

OFFICE DES NATIONS UNIES A GENÈVE
BUREAU DES AFFAIRES DE DÉARMEMENT
SERVICE DE GENÈVE



UNITED NATIONS OFFICE AT GENEVA
OFFICE FOR DISARMAMENT AFFAIRS
GENEVA BRANCH



Tel: +41 (0)22 917 3463
Fax: +41 (0)22 917 0483
E-Mail: bwc@unog.ch
URL: www.unog.ch/bwc

WORKSHOP TO IDENTIFY THE PROPER ROLE OF THE OSCE IN
FACILITATION OF UN SECURITY COUNCIL RESOLUTION 1540

Statement by the Biological Weapons Convention Implementation Support Unit

Vienna, Austria, 27-28 January 2011

Mr Chairperson, distinguished delegates, ladies and gentlemen,

1. Thank you for this opportunity to deliver a message to your workshop. The Biological Weapons Convention (BWC) and UN Security Council Resolution 1540 have worked together closely to bolster national measures to prevent the acquisition and use of biological weapons. In recent years, both regimes have been working hard at a regional level to translate their goals into effective action. Representatives from the 1540 Committee and the BWC Implementation Support Unit (ISU) have participated, together, in panels, discussions and events around the world. Your workshop is an important opportunity to work together once more – to look at how our collective objectives might be pursued in the future, in OSCE countries. The BWC ISU wishes you a successful meeting and is keen to work with you and your member states to help prevent disease being used as a weapon.
2. The Biological Weapons Convention and Resolution 1540 share common goals. Both seek to strengthen national regimes to proscribe and prevent biological resources being used for terrorism or other purposes contrary to international law. Both also seek to protect and encourage the development of the peaceful applications of the life sciences, and to ensure that the life sciences are used in a safe and secure manner, solely for the benefit of humanity. In practice, coordination between the BWC and 1540 has not always been simple. Until 2007, the BWC had no institutional support. It still has no dedicated international organization charged with overseeing its implementation, unlike its nuclear and chemical counterparts (the NPT and CWC). It does, however, have the ISU - which increasingly, acts a critical node in the growing network of actors involved with ensuring that biology is used safely, securely and solely for beneficial purposes.
3. The ISU is a small entity of only three full-time staff. It is housed within the Geneva Branch of the Office for Disarmament Affairs, but is fully funded directly by the States Parties to the BWC. Evidently, such a small operation cannot be compared to the OPCW or the IAEA. Indeed, the purpose of the ISU is, as its name suggests, to **support** and coordinate the implementation efforts of the States Parties – to "help States Parties help themselves" – rather than to carry out implementation tasks itself. This has proved to be a successful model. States Parties have benefited from a source of advice, coordination and communication, from greater cohesion to their activities, and from 'reinventing

wheels'. Other organizations and activities have benefited from the BWC having an institutional focus to act as a central point of communication and interaction. As part of this approach, the contributions of other specialist bodies, such as the 1540 Committee, and regional organizations, such as the OSCE, are particularly important. Much of the work of the treaty actually takes place in other forums. Since its creation, the ISU has worked closely with the 1540 Committee and has participated in several meetings, including in: Austria; Costa Rica; Croatia; Qatar; the United Arab Emirates; and Vanuatu. The BWC ISU is keen to work together with the OSCE in a similar manner.

4. In addition to creating the ISU, the Sixth Review Conference in 2006 was a turning point for the BWC. It resolved certain divisions from the past, consolidated an approach for effective intersessional work and agreed a Final Declaration which embodies a common vision for the Convention and its implementation. A number of provisions were of particular relevance to Resolution 1540 and to any future work the OSCE might undertake in this area. The Final Document of the Sixth Review Conference saw States Parties commit themselves to:

- implement appropriate measures, including effective national export controls, to control and monitor direct and indirect transfers of relevant biological materials and equipment to any recipient;
- take measures to ensure that relevant biological agents and toxins are protected and safeguarded, including through measures to control access to and handling of such agents and toxins;
- promote the development of training and education programmes for those working with relevant biological agents and toxins, and include information on the BWC in medical, scientific and military educational materials;
- support and encourage the development, promulgation and adoption of codes of conduct and self-regulatory mechanisms, and promote awareness among relevant professionals of the need to report suspicious activities.

