

AD HOC GROUP 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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DISCUSSION PAPER ON MEASURES

Working Paper submitted by The United Kingdom of Great Britain and Northern Ireland

INTRODUCTION

1. The Special Conference decided that the Ad Hoc Group will *inter alia* consider a system of measures to promote strengthening of the Convention, including, as appropriate, measures identified, examined and evaluated in the VEREX Report. It was also stated that such measures should apply to all relevant facilities and activities, be reliable, cost-effective, non-discriminatory and as non intrusive as possible, consistent with the effective implementation of the system and should not lead to abuse; in addition, the regime should also include measures for the investigation of alleged use.

OBJECTIVES

2. If the Ad Hoc Group is to meet the mandate's requirements, particularly that it should complete its work as soon as possible and submit its report to the Fourth Review Conference, it will need to work on a system of measures in a practical and focussed manner. Two of the observations on the VEREX Report in the Special Conference's Final Declaration will be helpful in guiding this process. Firstly, it noted that the measure described under the heading "Declarations" had been most frequently identified for application in combination with other measures; and, secondly, that some combinations of potential verification measures, both on-site and off-site, could provide information which could be useful for the main objective of the Biological Weapons Convention. In view of this it would seem reasonable that the Group's work on measures should be guided by these two observations.

3. However, to assist in focussing the Ad Hoc Group's work it might be helpful to identify some of the main issues and questions which the Group should address in its initial substantive meetings on elaborating a system of measures as mandated by the Special Conference. These issues and questions, set out below, might provide a framework for the Group's discussions and in particular for the agenda of the 10 meetings allocated to measures in the July session leading to consideration of text for a legally binding instrument.

DECLARATIONS

4. "Declarations" were singled out by VEREX as one of the most important possible measures. For this reason discussion of declarations might form the starting point for the Group's work on measures. Some of the immediate questions which could be considered in this context are:

- (a) What specific objectives should declarations fulfil?
- (b) What facilities/activities should the declarations cover? What other aspects should be included?
- (c) What are the implementation aspects of declarations, including the practical implications for States Parties in collating information? How detailed should declarations be?
- (d) How should other possible measures complement declarations?

OTHER MEASURES

5. The VEREX Report stated that some measures were considered inherently not capable by themselves of differentiating between prohibited and permitted activities. The Special Conference's Final Declaration noted that the VEREX Report considered that some combinations of some potential measures, including both on-site and off-site measures, could provide information which would be useful for the main objective of the Biological Weapons Convention to improve transparency and openness thus enhancing compliance. A key task of the Ad Hoc Group will be to see which of these measures would, together with declarations, form a more effective system.

6. The Ad Hoc Group should consider which on-site and off-site measures, in addition to declarations, would best fulfil the Group's objective of drafting a legally binding instrument to strengthen the Convention. The VEREX Report already provides an indication of such measures. Questions which could be addressed include the following:

On-site measures

- (a) What specific objectives should on-site measures fulfil?
- (b) How could on-site measures operate to provide a means for enhancing transparency and for addressing compliance concerns?
- (c) How could mandatory on-site measures be made as non-intrusive as possible and protect proprietary and national security information whilst still being consistent with the effective implementation of the system?

- (d) What should be the relationship between declarations and on-site measures?
- (e) How could on-site measures be formulated and implemented in a non-discriminatory, efficient and reliable fashion? Would an organization be required? What are the principles of such an organization?
- (f) What information from on-site measures should be reported and how should other States Parties be involved in follow up action eg to address ambiguities?

Off-site measures other than declarations

- (a) What specific objectives could other off-site measures fulfil?
- (b) To what extent can these off-site measures contribute reliably and cost-effectively to a system to promote compliance?
- (c) How would these off-site measures operate in conjunction with declarations and on-site measures?

Other

- (a) What measures would be required for the investigation of alleged use?
- (b) What measures would be required for the investigation of outbreaks of infectious disease and similar outbreaks due to toxins?

7. In considering measures, the Group should consider how these could be formulated and implemented so as to protect sensitive commercial proprietary information and legitimate national security needs and to avoid any negative impact on scientific research, international cooperation and industrial development.

8. The consideration of measures to promote compliance with the Convention could, at an appropriate stage, take into account the work done by the Ad Hoc Group on definitions of terms and objective criteria in regard to specific measures and CBMs.
