

# **Ninth 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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Item 12 of the provisional agenda

**Follow-up to the recommendations and decisions of the Eighth Review Conference and the question of future review of the Convention**

## **Strengthening the Biological Weapons Convention: Proposal for the establishment of a Scientific Advisory Committee**

### **Submitted by the Russian Federation**

1. At the Biological Weapons Convention's Seventh Review Conference in 2011, States Parties agreed on the value of an annual review of developments in the fields of science and technology related to the Convention<sup>1</sup>. A comprehensive list of topics was identified in that regard. It was compiled in such a fashion so as to contribute to the implementation of all substantive Articles of the Convention and to benefit all States Parties.
2. The experience of conducting such reviews has reaffirmed the validity of the decision adopted in 2011. At the same time, it has become apparent that past arrangements only enabled about 4.5 hours a year to reviewing recent developments in science and technology and implications thereof for the implementation of the Convention. There is a widespread agreement that improved and more effective arrangements are required.
3. This working paper advances a proposal on enhancing the process of review of science and technology developments under the BWC to strengthen the Convention and to impart greater effectiveness as well as improving the focus, depth and inclusiveness of the existing arrangements. To do so, a specialised subsidiary organ, Scientific Advisory Committee, is proposed to be established by the decision of the Ninth Review Conference.
4. This proposal consonant with Russia-sponsored efforts to strengthen the BWC<sup>2</sup> includes the following elements:
  - (a) draft decision of the Ninth Review Conference;
  - (b) terms of reference of the Scientific Advisory Committee;
  - (c) rules of procedure of the Scientific Advisory Committee.
5. Various ideas put forward by States Parties since 2006 were given due regard in developing this paper. The same goes for the text elaborated under this rubric in the draft supplementary protocol to the BWC. Lessons learned from the functioning of the Scientific Advisory Board of the Organisation for the Prohibition of Chemical Weapons were also accounted for.<sup>3</sup> Various suggestions on modalities and terms of reference of a BWC scientific advisory structure, made by BWC States Parties in recent years, are well taken into account

<sup>1</sup> Paragraph 22 of Part III of document [BWC/CONF.VII/7](#), dated 13 January 2012.

<sup>2</sup> See document [BWC/MSP/2015/WP.4/Rev.1](#), dated 16 December 2015, especially paragraph 1(c) of its operative part.

<sup>3</sup> Article 16 (22) (g) of the draft Protocol to the BWC (composite text), document [BWC/AD HOC GROUP/CRP.8](#), dated 3 April 2001; paragraph 21 (h) of Article VIII of the Chemical Weapons Convention.



in the attached Annex II (“Terms of reference of the Scientific Advisory Committee”) and its Appendix (“Rules of procedures”).

6. Once it has been established, the Scientific Advisory Committee will begin submitting annual reports, including accounts of its contributions during the year, to States Parties.<sup>4</sup> In 2026, the year of the Tenth Review Conference, it will prepare a combined report for the purpose of assisting States Parties in their review of the operation of the Convention taking into account any new science and technology developments in accordance with Article XII.

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<sup>4</sup> Such reports are to be submitted to a body representing States Parties to be determined at the Ninth Review Conference in accordance with a decision on parameters of the programme of work beyond 2021.

## Annex I

### **Draft text to include in part III entitled «Decisions and Recommendations» of the Final Document of the Ninth Review Conference of the States Parties to the BWC Scientific Advisory Committee**

The Conference,

*Recognising* the importance of monitoring developments in areas of science and technology relevant to the Convention,

*Referring* to Article XII of the Convention which stipulates that the review of the operation of the Convention shall take into account any new scientific and technological developments relevant to the Convention,

Hereby:

1. *Establishes* the Scientific Advisory Committee (hereinafter referred to as “the Committee”) to assess developments in areas of science and technology relevant to the Convention and render specialised advice to States Parties;
2. *Approves* the terms of reference of the Committee and its rules of procedure annexed hereto;
3. *Requests* the President of the Conference, Mr./Ms. ..., to facilitate the establishment of the Committee by liaising with the regional groups;
4. *Decides* that States Parties will cover expenses necessary for holding one annual session of the Committee of five days from the costs of the programme of work and that any other sessions of the Committee or meetings of its temporary working groups will be at no additional cost to States Parties;
5. *Authorises* the Implementation Support Unit (ISU) to set up and administer a trust fund for voluntary contributions received to assist the Committee in its activities;
6. *Decides* to add one full time staff member to the ISU, funded by States Parties to (i) provide administrative support to and preparing documentation for the Committee meetings; (ii) facilitate communication among States Parties and the Committee; (iii) serve as a focal point for submission of information by States Parties related to the Committee activities;
7. *Decides* that the Committee’s performance will be evaluated and its terms of reference will be reviewed by States Parties at the Tenth Review Conference.

