

SUMMARY OF DELIBERATIONS

INTRODUCTION

Distinguished participants; in the last two days we have been discussing various aspects of the implementation of the Biological Weapons Convention (BWC).¹ As we all agreed, pending the establishment of a verification regime, we as States Parties need to work together to ensure that the Convention will remain as a vital and effective regime for the international community to respond to the threat of biological weapons. The lack of multilateral measures for monitoring compliance does not hamper States Parties from closely monitoring current developments in biotechnology.

It is the responsibility of individual States Parties to take appropriate measures to prevent the misuse of dual-use biological agents. For that purpose, on the very first day we discussed legislative requirements necessary for BWC implementation. The objective was to review the national implementation obligations of States Parties to the BWC, and to share information on the individual respective countries of the participants.

The participants have also discussed matters relating to national implementation, particularly national mechanisms to establish and maintain the security and oversight of pathogenic micro-organisms and toxins, including the means to identify which facilities should be subjected to enhanced security measures. We have learnt that there are several lists of pathogenic micro-organisms and toxins published by different parties; in this regard, the sharing of national experience during the Workshop is highly beneficial for others.

Various domestic agencies play an important role in supporting the implementation of the Convention and supporting measures relating to bio-security. We have learnt that having one governmental agency in each State Party in charge of coordinating other relevant agencies is needed to ensure effective implementation of the Convention. Similarly important is the role of scientific communities. In this regard, promoting outreach activities is deemed necessary to be conducted in States Parties. Other efforts that may help promote awareness include the development of codes of conduct for scientists.

It is the general view that each State Party needs to have national implementation mechanisms in place. Participants are also of the view that it is important to establish and maintain the security and oversight of pathogenic micro-organisms and toxins. During the discussions, it is clearly reflected that regulation on bio-safety so far has been enacted, for more effective implementation however, regulations on bio-security need to be part of States Parties' efforts in implementation of the Convention. In this regard, considering the current security situation, I believe specific measures would particularly enhance the security and oversight of the relevant facilities. We should

¹ *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).

consider a type of comprehensive legislation that includes penal sanctions as well as codes of conduct for the scientists and regulate synergy among governmental agencies related to the implementation of the Convention.

That was actually the essence of what the co-chairs concluded during these two Workshops. On that basis, the two co-chairs have drafted the summary of deliberations of our Workshop. The summary also includes the follow-up activities of our Regional Workshop, in our effort to strengthen collectively the implementation of the BWC. Endorsed by all, this is the outcome of this Workshop.

SUMMARY OF DELIBERATIONS

The Second BWC Regional Workshop, co-hosted by the Governments of Indonesia and Australia, was held at the Intercontinental Hotel in Bali, Indonesia on 6–7 March 2006. As a follow-up to the First Workshop held in Melbourne on 21–25 February 2005, the objectives of the Workshop were to promote regional awareness of and engagement in the BWC; to discuss the importance of bio-security; to examine national mechanism on maintenance of the security and oversight of pathogenic micro-organisms and toxins; to facilitate the establishment of a forum for networking with a view to developing partnership in enhancing bio-security and bio-safety; and to provide a forum for sharing of information, based on the BWC three-year program of work.

The Workshop was officially opened by His Excellency Mr M Slamet Hidayat, Director-General for Multilateral Affairs of the Department of Foreign Affairs of the Republic of Indonesia, and Dr Bob Mathews, Head of NBC Arms Control, Defence Science and Technology Organisation (DSTO), Australia. Ambassador Hidayat hoped that the Workshop would enable the officials and scientists from various countries in the region to acquire a better understanding of the importance of implementation of the Convention. Similarly, Dr Bob Mathews stressed that the Workshop is a very important step in sharing experience among the participants with regard to the implementation of the BWC, with the objective of developing a range of implementation tools.

The Regional Workshop was attended by participants from Australia, Cambodia, Indonesia, Lao, Malaysia, New Zealand, Papua New Guinea, the Philippines, Thailand, and Vietnam.

The participants expressed their appreciation to the Governments of the Republic of Indonesia and Australia for their initiative and major efforts to co-host the Workshop. Special appreciation and gratitude were also addressed to the Government of the Republic of Indonesia for their hospitality.

LEGISLATIVE REQUIREMENTS NECESSARY FOR BWC IMPLEMENTATION

Participants discussed the need to encourage more effective and comprehensive national implementation of the BWC. Participants also highlighted legal obligations under the BWC to undertake national implementation measures. Against this backdrop, participants shared the view that national legislation requirements should include elements, such as the basic prohibition, jurisdiction, control mechanisms for peaceful uses of microbiological or other agents or toxins, bio-security and bio-safety, penal provisions, and international cooperation particularly in the field of legal enforcement. Participants discussed the benefits of national legislation to assist States

Parties with Confidence Building Measures and responding to any request under Article V and VI of the BWC.

Participants underscored the importance of fostering further the cooperation between States Parties to the BWC with differing legal and constitutional arrangements. In this connection, participants called upon States Parties in a position to do so, to positively respond to any request from other States Parties in the region for technical assistance which may include the area of framing and/or expanding their own legislation and controls in the areas of national implementation and bio-security.

