



Permanent Mission of Italy
UN - Geneva

Working Group on the strengthening of the Biological Weapons Convention

Transparency and confidence-building measures

Statement delivered by Amb. Leonardo Bencini, Permanent Representative of Italy to the Conference on Disarmament

Geneva, 4 December 2023

Chair,

As I could not take part in the August meeting, this is the first time I have the pleasure to address you in this Working Group. Allow me therefore, at the outset, to thank you for the skillful way in which you have been steering these meetings. We share the sensible approach you have adopted and stand ready to assist you and work with you towards a consensual achievement at the end of this cycle in December 2024 – a consensual outcome which, if I may add, is perfectly within our reach if we collectively infuse this working group with the same constructive spirit that, exactly a year ago, allowed us to reach consensus on a Final Document of the IX Review Conference that broke a twenty-one year-old deadlock.

Let me also praise your choice of facilitators. I have been interacting with all of them over the past few weeks and months and I have to say that we stand a very good chance of achieving concrete results with the team that you have put together. Since today we are discussing confidence building and transparency, let me thank the friends of the Chair on this issue, Mr. Laurent Masméjean of Switzerland and Mr. Angel Horna of Peru, for the non-paper they have prepared to guide us on our deliberations, a non-paper that I have found very helpful in outlining in a very succinct way the historical and present state of affairs on these issues, especially on CBMs.

Before I talk about CBMS, I would like to make a general observation on the overall process we are engaged in. As the indicative timetable for this meeting reminds us, the IX review Conference mandated this Working Group with identifying, examining and developing measures to strengthen and institutionalise the Convention. Seven groups of measures were listed. These different measures should be seen as closely interrelated with one another. Each will form an element, a component of the final structure and shape this process will produce. Together, the results of each of these measures will be amplified within a broader and coherent system. For this reason, we have to avoid compartmentalising our discussions. Let me give you a clear example of what I have in mind.

Tomorrow we will discuss compliance and verification, but what we discuss today about CBMs and transparency is also very much relevant to compliance and verification – as is relevant to International assistance cooperation and Science and Technology, two issues we discussed in August. In our view, a strengthened structure – I would not call it a package for now as the term “package” seems to focus firstly on the diplomatic negotiation – this structure will have as its main aim the better implementation of the Convention and so it will help ensure compliance with the Convention’s provisions. CBMs do indeed help us ensure compliance. I will go more into detail tomorrow but for now let me say that we view compliance and verification as a continuum, with CBMs and transparency on one end, and on-site inspection at the opposite end, and a range of various measures in between.

CBMs are an important instrument for the BWC. We are pleased to hear that this year the ISU has received CBMs from over 100 States parties. That means that for the first time we have a rate of submission higher than 50%. This is encouraging. However, far too many African States parties are not able to submit CBMs. Assistance and cooperation in enhancing their capacity in this respect is therefore essential. On this issue, I would like to praise the EU for funding the CBM guide and CBM facility to assist States submit their annual reports. The more CBMs, the higher the general climate of trust rises. We have to foster a culture of transparency and accountability. Like other States, we believe that CBMs could be updated and improved but the general existing framework remains fundamentally sound. This morning we were pleased to hear from Mr Feakes that there will be a new platform in 2024, so we look forward to that. Let me take this opportunity to thank the ISU for all the excellent work they carry out.

On the legal nature of CBMs, opinions do not always coincide. Many believe that the submission of CBMs is a voluntary act by a State Party. Others argue that participation in this process is not voluntary but politically binding. While some maintain that a politically binding act has no legal relevance in an international legally binding instrument such as the BWC, most would agree that submitting CBMs is not a legal obligation. There is one simple and effective way to realign these different views and that is to make submission of CBMs a mandatory process as part of the overall review we are working on.

In an ideal world, CBMs should not only be submitted but analysed and transparently discussed by States parties. So far, the main emphasis has been on submission, for instance assisting States in their submission process, reminding them when to do the submission, developing electronic CBMs forms, putting them in a platform. The final goal, however, is not the submission itself but the analysis and the discussion that the submission allows. This is why we favourably view the idea of a periodic, peer review process of submitted CBMs as a concrete way to enhance transparency and accountability and ultimately compliance. If CBMs are made mandatory and a State’s CBMs are periodically discussed in a peer-review mechanism where States parties are asked questions by other States parties, then this could be the first component of a composite compliance and verification regime. If a State party does not submit CBMs or does not provide answers to questions raised in the peer-review process, this could possibly point to compliance issues on the part of the concerned State.

We understand that for many countries such a process would have to be confidential or at least restricted to States parties. This would apparently run against the principle of transparency, whereby the latter needs to be balanced with accountability. However, there might be other ways in which transparency can be enhanced in the BWC system. One is voluntary arrangements such as voluntary transparency exercises.

Other ways could be through the other mechanisms that are being discussed. We firmly believe that one of the main shortcomings of the current BWC system is its inadequate scientific grounding. Developing an S&T mechanism is an urgent priority. Regardless of the final shape of the S&T mechanism - a "hybrid" or a simple model - real experts - that is, scientists, not diplomats - should take part in it. We envisage the S&T, science-driven mechanism to hold regular, open hearings of the three key non-state actors that must be involved and be able to express their views: the private sector, that is industry; civil society, essentially academia and researchers on BW issues; international organisations active in the global health fields. Special open sessions could be envisaged to foster the largest possible exchange of ideas and information.

So, in conclusion, and to recap what I have just said, we consider the following measures as possible steps towards great transparency, accountability and, ultimately, compliance. We could:

- Update CBMs forms and increase assistance to States parties so as to increase the number of submissions;
- Make CBMs mandatory as part of an overall compliance and verification regime;
- Establish a periodic peer-review mechanism open to all Member States to discuss mandatory CBMs;
- Envisage regular, open hearings in the S&T mechanism for industry, civil society and international organisations.

I thank you, Chair.