European Union and which was introduced in 2018, should further facilitate submission, as well as retrieval and analysis of CBM information by States Parties. The eCBM platform enables the electronic, consistent and user-friendly submission of CBMs in all six UN languages and provides data visualization and search capabilities.

15. Japan sponsored workshops for South-East Asian States Parties on national implementation of the BWC. These workshops provided practical information, skills, and guidance, and explained the roles and responsibilities of BWC national focal points. The workshops also supported States Parties in the region that require assistance to fill in their CBM forms. The project concluded in March 2022, resulting in such tangible outcomes as Cambodia having submitted its first CBM report in 2022.

16. Japan and the co-sponsors of this paper reiterate the important role of CBMs in reinforcing the BWC regime and fostering trust and transparency between its States Parties. All States Parties are encouraged to explore the ideas put forward in this paper in order to make progress towards the goal of full and complete CBM participation.

³ <https://bwc-ecbm.unog.ch/>