Eighth Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

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Comprehensive consideration of all provisions of the Convention

New ideas for the intersessional programme

Submitted by Australia and Japan

Introduction

1. The Biological Weapons Convention (BWC) intersessional (ISP) meetings, which began in 2003, are widely considered to have made a valuable contribution to promoting global efforts against biological threats - prompting a substantial number of regional and domestic activities and contributing to increased security in the biological arena. The 2012–15 meetings built on and improved the work of the intersessional processes (ISP) of 2003–2005 and 2007–2010. However, there is widespread agreement that the format is insufficient to respond to contemporary challenges facing the global community on WMD threats. This paper contributes to some of the useful ideas already circulating on ways that the Eighth Review Conference could reinforce our ability to strengthen the BWC Convention, and ensure the ISP from 2017–2020 is meaningful and supports this objective.

2. The intersessional meetings provided a forum to bring together the domestic security, health, law enforcement and scientific communities (communities which are not traditionally engaged in disarmament treaties) and facilitated increasing levels of cooperation and collaboration on national, regional and global efforts against biological-related security threats.

3. However, two shortcomings have been recognised in the current ISP process. First, the process has allowed for only one or two topics, decided at the previous Review Conference, for formal discussion at each year's Meetings of Experts (MX), even if a range of topics could be discussed in general terms. This lack of flexibility meant that potentially more relevant topics such as bioregulators and developments in neuroscience as it would apply to biosecurity issues were not adequately addressed during the course of the current ISP, even it was worthy of detailed and focused attention. Secondly, the outcomes and recommended actions from each MSP were not able to be actioned, but were deferred until the next Review Conference. And with the current paralysis on agreeing on recommendations for action by States Parties, the consequence is that ISP as it currently

stands has not facilitated outcomes (whether on Dual Use Research of Concern (DURC) or Gain of Function or gene-editing breakthroughs like CRISPr).

4. One of the tasks of the Eighth Review Conference will be to build on the positive elements of previous ISPs and to strengthen the process further. Many States Parties have expressed the view that we should build on the lessons learned from the 2012-2015 ISP to develop an ISP process that is more adaptable to our changing world. This includes being more responsive to ways of strengthening the BWC through "reassurance" measures, notably CBMs and greater implementation of Article X measures; as well as finding better ways to actually agree on recommendations in the face of the rapid advances in science and technology (S&T) relevant to the BWC.

5. Therefore, the objective of the following proposal is to refine the ISP, retaining the benefits, while addressing shortcomings and optimising the use of the limited time and financial resources.

II. The establishment of working groups

6. Our proposal is that the ISP be refined by the Review Conference through the establishment of a two working groups. Specifically; (1) "reassurance" that the BWC is being implemented, notably through confidence-building measures and evidence of implementation of international cooperation (Article X); and secondly (2) an annual review of advances in S&T relevant to the BWC and education/awareness-raising on dual use issues.

7. This working paper proposes that each working group be open-ended, with its meetings scheduled over seven days in August, which would, in effect, restructure the annual Meeting of Experts (MX) to make it more flexible and adaptable, as discussed above. The facilitator of each working group could be appointed by States Parties on an annual basis, or for the duration of the 2017-2020 ISP. Each facilitator would consult with States Parties to specify the topics to be discussed each year.

8. The following approach is suggested as one way to organise the restructured MX:

- Day 1: Plenary: The opening plenary would address procedural matters and allow statements by States Parties. The Annual Chair of the MX and Meeting of States Parties (MSP) and the facilitators of the different working groups would also provide to the plenary substantive overviews, including, *inter alia*, each facilitator's vision for his/her working group.
- Day 2: S&T Working Group Meeting: Annual Review of selected topic: Part I – presentations by visiting presenters from international scientific organisations, followed by a general Q&A session.
- Day 3: S&T Working Group Meeting: Annual Review of selected S&T topic: Part II – discussions by government experts of the implications of the advances in S&T on the BWC and education/awareness raising activities on dual use issues.
- Days 4 to 5: Reassurance Working Group Meetings: In these two days, there would be four half-day sessions covering reassurance across the BWC agenda, including on confidence-building, and on cooperation and assistance). The timetable would be determined by the Chair in consultation with the working group facilitators.
- In terms of outcomes, the facilitators would provide to the plenary status reports on the work of the working groups. The status reports would be in the form of "Chair's summaries", reflecting views expressed by the participants of the working groups. They would also provide an indication of possible next steps and recommendations

for decision at the subsequent MSP, including on further issues to be considered by each working group in the following year.

9. Following the Meetings in August, the facilitator of each working group would prepare a draft annual report for consideration and adoption at the subsequent MSP. The draft report would be circulated prior to the MSP to allow States Parties to consider any decisions recommended and actions required. This would include the selection of issues to be considered by the working group in the following year.

III Giving mandates to the MSP

10. As some States Parties have pointed out, the current intersessional process lacks flexibility and responsiveness. Therefore, this working paper also proposes to transfer some mandates to the MSP from the Review Conference.

11. The MSP has already been playing a role in making certain decisions, such as the appointment of officers for the following year, furthering the implementation of the assistance and cooperation database established at the Seventh Review Conference, and on preparation for each Review Conference as mentioned in the U.S. working paper (BWC/CONF.VIII/PC/WP.9). By giving further mandates to the MSP, States Parties could review the report of each working group at the MSP and make necessary consensus-based decisions, such as calls for action from either the "Reassurance" working group (including cooperation and assistance) or S&T review working groups.