NATIONAL MEASURES TO ENHANCE BIO-SECURITY

Participants exchanged views on national mechanisms to establish and maintain the security and oversight of pathogenic micro-organisms and toxins, including the means to identify facilities that are subject to enhanced security measures. Participants acknowledged that development of comprehensive and concrete measures to ensure bio-security require a complex integration of regulatory and policy considerations.

Participants recognised the need for centralised action at the national level to promote bio-security. In this regard, participants underscored the role of various domestic agencies and international organisations in supporting measures related to enhanced bio-security. Participants also underlined the necessity of establishing a national authority as a coordinator among various domestic agencies, a focal point for effective implementation of the BWC at the national level and a liaison with other States Parties.

Participants also noted the importance of strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants.

ESTABLISHMENT OF A FORUM FOR NETWORKING IN SEEKING POSSIBILITIES FOR DEVELOPING PARTNERSHIPS IN ENHANCING BIO-SECURITY & BIO-SAFETY

Participants stressed the importance of establishing a forum which could facilitate the promotion of contact among national agencies, officials and scientists involved in the national efforts related to the implementation of the BWC. Participants also welcomed the idea of establishing a partnership on enhancement of bio-security and bio-safety among related agencies based on mutual agreement.

Participants stressed the need to revitalise the internet network of Workshop participants to facilitate the sharing of information and document distribution.

MEASURES FOR PROMOTING AWARENESS AMONG THE SCIENTIFIC COMMUNITY

Participants considered further practical aspects to promote awareness among scientific community. Participants stressed that engaging the biological sciences community is a crucial component of minimising the inadvertent proliferation of pathogenic micro-organisms and toxins. Participants shared the view that there should

be a standard mechanism for promoting the awareness of the potential for misuse. Participants also emphasised that awareness should be guided by practical and ethical guidelines. In this respect, participants were of the view that codes of conduct could serve as a reference for such guidelines.

CODES OF CONDUCT FOR THE SCIENTIFIC COMMUNITY

Participants discussed the development of comprehensive codes of conduct for scientists as a means to enhance cooperation among scientific communities in supporting effective national implementation of the BWC.

Participants recognised that it is useful to think of codes as occurring in a number of layers, including:

- Guiding Principles
- Scientific Society Codes
- Institutional or Workplace Codes

Participants are of the view that codes may include some of the following elements:

- that biological scientists should be aware of the potential misuse of materials, equipment and know-how for biological weapons and/or bio-terrorism purposes;
- that biological scientists should be aware of, respect and fully comply with all national laws and international obligations related to avoiding the hostile use of the biological sciences and biotechnology;
- that biological scientists should recognise that penalties will be applied to individuals.

Participants also noted that codes of conduct should lead to a responsible and ethical culture developing in the workplace within the scientific community.

FOLLOW-UP ACTIVITIES

In the final session, the participants expressed the value of some activities that may promote common understanding and effective actions of states in the region in further developing and sharing a range of implementation tools to cover: legislative requirements; enhanced security of pathogens; outreach; awareness-raising; codes of conduct for scientist; and related activities.

Those activities include:

- encouraging bilateral and regional sharing information on national implementation measures and the provision of technical assistance focusing on the capacity building of States Parties in framing or expanding national legislation and control.
- establishing regional partnership on enhancement of bio-security among related agencies based on mutual agreement.
- strengthening national and international efforts and broadening existing mechanism for surveillance, detection, diagnosis, and combating infectious diseases affecting human, animals, and plants.
- exploring the possibilities of adopting regional code of conduct for scientists.
- exploring the possibilities of taking regional concerted action to promote awareness among scientists.

- revitalising internet network of Workshop participants to facilitate the sharing of information and document distribution.
- submitting the outcome of the First and Second Workshop to the Sixth Review Conference of the BWC at the end of 2006.
- holding further Workshop.

Participants referred to the various implementation tools which were discussed during the Workshop, and considered how the actual development and sharing of these tools might occur.

Four particular tools were highlighted. The first was the checklist of legislation and drafting elements to cover the legislative requirements. With the cooperation and assistance of all participants, it is intended that this work-in-progress will be further developed into a comprehensive checklist. The drafting elements are at this stage incomplete because insufficient detail. What is required is that our neighbours participating in the Workshop provide additional information on their existing legislation, and perhaps on their current drafting. It is intended that a revised set of drafting elements and the checklist will be available by the end of June.

The second and third implementation tools agreed upon were the development of guidelines, taking into account the various presentations from this Workshop. The aim is to have a revised draft of guidelines relating to the identification of facilities and types of measures for those facilities by the end of June, to be shared among the participants. It is intended that such sharing will occur through the internet process.

The fourth implementation tool is guidelines on outreach to relevant scientific communities (including drafting various codes of conduct). Dr Bob Mathews requested feedback from participants on the universal code or the guiding principles, the codes for societies, and workplace codes. It was also intended that a revised draft of elements for the various types of codes would be And then I would again intend to have a revised draft setting elements out for the various types of codes by the end of June.

Finally, it was hoped that more information might be made available on Australia's process of awareness-raising and developing education modules for various institutions — academic and workplaces. It was emphasised that these follow-up activities rely on the input of participants in order to further enhance the current works-in-progress on improved implementation tools. It was hoped that the tools could be shared in Geneva at the November Review Conference with other States Parties.