

OPENING SPEECH

HIS EXCELLENCY THE AMBASSADOR M SLAMET HIDAYAT*

INTRODUCTION

Distinguished participants, ladies and gentlemen; it is indeed a great pleasure and privilege for me to welcome you to the Second Regional Biological Weapons Convention¹ (BWC) Regional Workshop in Bali. I have learnt that the First Workshop held in Melbourne last year was a successful one, so I certainly hope that this Second Workshop will provide a productive forum for strengthening further the cooperation of the States Parties in the region to implement the Convention in a view to fulfilling our common objectives.

May I take this opportunity, on behalf of the Government of Indonesia, to express my appreciation to the Government of Australia for, once again, cooperating with Indonesia in co-hosting this Workshop. Particularly, I wish to extend my gratitude to the Australian Department of Defence and Department of Foreign Affairs and Trade which have been collaboratively and cordially working with the Department of Foreign Affairs of Indonesia for the arrangement of this meeting.

In fact, both Governments have been closely working together in convening previous regional meetings on matters related to peace and security in the region. Together with Australia, we have organised a number of regional forums on counter-terrorism, on people smuggling and trafficking in persons, on money laundering, as well as on the promotion of understanding and fostering harmony between faith communities across our region through an interfaith dialogue. These deliberations have had a profound positive impact on the efforts of regional countries to maintain regional peace, security and stability.

Distinguished participants, ladies and gentlemen; as you are all aware, the BWC, which was opened for signature in 1972 and entered into force three years later, is a multilateral treaty to outlaw biological weapons. It prohibits States Parties from developing, producing, stockpiling or otherwise acquiring or retaining biological weapons and their means of delivery. In 2001, we were unfortunate to witness the failure of the negotiations on the Protocol that would provide States Parties with compliance measures and a verification mechanism. The stalemate, or even the end, of the Protocol negotiations was accordingly accompanied by expression of great concern, frustration, and differences of opinion among States Parties. In the absence of any BWC compliance and verification regime, we, as States Parties, nonetheless

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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).

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.

In line with this spirit, this Workshop is organised in order to enhance awareness and interest as well as to encourage countries in the region to recognise the security benefits derived from full and effective implementation of the BWC. This Workshop is also intended to provide a forum for exchange of views on the importance of bio-security; bio-safety; and national implementation mechanisms, including legal and regulatory aspects, as well as on the security and oversight of pathogenic micro-organisms and toxins. Throughout this Workshop participants will also have the opportunity to share information on regional efforts, and to exchange best practices in mitigating the risk of hostile use of biological agents.

Distinguished participants, ladies and gentlemen; Indonesia signed the BWC in 1972 and ratified it in 1992. The rationale behind the ratification of the Convention is in line with our constitutional mandate as stipulated in paragraph IV of the Preamble to our 1945 Constitution, which states: 'to participate in creating a world order based on a lasting peace'. The existence of biological weapons poses a serious threat to world peace and security. We support any efforts to achieving a complete disarmament of these particular weapons of mass destruction (WMD) under strict and effective international control. In this regard, we believe that multilateralism remains an indispensable approach for the international community to collectively address concerns in the field of disarmament.

The increasing concern of possible acquisition of biological weapons by non-State actors, particularly by terrorist groups, has taken centre stage in various international forums dealing with disarmament and non-proliferation of WMD. Indeed, in the absence of any BWC compliance and verification regime, there are a range of mechanisms, agreements, procedures and other means that have been created to support the objectives of the BWC, such as United Nations Security Council resolution 1540, the Proliferation Security Initiative, the Australia Group, as well as efforts of non-governmental bodies and other regional agreements on this matter. None, however, can replace the BWC as an international norm-setting for upholding the legal obligations of States Parties to prohibit the development, production, stockpiling and use of biological weapons.

The BWC is the bedrock on which newer mechanisms have been built. It is therefore incumbent for the States Parties to look forward for the successful outcome of the forthcoming Sixth Review Conference of the BWC, to be held by the end of this year.