## Annex II

### Draft terms of reference of the Scientific Advisory Committee

#### I. Role and functions

1. The role of the Scientific Advisory Committee (hereinafter referred to as “the Committee”) is to assess developments in areas of science and technology relevant to the Convention and render specialised advice to States Parties.

2. The functions of the Committee include the following:

(a) Assess and report to States Parties developments in scientific and technological fields relevant to the Convention:<sup>1</sup>

- i. new science and technology developments that have potential for uses contrary to the provisions of the Convention;
- ii. new science and technology developments that have potential benefits for the Convention, including those of special relevance to disease surveillance, diagnosis and mitigation;
- iii. possible measures for strengthening national biological risk management, as appropriate, in research and development involving new science and technology developments of relevance to the Convention;
- iv. voluntary codes of conduct and other measures to encourage responsible conduct by scientists, academia and industry;
- v. education and awareness-raising about risks and benefits of life sciences and biotechnology;
- vi. science- and technology-related developments relevant to the activities of multilateral organizations such as the WHO, OIE, FAO, IPPC and OPCW;
- vii. any other science and technology developments of relevance to the Convention.

(b) Assess and report on any developments in scientific and technological fields relevant to the Convention upon request of States Parties;<sup>2</sup>

(c) Co-ordinate the efforts of the working groups temporarily established in accordance with paragraphs 9 and 10 of these terms of reference;

(d) Make recommendations taking into account any new scientific and technological developments relevant to the Convention for the purpose of assisting States Parties in their review of the operation of the Convention pursuant to its article XII.

#### II. Composition

3. The Committee consists of [20<sup>3</sup>] members appointed by the three regional groups of States Parties to the Convention: Group of the Non-Aligned Movement and Other States,

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<sup>1</sup> Paragraphs 2.(a) (i), (ii), (iii), (iv), (v), (vi), (vii) are contained in the decision of the Seventh Review Conference (paragraph 22 of Part III of document [BWC/CONF.VII/7](#), dated 13 January 2012).

<sup>2</sup> Such reports are to be requested by and submitted to a body representing States Parties to be determined at the Eighth Review Conference in accordance with a decision on parameters of the programme of work beyond 2016.

<sup>3</sup> As an illustrative example, 25 is the current membership of the Scientific Advisory Board in the OPCW, which has been in operation since 1997. Its initial strength of 20 was expanded to 25 by the decision of the Conference of States Parties in 2004 in order to account for broader geographical representation and ensure greater coverage of areas of expertise. It should also be noted that 20 is the

Western Group, and Eastern European Group. Having conducted appropriate consultations among their respective memberships, the regional groups acting on the basis of consensus appoint the following number of members of the Committee:

- (a) Group of the Non-Aligned Movement and Other States – [...] members;
  - (b) Western Group – [...] members;
  - (c) Eastern European Group – [...] members.
4. Once all regional groups have made their appointments in accordance with paragraphs 2 and 3 of these terms of reference, the Committee may begin its activities.
  5. Only citizens of States Parties are eligible to serve as members of the Committee or its temporary working groups. They shall serve in an individual capacity as independent experts.
  6. Members of the Committee are appointed from eminent persons active at such institutions as research institutions, universities, biotechnological companies, defence and military organisations, on the basis of their expertise in the particular scientific fields relevant to the implementation of the Convention. Such persons should be selected based on their qualifications and experience, taking into account their publications, scientific, academic or professional activities and distinctions with due regard to the area of specialty.
  7. The term of office of members of the Committee is five years.
  8. If for any reason a member of the Committee is prevented from taking part in its work, the regional group that made that appointment shall appoint a replacement having conducted appropriate consultations among the group's membership and acting on the basis of consensus.

### III. Temporary working groups

9. States Parties<sup>4</sup> may establish temporary working groups of scientific experts to provide recommendations on specific scientific and technological issues relevant to the Convention. Additionally, if the Committee deems it advisable, its Chair may propose to States Parties<sup>5</sup> to establish such temporary working groups.
10. Each working group shall be chaired by a member of the Committee appointed for that purpose by its Chair with other members concurring. Chair of the Committee shall appoint members of temporary working groups from experts proposed by States Parties and/or suggested by members of the Committee.

