

Wednesday 4th December 2024

Fifth Session, second day: confidence-building and transparency

The plenary topic for the second day of the Fifth Session of the Working Group (WG) on the strengthening of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) was ‘confidence-building and transparency’ which had previously been discussed during the first day of the Third Session in December 2023 (although as some time had been lost on the first day of that Session, a few statements on this topic were made on the second).

The Chair of the WG, Ambassador Frederico S Duque Estrada Meyer (Brazil) opened the plenary promptly at 10am on Tuesday morning in line with his stated aim of using the available working time effectively. Once plenary discussions on confidence-building and transparency came to an end, the Friends of the Chair on the topic convened a meeting to continue discussions informally. This was followed by a similar meeting convened by the Friends of the Chair on the science and technology (S&T) mechanism.

Documents, including working papers and statements are being posted to the official Fifth Session website at <https://meetings.unoda.org/meeting/71783>.

Confidence-building and transparency issues

The BWC system of Confidence-Building Measures (CBMs) provides for annual returns to be provided by states parties on certain relevant activities and facilities. The Second BWC Review Conference (1986) agreed: ‘that the States Parties are to implement, on the basis of mutual co-operation, the following measures, in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions, and in order to improve international co-operation in the field of peaceful bacteriological (biological) activities’. The CBM forms were last updated at the Seventh BWC Review Conference (2011). Over the years a number of voluntary transparency measures have been suggested and enacted.

The Chair introduced the topic, reminding delegates that these issues had been discussed in many meetings before the WG had been established. He highlighted that the submission rate for CBM returns has been over 50 per cent of states parties for the past four years with the number steadily increasing each year since 2017. He noted that 2023 had been a record year with a total of 106 state parties submitting a CBM return and informed the plenary that 105 have already been submitted this year, with ‘several more’ still expected. [Later in the day, news came through that Cameroon had just submitted its return bringing the 2024 total to 106 to equal the 2023 record.]

The Friends of the Chair for this topic, Laurent Masmjean (Switzerland) and Angel Horna (Peru) introduced a ‘food-for-thought paper’ they had circulated to delegations mid-November. This had been based on an early reflections paper which had been discussed online in June and then further developed. The non-paper identifies five possible areas of work. The Chair opened the floor for specific responses to the new document and then for general comments. [*Editorial note:* to make what follows a more accessible summary, this report will summarize points made from the Friends of the Chair or from delegates in each of the five areas identified but will precede them with some of the general comments as they provide context.]

General comments – Many of the general comments made were in line with points raised in earlier meetings. Many delegations emphasised that CBMs/transparency

measures were no substitute for a legally binding verification system, nor could they be used to judge the compliance of a state party. Lack of clarity about what is achieved through CBMs may be an influence on the low number of returns. Some states parties noted that they make their CBM returns public and this can help with overall transparency. Lesotho indicated it has a draft first CBM return which will be submitted soon.

Enabling greater participation in CBMs – The Friends of the Chair noted that proposals fell in four sub-areas: providing enhanced guidance and tailored support; taking steps to facilitate the reporting process; easing the burden of submitting CBMs; and increasing incentives to participate in CBMs. It was highlighted that these were primarily technical in nature. A number of examples of training activities were highlighted in discussion. For example, Timor-Leste spoke of a two-day workshop in Dili in March funded by the UK and the EU involving officials from various ministries to prepare for the CBM submission process. Timor-Leste and others referred to a capacity-building workshop in China hosted in association with the Lao PDR. Australia noted CBM discussions in a universalization workshop it had hosted in January. Support was expressed for the step-by-step approach to enable states parties to submit partial returns as they develop their national processes to compile relevant information. There was some discussion about whether to make CBM returns mandatory and it was highlighted that if they were made legally binding there would be a need to ensure the relevant national capacities were in place.

Ensuring that existing CBMs remain up to date – The Friends of the Chair suggested setting up a regular review process of CBMs from a scientific and technical (S&T) perspective as biosafety and biosecurity developments as well as other developments in the life sciences could change what information would be relevant. During discussion there were connections made with the parallel discussions on a possible S&T review mechanism. A need for understanding other changing contexts was suggested.

Expansion of the scope of existing CBMs or the adoption of new ones – Over the years there have been a number of proposals although these have primarily been about modifying existing CBMs or adding new elements. During the discussion, Russia introduced WP.8 which suggests amendments to the CBM forms, in particular on military biomedical activities conducted by states parties on the territory of other states and on animal vaccine production facilities. As with the introduction of a similar working paper a year before, references were made to allegations about Ukraine, prompting points of order.

Leveraging information provided through CBMs – Alongside the question of what is the information that should be included within the CBM system is one of how the information could be used better. The Friends of the Chair highlighted what might be done collectively to leveraging the information provided in CBMs. One might be to ask the BWC Implementation Support Unit (ISU) to make a quantitative assessment of CBMs. Another would be to organize a regular peer review of CBM submissions [not to be confused with the peer review transparency activities] A third option would be to put arrangements in place to clarify any question or comments that CBMs might give rise to. All of the identified options have resource implications.

Establishment of new transparency measures or mechanisms – The Friends of the Chair noted that there have been a number of such measures proposed over recent years including implementation reviews, voluntary visits and voluntary peer reviews which have been developed by ad hoc collections of states parties who have made use of them. As with discussions on these in earlier meetings, some delegations indicated preferences for measures that can be universally applied. Support was expressed for these measures and for the more recent exchange platform proposal to share information on transparency measures with a view to identifying good practices which might be translated into making national implementation more effective and efficient.

These reports have been produced by the BioWeapons Prevention Project (BWPP) for all BWC meetings with NGO registration since the Sixth Review Conference (2006). They are available from <https://www.bwpp.org/reports.html> and <https://www.cbw-events.org.uk/bwc-rep.html>. A subscription link is available on each webpage. The reports are written by Richard Guthrie, CBW Events, who is solely responsible for their contents <richard@cbw-events.org.uk>.