

## CONCLUDING SESSION\*

As was outlined during the overview of the Biological Weapons Convention Regional Workshop on Monday,<sup>1</sup> the objective of this Workshop has been for us to become engaged, as a group of regional countries which are States Parties to the Biological Weapons Convention (BWC), to ‘discuss, and promote common understanding and effective action’ on the five topics included in the Geneva-based three-year BWC program of work, as well as other BWC-related issues. Our aim in this concluding session has been to consider the extent to which we, as a group of participants from a number of regional countries, have developed common understandings on the various issues discussed during the Workshop, and to explore how we might undertake effective action to achieve the objectives of the BWC three-year program of work.

Initially Dr Bob Mathews briefly reviewed the outcomes of the various discussions that had taken place in the first four days, highlighting what he thought had been the ‘common understandings’ reached on the five specific topics in the BWC three-year program of work. Participants were also encouraged to provide their views on these issues. Bob also highlighted a number of other BWC-related issues which were discussed during the Workshop, including issues such as Confidence Building Measures (CBMs) and the range of views expressed by participants as to their value as a means of raising confidence in the compliance of States Parties with their obligations under the BWC.

Then, under the leadership of Hasan Kleib, Workshop participants developed and drafted a Summary of Deliberations, which contains factual aspects of the Workshop, and agreed common understandings reached in the course of the Workshop on the various issues including national legislation, enhanced security of pathogens and toxins, bio-defence and disease surveillance, and codes of conduct. Again, under Hasan’s leadership, participants developed a text associated with five agreed follow-up activities. The BWC Regional Workshop Summary of Deliberations, as agreed in the Concluding Session, is reproduced on the following pages.

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\* This session was co-chaired by Dr Bob Mathews and Hasan Kleib. Dr Mathews is Head of NBC Arms Control, Defence Science and Technology Organisation, in the Australian Department of Defence, Melbourne; Hasan Kleib is Director for International Security and Disarmament, Indonesian Department of Foreign Affairs.

<sup>1</sup> See Dr Bob Mathews, ‘Workshop Convenor’s Address at the Opening Ceremony: Overview of the Biological Weapons Convention Regional Workshop’ in Chapter I of this volume.

## **BIOLOGICAL WEAPONS CONVENTION REGIONAL WORKSHOP SUMMARY OF DELIBERATIONS**

The Biological Weapons Convention (BWC)<sup>2</sup> Regional Workshop, co-hosted by the Governments of Australia and Indonesia, was held at the Asia Pacific Centre for Military Law (APCML) at the University of Melbourne Law School in Australia, from 21–25 February 2005. The Workshop objectives were to promote regional engagement in the Geneva-based three-year program of work and to provide a forum for the exchange of views on regional efforts to reduce the risk of inadvertent support for the hostile use of biological agents or bio-terrorism.

The Workshop was officially opened by Senator the Hon Robert Hill, Australian Minister for Defence, and Mr M Wahid Supriyadi, Indonesian Consul General to Melbourne. Regional participants attended from New Zealand, Papua New Guinea, and all Member States of the Association of Southeast Asian Nations (ASEAN) (Burma excepted as a non-State Party to the BWC). Expert keynote addresses were given by representatives from World Health Organization (WHO), the International Committee of the Red Cross (ICRC), the Commonwealth Scientific and Industrial Research Organisation (CSIRO), and by Ambassador Les Luck, Australian Ambassador for Counter-Terrorism. Site visits were made to the Defence Science and Technology Organisation (DSTO) bio-defence facility at Fishermans Bend and to the CSIRO's Australian Animal Health Laboratory near Geelong.

The participants expressed their gratitude to the Governments of Australia and Indonesia for co-hosting the Workshop and noted the contribution of the University of Melbourne — particularly the APCML and its staff.

### GENERAL OVERVIEW OF BWC

Participants noted with regret the failure to conclude negotiations on a legally binding instrument (the Protocol) to strengthen the BWC in 2001, but recognised that the Geneva-based three-year program of work constitutes a basis for collaboration as we work together as a region to strengthen the BWC in the absence of the Protocol.