Distinguished participants, ladies and gentlemen; as clearly stipulated in Article X of the Convention, any State Party has the right to develop biotechnology for peaceful purposes. Scientific developments in the biotechnology sector contribute greatly to the prevention and cure of many existing diseases, and the achievement of national sustainable development. The lack of formal universal measures for monitoring compliance does not, however, hamper States Parties of the BWC to closely monitor the current development of biotechnology. It remains the responsibility of individual States Parties to take appropriate measures to prevent the possible misuse of dual-use biological agents. In this regard, I am happy to inform you that the Indonesia working group on the BWC, consisting of various governmental institutions, has started the

drafting process of our comprehensive national legislation on the implementation of the Convention. By having national legislation in place, we will be better equipped with legal instruments to regulate the use of biological agents, to strengthen bio-safety and bio-security, and to exclude the possibility of biological agents and toxins being used as weapons. Having said that, we believe a forum of this nature is highly beneficial as it enables the officials and scientists from various countries in the region to acquire a better understanding about the importance of the Convention. Accordingly, this will undoubtedly strengthen the efforts to further disseminate the Convention to the public of their respective countries. It is similarly commendable to note that this Workshop could facilitate the creation of a network at a regional level, which would strengthen national awareness, as well as encourage the continued implementation of the BWC. I fervently hope that through this exercise, each country participating in this Workshop can exchange best practices in implementing the Convention.

Finally, I wish all the participants a fruitful and productive deliberation during this two-day Workshop. And with that, I would like to officially open this Workshop. Thank you very much.

OPENING REMARKS

DR BOB MATHEWS*

Your Excellency Ambassador Hidayat, distinguished participants, ladies and gentlemen; it is a great pleasure and privilege for me, on behalf of the Government of Australia, to join His Excellency Ambassador Hidayat, Director-General for Multilateral Affairs, Department of Foreign Affairs of the Republic of Indonesia, in welcoming you to this meeting, the Second Biological Weapons Convention¹ (BWC) Regional Workshop, being held this week at this most delightful venue in Bali.

This Workshop is being co-hosted by the Indonesian and Australian Governments. As has already been pointed out by His Excellency Ambassador Hidayat, this is one of an increasing number of cooperative endeavours being undertaken by our two Governments in areas of common security concern. The Government of Australia is indeed very appreciative of the major efforts undertaken by the Indonesian Department of Foreign Affairs in the planning and preparations for this Workshop.

The proliferation of weapons of mass destruction (WMD) is one of the major challenges to our international security. Other challenges come from the rise of global terrorism and instances of internal instability in our region. These challenges are inter-related. They are also challenges that cannot be resolved by one nation acting alone. They require joint and concerted effort.

There are also increasing concerns about the possibility of terrorists acquiring WMD, including biological weapons. Removing the threat of terrorism, including bio-terrorism, is of vital importance to all of us in this region. But again, the prevention of bio-terrorism and the proliferation of biological weapons cannot be assured by any one country acting in isolation. That is why workshops of this type are so important.

As stated in the Opening Speech at the First Workshop in Melbourne in February 2005 by Senator The Hon Robert Hill (who was then Australia's Minister of Defence), and as also emphasised this morning by Ambassador Hidayat, while countries in the Asia Pacific region have signalled their strong support for global non-proliferation efforts through a number of efforts — including through the adoption of United Nations Security Council resolution 1540² in April 2004 — the bedrock of our international response to the non-proliferation of WMD remains the non-proliferation and disarmament treaties which were written in a very different world. If we are to successfully reduce the threat from WMD, we must work together to ensure that these traditional treaty regimes, such as the BWC, which is now over 30

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² SC Res 1540, UN Doc S/RES/1540 (28 April 2004).

years old, remain rigorous, effective, and relevant in the new circumstances of the 21st century.

Each country represented at this Workshop is a State Party to the BWC. We have all agreed to be bound by its obligations and we share a common resolve to uphold its principles. We also share a common responsibility to ensure that the BWC remains relevant and effectively inhibits the development, production, stockpiling and use of biological weapons, by either States or non-State actors.

Just like Indonesia, the Australian Government also strongly supported the development of a Protocol to strengthen the BWC. We worked vigorously in the negotiation process between 1995 and 2001 to develop a comprehensive Protocol containing a combination of robust compliance measures as well as other international cooperation measures. That Protocol would have reduced the opportunities for proliferation and would have offered substantial security benefits to us all. While the failure to achieve an agreed Protocol in 2001 was a major disappointment, the Australian Government has expressed its support of continued efforts to promote the universalisation of the Convention, and encourage adherence by States Parties to its existing provisions, including effective national implementation measures.

