

# REVISITING BWC VERIFICATION

## Visits

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Policy Brief 4 of 7

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### Visits under the Protocol

Article 6 of the Protocol (Follow-up after submission of declarations) required the envisioned Technical Secretariat to conduct, on an annual basis, a maximum of 120 randomly-selected transparency visits to declared facilities. The visits were to be confidence-building in nature, with the aims of:

- Increasing confidence in the completeness and consistency of declarations;
- Enhancing transparency of the facilities; and
- Helping the Technical Secretariat to acquire and retain a comprehensive and up-to-date under-

standing of the facilities and activities declared globally.

In addition, if requested by the visited state party, the visiting team were to provide, to the extent possible, technical advice or information.

Visits were to last up to two consecutive days, with max four team members. Visiting teams were to begin with a briefing of the facility and its activities, tour relevant areas, speak with personnel, review documentation, and end following a de-briefing.

The nature and extent of access inside facilities, and to the information they contained, was at the discretion of the visited state party. The visited state party also had the right to take measures to protect national security and commercial proprietary

information. The visiting team was to only collect the information necessary to carry out its mandate and was to treat any information, documents or data obtained during the visit containing proprietary or national security information as confidential.

*“Contemporary visits allow for the testing of ideas and procedures, such as managed access, as well as the testing and use of agreed equipment and procedures”*

## Contemporary visits

Visits, in new incarnations, featured heavily in the intersessional leading up to the Eight Review Conference in 2016. Various labels—‘peer review’, ‘compliance assessment’, ‘implementation review’ and ‘facility visits’, these initiatives have all been efforts by small groups of states to move the verification debate on in a workable, pragmatic way, and to be open about their national implementation of the BWC and their compliance with the treaty.

The first peer review exercise was organised by France in 2013.<sup>1</sup> National experts from nine states—Canada, China, Germany, India, Mexico, Morocco, Switzerland, the United Kingdom, and the US—as well as a representative from the BWC Implementation Support Unit as an observer, were given presentations on French biosafety and biosecurity measures, export controls, and awareness-raising policy. The information provided in the presentations was then illustrated through on-site visits to two civilian laboratories (Maisons-Alfort Laboratory for Animal Health and the Pasteur Institute) that included exchanges with personnel involved in research activities.

In 2015, Belgium, Luxembourg, and the Netherlands conducted a Benelux peer review exercise among themselves based on a mutually developed and agreed format.<sup>2</sup> The Benelux peer review consisted of a first phase during which written consultations took place between the three states, and a second phase during which each state organised an event and hosted visiting peers from the other two states for a review through presentations and on-site visits.

Also in 2015, Spain, along with Chile and other Latin American countries, launched a series of ‘voluntary visits’ with the aim of exploring strengths and weaknesses related to biosafety, and in particular biosecurity, at the national level in each of the participating states. In each country, a number of bio-facilities were visited and seminars organised. To follow up on the process, workshops were run in Madrid with the goal of fostering regional cooperation and to support Latin American countries in improving their biosafety and biosecurity legislations.

Another version of peer review was put forward by Canada, Chile, Ghana, Mexico, and the United States in 2016.<sup>3</sup> The five participating states jointly developed a national reporting form that operated as the basis for the information exchange. Each

state then completed the national reporting form and circulated it to the other participating states for review. This was followed by two-day visits to the capitals of each participating state for in-depth conversations and facility visits.

In 2017, Morocco conducted a peer review exercise with the support of the European Union, Belgium, the Netherlands and France.<sup>4</sup> 16 experts from 10 participating states were given a broad overview of Morocco's national implementation in a one-day seminar. This was complemented by two days of guided-tour visits to five different government institutions in Rabat and Casablanca.

The visit that, to date, has been most similar to the visits envisioned in the Protocol was the peer review compliance assessment exercise organised by Germany in 2016.<sup>5</sup> The German MOD opened the Bundeswehr Institute of Microbiology in Munich to 20 international experts for a two-day period, with the stated objective to demonstrate that the facility complied with the provisions and obligations of the BWC. The visit was also opened to civil society participation, enabling information about the peer review exercises to be brought into the wider public sphere.<sup>6</sup>

The visit began with a briefing of the facility and its activities, and included a tour to relevant areas, discussions with personnel, reviews of documentation, and ended following a de-briefing. The experts were asked to evaluate the information gained

during the visit and to develop a compliance assessment report. The visiting experts concluded that they had been provided with good insight into the research and diagnostic activities of the Institute, and that the hosts' cooperation had "helped to promote transparency and confidence with regards to the BWC and reas-