5. The Conference also agreed on many practical measures, including:

- A detailed new intersessional work programme to help ensure effective implementation of the Convention until the Seventh Review Conference in 2011;
- Specific measures to obtain universal adherence to the Convention;
- An update of the mechanism for the Convention's confidence-building measures, and foreshadowing a more thorough review in 2011;
- Requiring States Parties to nominate a national point of contact to better coordinate various aspects of national implementation and universalization; and
- Various measures to improve national implementation, including of Article X of the Convention dealing with the peaceful uses of biological science and technology.

6. The BWC has now finished the intersessional work programme established at the Sixth Review Conference. Each year States Parties addressed one or two specific topics related to

improving implementation of the Convention – issues also closely related to the work of the 1540 Committee. The 2007 – 2010 intersessional process covered:

1. Ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions; and
2. Regional and sub-regional cooperation on implementation of the Convention.
3. National, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins; and
4. Oversight, education, awareness raising, and adoption and/or development of codes of conduct with the aim of preventing misuse in the context of advances in bio-science and bio-technology research with the potential of use for purposes prohibited by the Convention.
5. Promoting capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases: for States Parties in need of assistance, identifying requirements and requests for capacity enhancement; and from States Parties in a position to do so, and international organizations, opportunities for providing assistance related to these fields.
6. The provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, including improving national capabilities for disease surveillance, detection and diagnosis and public health systems.
7. A meeting of experts, held in August, brought together a wide range of experts from States Parties, international and regional organisations, and relevant professional, scientific and civil society bodies. The material, ideas and proposals raised and discussed at the meeting of experts were then distilled and refined by the Chair, and developed into a more politically-oriented set of conclusions at the meeting of States Parties held in December. Through these meetings, States Parties aimed, not to negotiate binding agreements or recommendations, but to "discuss, and promote common understanding and effective action". In practice, these meetings yielded considerable benefit through exchanges of information and experience, as well as through the collation of ideas and proposals into cohesive packages that serve as a common point of reference. Such common understandings covered:
 - On national implementation: components of national frameworks: mechanisms for effective action; the needs of enforcement capacity; and a range of ongoing activities.
 - On regional and sub-regional cooperation: approaches; the provision of resources; and information sharing.
 - On biosafety and biosecurity: components; tools; characteristics; and assistance needs.
 - On oversight, education, awareness raising and codes of conduct: the characteristics of effective oversight; important components for education and awareness raising; as well as the next steps for taking action on codes of conduct.

- On building capacity to deal with disease: infrastructure components; developing human resources; implementing shared practices; aspects of sustainability; improving integration; enhancing coordination; as well as approaches for overcoming challenges.
- On responding to an alleged use: challenges to effective coordination; areas for collective work; components of national capacity; the role of the BWC in providing assistance; as well as the role to be played by international organizations.¹

8. States Parties are currently preparing for the Seventh Review Conference, which will be held in Geneva, Switzerland from 5 to 22 December 2011. The review conference will be presided over by Ambassador Paul van den IJssel of the Netherlands. As with previous review conferences, this meeting will review the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention... are being realized.” The review conference will also set the BWC’s agenda for its next intersessional process. It will determine what issues are given a priority, what work is to be undertaken, in what format and where. There might, therefore, be interest in contributions from both the 1540 Committee and the OSCE.

9. Informal preparations have already begun. States Parties, international organizations and non-governmental experts have started to meet informally to consider the issues likely to be covered by the review conference. To date, six broad themes have emerged: what to do in the next intersessional process; comprehensive attention on annual exchanges of information through the Confidence-Building Measures; keeping abreast of advances in science and technology and their implications for the BWC; the future of the ISU; international cooperation and assistance; as well as compliance and verification. Discussions started in September 2010 at a workshop hosted at Wilton Park in the UK. A second event was held in October 2010 in Beijing China. Similar workshops are planned for the future in the Middle East, the Asia-Pacific, Africa and Latin America. Rotating informal discussions through the different regions of the world will ensure that all states have had an opportunity to participate in the work and that in December the review conference agenda will be set on a fair and equitable basis.