The Fifth Review Conference of the BWC held in 2002 decided by consensus to meet annually between 2003 and 2005 to discuss, and promote common understanding and effective action on, a number of useful objectives. These objectives include:

- the enactment of national measures to implement the Convention, including penal legislation;
- enhanced security and oversight of pathogenic micro-organisms and toxins; and
- establishing codes of conduct for scientists working in biological sciences and biotechnology.

However, as this BWC three-year program of work proceeded in Geneva, it became clear to us that a number of smaller States Parties, including some in our region, had not been able to become fully engaged in the Geneva process. Thus arose the idea to ‘bring Geneva to Melbourne for a week’ — which of course took place in February 2005 — to enable further exploration and sharing of experiences on implementation of the BWC from a regional perspective, based on the three-year program of work. And certainly from our perspective, the first Workshop in Melbourne was seen as a very useful activity, including in establishing a network of officials in South East Asian countries who are engaged with various measures to counter both biological weapons proliferation and bio-terrorism.

It also became very clear, both during the meetings of States Parties in Geneva and during the Melbourne Workshop, that we are all on a steep learning curve as we grapple with the complexities of how we might raise the barriers to bio-terrorism and the proliferation of biological weapons in ways that do not hamper the growth and sharing of scientific knowledge and the global spread of beneficial advancing technologies. And as discussed above, again, no single country has all the answers to that complex issue.

We see this Second Workshop as a very important next step in this ongoing regional engagement process to share our respective experiences in the implementation of the BWC with the objective of developing a range of

implementation tools to assist participating countries in the development of national measures identified at the Fifth BWC Review Conference in 2002.

In our view, this will need to be done with the recognition that, while we have the same basic and fundamental obligations under the BWC, the most useful approach will be for each State Party to develop a ‘tailor made’ solution in its national approach to ensure the full implementation of the BWC. It is not a case of ‘one size fits all’. In other words, each State Party will need to determine which is the best approach for it, based on a number of considerations, including: its existing national legislation relevant to criminalisation; the size of its biological sciences and biotechnology sectors; the extent and nature of existing regulation of its biological sciences and biotechnology sectors; and the existing national regulations relating to transfers of sensitive goods and equipment.

Thus we are hoping, in the course of this Workshop, that we will be able to pull up our shirt-sleeves, have a real coalface discussion, and develop a range of implementation tools. We see those as including

- a checklist of legislation requirements, and ‘drafting elements’ to cover legislative requirement;
- guidelines to assist in the identification of facilities which should be subject to enhanced security measures;
- guidelines to assist in the identification of the types of security measures necessary to enhance the security at biological facilities; and
- guidelines on outreach to relevant scientific communities, including draft codes of conduct for scientists working in the biological sciences and biotechnology.

Through the development of such implementation tools, and continuing activities in capitals based on experiences shared during this Regional Workshop process and the resulting implementation tools, we are also hoping that all States Parties in our region will be able to report to the Sixth BWC Review Conference, to be held in Geneva in November this year, that they have made considerable progress in national implementation of the various obligations under the BWC.

We are also hoping that, between now and November, the States Parties involved in this Regional Workshop process will be able to get together and prepare a joint statement which can be presented at the Sixth BWC Review Conference, expressing the importance that these States Parties place on strengthening the BWC, including the benefits of conducting these BWC Regional Workshops. We hope that this, in turn, will then encourage States Parties in other regions to conduct similar workshops to this one which we are holding this week.

And finally, I would also like to wish all participants very useful and productive deliberations during this two-day Workshop. Thank you very much.

OVERVIEW OF THE SECOND BIOLOGICAL WEAPONS CONVENTION REGIONAL WORKSHOP

The objective of this Workshop is to help the States Parties of the Biological Weapons Convention (BWC)¹ in our region become better engaged with the Geneva-based BWC three-year program of work as a means to reduce the possibility of bio-terrorism in our region, or the inadvertent assistance by states in our region to biological weapons programs being developed elsewhere.

The Workshop will be held over two days, 6–7 March 2006. We will begin the Opening Session with remarks by His Excellency M Slamet Hidayat, Director General of Multilateral Affairs, Department of Foreign Affairs, Republic of Indonesia and also remarks by Dr Robert Mathews, of the Defence Science and Technology Organisation and the Asia Pacific Centre for Military Law, Australia.