### IV. Rules of procedure

11. Rules of procedure of the Committee and its temporary working groups are enclosed in the appendix.

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number of members of the General Committee at the BWC meetings (rule 8 of the BWC rules of procedure). In accordance with the established practice, the distribution of seats in the General Committee is as follows: NAM – 10, Western Group – 6, Eastern European Group – 4. See documents [BWC/CONF.VII/PC/2](#), dated 26 April 2011 and [BWC/CONF.VI/PC/2](#), dated 3 May 2006. In the end, it is advisable to determine the strength of the proposed Committee based on considerations of efficacy, geographical representation and efficient use of resources.

<sup>4</sup> Such decisions are to be made by a body representing States Parties to be determined at the Ninth Review Conference in accordance with a decision on parameters of the programme of work beyond 2021.

<sup>5</sup> Such proposals are to be addressed to a body representing States Parties to be determined at the Ninth Review Conference in accordance with a decision on parameters of the programme of work beyond 2021.

## **V. Relationship with the Implementation Support Unit (ISU)**

12. The Chief of the ISU provides through the ISU appropriate support for the preparation, organisation and implementation of the Committee's activities and that of its temporary working groups.

## **VI. Meetings**

13. The Committee meets at least annually in order to provide to States Parties a report of its activities including an account of its contributions during the year. Chair of the Committee through the Chief of the ISU informs its members in advance about the time and place of such a meeting.

# Appendix

## Draft rules of procedure of the Scientific Advisory Committee and its temporary working groups

### Rule 1

#### Mode of operation

##### *The Scientific Advisory Committee*

1. The Scientific Advisory Committee (hereinafter referred to as “the Committee”) appoints by consensus on annual basis a Chair and a Vice-Chair from among its members.
2. The Chair of the Committee through the Chief of the Implementation Support Unit (ISU) notifies each member of the Committee of a planned meeting, stating the purpose, the venue, the opening date and the expected duration of the meeting, as far in advance as possible, but at least 30 days before the opening day of the meeting. The provisional agenda is transmitted together with the notice of the meeting.
3. A provisional agenda for each meeting of the Committee is prepared by its Chair. The Committee adopts an agenda for each of its meetings on the basis of the provisional agenda submitted by the Chair. The provisional agenda may be revised, as necessary, by deferring, deleting or amending items on the agenda.
4. The States Parties may include in the agenda of the Committee any item related to its terms of reference.<sup>1</sup>

#### Temporary working groups

5. A temporary working group is chaired by a member of the Committee appointed for that purposes by its Chair with other members concurring.
6. The Chair of the Committee transmits to the Chair of each working group a mandate setting out: (a) the specific issue to be addressed, and (b) the time limit within which the working group must report on the issue.
7. The Chair of the temporary working group convenes meetings of the group. For this purpose, the Chair through the Chief of the ISU notifies each member of the Committee of a planned meeting, stating the purpose, the venue, the opening date and the expected duration of the meeting, at least 30 days before the opening day of the meeting.

### Rule 2

#### Observers

8. Unless prior written approval has been obtained from the Chair of the Committee or the Chair of a temporary working group, observers will not be permitted to attend meetings of the Committee, nor of the temporary working groups.

### Rule 3

#### Administrative and technical support

9. The Chief of the ISU provides, through the ISU, administrative and technical support for the preparation, organisation and implementation of activities of the Committee and its temporary working groups.

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<sup>1</sup> Such requests are to be made by a body representing States Parties to be determined at the Ninth Review Conference in accordance with a decision on parameters of the programme of work beyond 2021.

## **Rule 4**

### **Languages**

10. The official languages of the Committee are Arabic, Chinese, English, French, Russian and Spanish. The working language is English. Interpretation is arranged by the ISU.

## **Rule 5**

### **Reports**

11. The Committee provides to States Parties an annual report of its activities including an account of its contributions during the year.<sup>2</sup>

12. The report includes the reports of the temporary working groups covering the same period. All such reports are adopted by consensus. The conclusions and recommendations are developed through a consensus process. If consensus on the conclusions and recommendations cannot be achieved, the report reflects any minority view(s), as appropriate.

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<sup>2</sup> Such reports are to be submitted by a body representing States Parties to be determined at the Ninth Review Conference in accordance with a decision on parameters of the programme of work beyond 2021.