10. One exciting development in the recent work of the BWC has been the expansion of the contributing community of actors and individuals. Not so long ago, the BWC used to be the preserve of defence and foreign affairs ministries. Today, not only are a much broader range of governmental agencies involved (from health, to agriculture, from trade to the environment, and from justice to the legislature) but so are a broad range of international organizations (from WHO to INTERPOL, from OIE to UNICRI, and FAO to UNODA), their regional counterparts, as well as non-governmental bodies from both the public and private sectors, such professional associations, industry associations, academies, academia, think tanks, and advocacy groups. The search for new partners is never ending.

11. Given the importance of further strengthening this community and the opportunities offered by this workshop, further thought must also be given to how the OSCE, BWC States Parties and the BWC ISU can work together more closely on these issues. Areas of potential overlap that might rapidly bear fruit include: efforts to harmonize international legal frameworks; efforts to build relevant national capacity; opportunities for enhancing transparency and exchanging information; as well as increased working-level interaction.

12. Although the international norm against biological weapons is well-established, and no state would claim that such weapons can ever have a legitimate place in national defence, a total of 33

¹ A compilation of the common understandings reached during the 2007 – 2010 intersessional process is attached to this statement.

states have not yet ratified or acceded to the BWC. All of the OSCE participating states are States Parties to the BWC but some of the partners for cooperation are not. Perhaps there are opportunities for the BWC and the OSCE to work together to persuade these states to ratify or accede to the treaty and therefore help harmonize the relevant international legal frameworks.

13. Many of the States Parties most active in providing assistance to build national capacity are OSCE members. They are already undertaking initiatives, individually and collectively, that might be of interest to the OSCE. There might also be relevant activities pursued by OSCE member states in other settings that are relevant to the work of the BWC. Sharing details of such efforts across regimes brings added value at a minimal extra cost. There could be opportunities to streamline requests for, and the provision of assistance, for example. Equally, many of the states in which BWC relevant capacity has been built are also OSCE members. Given the BWC's more diverse geographical membership, there may be additional sources of assistance to build capacity that could supplement arrangements in place through the OSCE. Within the OSCE, there will also be a great deal of experience in how (and how not) to establish, run and concluded such capacity building partnerships. Identifying relevant examples and drawing from them the lessons learned will provide distinct benefits not only for future capacity building efforts to tackle biological weapons, but for the broader collaborative efforts of both the OSCE and the BWC.

14. The dispersed and burgeoning nature of biological research and the biotechnology sector are increasing the importance of regulatory actors feeling confident that they know what is happening, where and when. This is not an issue confined to concerns over misuse, but expands to areas such as public safety, concerns for the environment, financial oversight and international trade. Gathering relevant information is not a simple process – increased transparency and confidence building are important tools. Both the BWC and OSCE have various mechanisms to gather and share information. Some are more formal than others. There may be areas where there is relevant data that might usefully be shared between the regimes. At the least, a review of information sharing practices would help to ensure that there is no unnecessary duplication and might inform future developments in reporting structures.

15. At a working level, there will certainly be opportunities for cross-fertilization. The BWC ISU was very pleased to have been invited to participate in this event. Given the size of the unit and certain existing commitments that was not possible. The BWC ISU hopes that it will be invited to such events in the future. There will also be opportunities for OSCE staff and experts to participate in formal and informal BWC meetings. If this meeting was to conclude that it is desirable, perhaps further discussions between OSCE staff and the BWC ISU could revisit this matter in more detail.

16. In conclusion, we will need to move faster, and be flexible, nimble, innovative and creative if we are to rise to the challenge of ensuring that biology is not used as a weapon. The work done by the 1540 Committee and the BWC States Parties on national legislation and enforcement, on biosecurity, on education and awareness-raising, has made a valuable contribution, and should be continued and strengthened. To that end, we are looking for new and different sets of international partners, with whom we can work to prevent the application of disease as a weapon. Efforts need to evolve from being either primarily national or international initiatives to focus, as well, on what can be achieved at a regional level. Insights from other sectors, especially those with different backgrounds and experiences, might provide useful lessons from which we can all learn. The BWC ISU looks forward to the possibility of working more closely together with the OSCE in the future. In the meantime, we should seek every opportunity for coordination and cooperation, for pooling resources and expertise, and for sharing information and ideas. Together, we can effectively reduce the risks of biological weapons being developed, acquired or used.