Workshop participants recognised the ongoing importance of regional groups and bilateral efforts to support continuing efforts to conclude the Protocol negotiations as expeditiously as possible.

Discussions were held on the main articles of the BWC — particularly Articles I, II, III, IV and X — identifying and agreeing upon the obligations States Parties have under these provisions.

The benefits of having enhanced security of pathogens nationally and within the region to reduce the likelihood of bio-terrorism were also highlighted. Participants were in agreement on the desirability of further discussions on capacity building measures in the region to further this end.

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<sup>2</sup> *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction*, opened for signature 10 April 1972, 1015 UNTS 163 (entered into force 26 March 1975).

On the issue of Confidence Building Measures (CBMs), some participants consider them useful — an encouragement to the full implementation of the BWC as well as enhancing transparency among States Parties. In this regard, participants welcomed Australia's commitment to distribute copies of its 2004 CBM Declaration to participants once the Declaration has been finalised in April 2005.<sup>3</sup> Participants also expressed views on the need to explore further ways and means of enhancing the effectiveness of CBMs.

#### NATIONAL LEGISLATION

Participants agreed that both the development and the enactment of domestic legislation to translate international obligations and prohibitions under the BWC into domestic law are imperative. They affirmed efforts to ensure that such national laws are effective.

Participants expressed support for the proposed APCML model legislation which will be finalised and distributed as expeditiously as possible.<sup>4</sup>

A number of participants presented national reports on existing legal, scientific and technical implementation measures for the BWC. Participants recognised the efforts which have already been undertaken at the national level and acknowledged the value of sharing experiences. Participants expressed the desire for further information-sharing to facilitate effective reviews of existing national implementation measures to enable States Parties to identify and remedy any legislative or other gaps.

#### BIO-DEFENCE AND DISEASE SURVEILLANCE

In discussing the provisions of Article VII to the BWC, participants stressed the value of regional cooperation for managing a biological event, including a bio-terrorist incident. Such cooperation should be further explored.

Participants also acknowledged the valuable role of disease surveillance and other activities undertaken by the WHO in support of the BWC. In this context, participants encouraged countries in the region to take a greater role in WHO meetings and activities with support from the WHO to enhance regional bio-safety and bio-security.

#### CODES OF CONDUCT

Participants recognised the importance of engaging the scientific and technical community, both academic and industrial, in strengthening the BWC. The work of the ICRC's Biotechnology, Weapons and Humanity project was particularly appreciated and the ICRC was encouraged to continue to promote this initiative.<sup>5</sup>

There was general agreement on the value of codes of conduct in strengthening the implementation of the BWC and the 'web of prevention' against the hostile use of biological agents. Both legal responsibilities as well as ethical guidelines need to be

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<sup>3</sup> See Annex 9 to this volume.

<sup>4</sup> See Treasa Dunworth, Dr Bob Mathews and Professor Tim McCormack, 'National Implementation of the Biological Weapons Convention' in Chapter III to this volume.

<sup>5</sup> See Annex 11 to this volume.

explicitly recognised. Professional societies should be encouraged to contribute to the development of codes. The value of using local languages to express these codes was acknowledged.

#### FOLLOW-UP ACTIVITIES

In the final session, the participants expressed the desirability for follow-up activities including:

- the need to strengthen national coordination with all relevant agencies involved, assisted through regional information sharing on best practice models;
- encouraging bilateral sharing of information on national implementation measures and the provision of assistance with capacity building through government, academic and institutional links;
- the establishment of an Internet network of Workshop participants to facilitate the sharing of information and document distribution;
- further discussion of regional possibilities to revive discussions on the Protocol at the next BWC Review Conference;
- conducting further workshops, with the host and venue to be decided.

It was recognised that now that the foundations have been laid, further workshops should be more specific, focussing on issues such as: national implementation measures; and national capacity building to enhance bio-security, bio-safety and bio-defence, with implementing agencies and the biotechnology industry represented.