FIRST SESSION

LEGISLATIVE REQUIREMENTS FOR BWC IMPLEMENTATION

The objective of this first session is to review the national implementation obligations of States Parties to the BWC, including the enactment of penal legislation to implement the prohibitions set forth in the Convention. This will include a discussion of the national legislation or regulations that are required under the provisions of the BWC, and how that legislation or regulations can be drafted to ensure that relevant biological facilities will be placed under a legal obligation to take the necessary enhanced security measures.

This will be followed by the sharing of some participants' experiences in developing national legislation and other measures to implement BWC obligations, including the introduction of 'Drafting Elements' to cover legislative requirements. Finally, participants will have the opportunity to consider the possibility of learning lessons from the Chemical Weapons Convention² Action Plan, and the benefits of a 'National Focal Point' to coordinate legislation and other national measures required under the BWC.

SECOND SESSION

SECURITY OF WHO RISK GROUP 3 AND 4 PATHOGENS

The theme for the second session is security of World Health Organization (WHO) Risk Group 3 and Risk Group 4 Pathogens, as well as other lists of toxins. In this session, our objective is to discuss the outcomes of the Meetings of States Parties and Experts on the 2003 topic for the three-year Geneva-based program of work

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² *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, opened for signature 13 January 1993, 1974 UNTS 45 (entered into force 29 April 1997).

— national mechanisms to establish and maintain the security and oversight of pathogenic micro-organisms and toxins, including the means to identify which laboratories and other facilities should be subject to enhanced security measures.

This session will therefore consider national experiences in the development of specific mechanisms to raise the barriers to bio-terrorism and the proliferation of biological weapons in ways that do not hamper the growth and sharing of scientific knowledge and the global spread of beneficial advancing technologies. This will be followed by an analysis of some of the practical issues related to the identification of facilities requiring enhanced security and oversight, including:

- which pathogenic micro-organisms and toxins should be subject to enhanced security and oversight;
- whether the facilities that are to be subject to enhanced security and oversight be identified by a specified list of micro-organisms and toxins, or whether it might be less complicated to have all facilities handling WHO Risk Group 3 and Risk Group 4 pathogens (as well as a list of toxins) subject to enhanced security and oversight;
- how governments may identify the relevant facilities (eg surveys, outreach) and which government agencies should be involved.

THIRD SESSION

ROLE OF VARIOUS DOMESTIC AGENCIES

The theme for the third session of the Workshop is the role of various domestic agencies (and international organisations) in supporting measures related to bio-security. This may include supporting the development of relevant national legislation, enhanced security for pathogens and toxins, and codes of conduct. Participants will consider the benefits of using existing agencies and expertise, including the roles of national governmental agencies for foreign affairs, health and defence, amongst others.

FOURTH SESSION

ROLES OF CODES OF CONDUCT

This session will examine the roles of codes of conduct and the broader scientific community in supporting measures related to bio-security. This will involve consideration of various outreach activities and awareness raising among biologists and the broader scientific community. It will also involve a review of the outcomes from the Meeting of States Parties held in 2005 on the content, promulgation and adoption of codes of conduct for scientists as a means to gain the support and cooperation of the scientific community in supporting effective national implementation of the BWC, and the practical implementation of procedures which seek to provide enhanced security and oversight of relevant biological facilities. Dr Bob Mathews will present drafting elements for an institutional or workplace code of practice.

FIFTH SESSION

PROMOTING AWARENESS OF POSSIBLE MISUSE

The theme for the fifth session will be promoting awareness among the scientific community of the possible misuse of pathogenic micro-organisms and toxins. The objective of this session is to consider further practical aspects of establishing and maintaining enhanced security and oversight measures for relevant facilities, including:

- what specific measures should be taken to enhance the security and oversight of the relevant facilities (eg physical security, restricted access, security screening of staff, institutional codes of practice);
- consideration of synergies and overlaps between bio-safety and bio-security;
- whether bio-security measures be developed in parallel with bio-safety measures; and
- what types of legislation or regulations are required.

Participants will consider the development of guidelines to assist in the identification of measures to enhance security and oversight measures for relevant facilities, as part of the 'implementation toolbox'.

SIXTH SESSION

FUTURE REGIONAL ACTIVITIES

The overall objective of this final session is to discuss future activities for the region with respect to implementation of the BWC. Hopefully by Tuesday afternoon we will be in a position to consider the benefits of different cooperative activities which may be undertaken within our region in the future, such as additional regional workshops, bilateral visits to regional capitals, and a regional working paper to be presented to the Sixth Review Conference in November 2006.