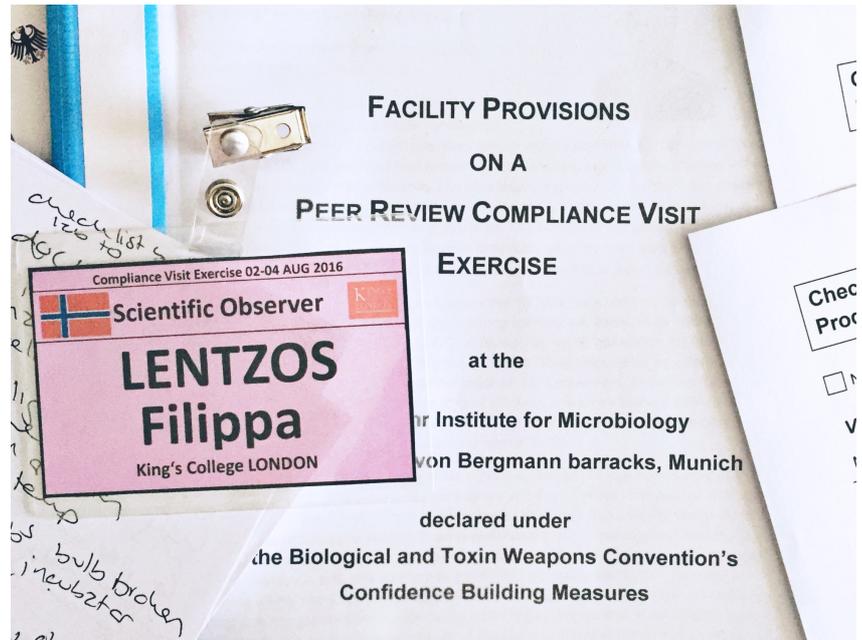


Photo credit: F. Lentzos

assurance that all activities are within the permitted prophylactic, protective and other peaceful purposes in Article I."<sup>7</sup> The report also noted that as well as providing an opportunity for the Institute and Germany to demonstrate consistency with their CBM submission and transparency of their implementation of the BWC, the exercise provided a useful platform for exchange of good practices among all participants.

Although contemporary visits have been distinct from one another, they all share the overarching objective to build confidence. They also share many similar characteristics: (1) the participation of foreign, highly qualified experts, allowing for sub-

stantive exchanges among practitioners and the construction of a network of qualified experts; (2) on-site visits of facilities with opportunities to share experience with local staff, essential for participating states to compare approaches in a way that goes beyond examining the text of laws and regulations and to see what the implications are in the field; (3) the involvement of various national agencies, which can help foster interagency efforts within the host nation, inform relevant agencies about BWC-related issues, and demonstrate how agencies work together to implement the Convention; and (4) feedback from participants with a view to enhancing

## The way forward

In the near- to mid-term, it is unlikely that states parties will agree to fund a Technical Secretariat, and the onus will remain on states to invite regional and global peers to visit national facilities and to provide appropriate experts to participate in visits organised by others.

This should not necessarily, however, be viewed as a plan B. While contemporary initiatives may lack the support of a Technical Secretariat and the consistency envisioned in Protocol visits, there are some clear advantages to contemporary initiatives.

First, they emphasise interaction, particularly crucial in 'grey zone' biodefence activities – the area between defensive and offensive work where perceptions may differ regarding what qualifies as defensive or offensive.<sup>8</sup> Second, they focus on expert level exchanges of best practices rather than just on-site monitoring, and on a broad conception of relevant laboratories and facilities. Third, they are flexible, tailor-made and often focused on neighbouring states, encouraging regional links and networks to develop. Finally, contemporary visits allow for

the testing of ideas and procedures, such as managed access, as well as the testing and use of agreed equipment and procedures. Mock visits were reported to the Ad Hoc Group as a means to test the ideas being developed in the Protocol. Peer review visits might serve a similar function. In short, contemporary visits do more than build confidence and enhance trans-



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ing the way the BWC can be implemented by the host country and to informing other states about how the host country implements the Convention.

parency between participating states, they form a significant stepping stone towards strengthening the Convention through any future legal arrangement(s).

An additional stepping stone would be for states who have taken part in contemporary visits to meet and discuss the pros and cons of the exercises and their experiences, with a view to identifying basic benchmarks of good practice. This not only has the advantage of putting proactive states parties together in a discussion of direct relevance to the BWC, but it also allows those who have not been involved to be observers of this debate. Encouraging efforts towards such an exchange are already underway. Key conceptual topics for such a discussion would be:

- How are explanations and justifications for biodefense activities received and understood by visiting teams?
- What evidence base is drawn on in making claims about BWC compliance?
- What are the implications of the growing availability of open source information?
- Do visits gather the 'right' data to reduce ambiguities, misinterpretation and compliance concerns?
- How do perceptions, identities, and evidence intersect in forming a compliance assessment judgement? What roles do observation, dialogue and other interactions play? Are there particular sorts of statements or styles of delivery that impact on perceptions or prove decisive? What other factors (e.g. worldview/other preconceived ideas) are apparent in affecting the decision-making process?
- How can states better build trust and manage perceptions of the intent of their biodefense programs through visits?

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## Endnotes

1. BWC/CONF.VII/WP.28 and BWC/MSP/2014/WP.3.
2. BWC/CONF.VIII/PC/WP.26 and BWC/CONF.VIII/PC/WP.13
3. BWC/CONF.VIII/WP.22
4. BWC/MSP/2017/WP.1
5. BWC/CONF. VIII/WP.11
6. Lentzos, F (2016) 'Increasing transparency in biodefense: A 2016 visit to a German military medical biodefense facility,' EU Non-proliferation Consortium Paper No.52.
7. BWC/CONF. VIII/WP.11
8. Lentzos, Filippa and Jez Littlewood (2018) "DARPA's Prepare program: Preparing for what?" *The Bulletin of Atomic Scientists*, online 26 July 2018.

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