
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

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Item 8 of the agenda
Standing agenda item:
strengthening national implementation

We need to talk about compliance

Submitted by Australia, Canada, Japan, New Zealand and Switzerland

Introduction

1. Strengthened implementation of the Biological Weapons Convention (BWC) is critical to national and international security. Full compliance with the BWC is in the security interests of all States Parties, as this will reduce the possibility of BW proliferation/production and raise barriers to bioterrorism.
2. At the Seventh Review Conference, Australia, Japan and New Zealand submitted a working paper¹ proposing the establishment of an intersessional working group *inter alia* to discuss and develop common understandings on issues relevant to enhancing assurance of compliance with the BWC.
3. The working paper proposed that in addressing compliance issues, the working group could undertake a conceptual discussion around two broad questions:
 - (a) What constitutes compliance with the BWC?
 - (b) How can States Parties better demonstrate their compliance with the BWC and thereby enhance assurance for other States Parties?
4. These questions remain valid² and need to be considered during the current intersessional period – notably in the context of the standing agenda item on strengthening national implementation – with a view to promoting common understanding and effective action.

¹ BWC/CONF.VII/WP.11.

² Their continuing validity is demonstrated by respective proposals of Canada, Czech Republic and Switzerland (see BWC/MSP/2012/MX/WP.17 and BWC/MSP/2012/WP.6) and France (see BWC/CONF.VII/WP.28) for possible mechanisms designed to enhance assurance of compliance with the BWC.

5. Moreover, rapid scientific and technological developments in the life sciences and the increasing globalisation of the biotechnology sector underline a need for States Parties to address these questions in a fresh, critical and creative manner and to develop concrete and practical responses which reflect those contemporary scientific and technological realities. It is in all States Parties' interest to do so.

Recommendations

6. To this end, Australia, Canada, Japan, New Zealand and Switzerland recommend that the Chair of the 2013 Meeting of States Parties provide under sub-item (e) of the standing agenda item on strengthening national implementation³ for an initial conceptual discussion at the Meeting of Experts in 2013 designed to promote common understanding of what constitutes compliance with the BWC and effective action to enhance assurance of compliance. This discussion can and should be complemented by side-events and workshops.

7. To facilitate and focus this discussion, Australia, Canada, Japan, New Zealand and Switzerland also invite States Parties to provide views on the questions posed in paragraph 3 above to the Implementation Support Unit (ISU) by 30 June 2013, and request the ISU, in accordance with its mandate to facilitate communication among States Parties,⁴ to compile and circulate those views ahead of the Meeting of Experts in 2013.

8. In offering their views, States Parties could consider additional questions, such as:

(a) 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;

(b) 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;

(c) 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;

(d) 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.

³ See BWC/CONF.VII/ Part III paragraph 24.

⁴ See BWC/CONF.VI/6 Part III paragraph 5 and BWC/CONF.VII/ Part III paragraph 31.