

**REPORT FROM GENEVA:
THE BIOLOGICAL
WEAPONS CONVENTION
PREPARATORY
COMMITTEE MEETING
APRIL AND AUGUST 2016**

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Report from Geneva: The Biological Weapons Convention Preparatory Committee Meeting April and August 2016

by Graham S. Pearson[†] in association with Nicholas A. Sims^{*}

Introduction

As recorded in *Report 44* (March 2012), the Meeting of the States Parties of the Biological and Toxin Weapons Convention (BWC) held in Geneva from Monday 14 December to Friday 18 December 2015 agreed the arrangements for Eighth Review Conference to be held in 2016. At MSP/2015 it was agreed that the Preparatory Committee Meeting would meet in two sessions – for two days in April 2016 and a week in August 2016 – and the Review Conference in November 2016. This was agreed with acceptance of the following paragraph, for which the Chair expressed thanks to India and the UK for assistance in drafting, for inclusion in the report of MSP/2015:

56. The Meeting of States Parties considered the arrangements for the Eighth Review Conference in 2016. The Meeting decided that the Review Conference would be held in Geneva from 7 to 25 November 2016. The Meeting also decided that the Preparatory Committee would be held in Geneva as per the following: up to two days (26 to 27 April 2016) and would resume its work during 8 to 12 August 2016. It was agreed that the Preparatory meeting in April would consider the Agenda items on General Exchange of Views and the Organizational aspects of the Review Conference. It was further agreed that the meeting in August would provide an opportunity for States Parties to consider comprehensively all provisions of the Convention. At the conclusion of the meeting in August, the President would present under his own responsibility, for consideration of delegations ahead of the Review Conference, a summary report without prejudice to perspectives, recommendations, conclusions and proposals presented by delegations or that prejudices the final outcome of the Review Conference.

The report of the MSP/2015 also agreed the following:

57. The Meeting approved the nomination of the Eastern Group of Mr. György Molnár, Ambassador of Hungary, as President of the Review Conference and chairman of the Preparatory Committee. The Meeting also approved the estimated costs for the Review Conference and the Preparatory Committee as set out in document BWC/MSP/2015/5.*

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Preparation for the Preparatory Committee Meeting, 26 to 27 April 2016

The Chair, Ambassador György Molnár of Hungary, wrote to the States Parties on **27 January 2016** saying that:

Our first task is to make arrangements for the Preparatory Committee, the first session of which is scheduled to be held in Geneva for up to two days from 26 to 27 April 2016. The Preparatory Committee would then resume its work during 8 to 12 August 2016.

The Preparatory Committee is to ensure that the necessary procedural mechanisms are in place for a thorough review of the Convention during the Review Conference itself. The Preparatory Committee will need to take decisions on such matters as the provisional agenda for the Review Conference, the rules of procedure, background documentation, publicity, and various other procedural and administrative items. However, in addition to these procedural items, the Meeting of States Parties decided that a general exchange of views would take place at the meeting in April, and that the meeting in August would provide an opportunity for States Parties to consider comprehensively all provisions of the Convention.

The Chair, Ambassador György Molnár of Hungary, then spoke to the Regional Groups on **8 February 2016** when he made the following points:

The Preparatory Committee in April will need to take decisions on such matters as the election of the Chairman and other officers, the adoption of its agenda and the organization of its work. In this regard, I would like to take this opportunity to encourage the regional groups to give early thought to their nominations for the Vice-Chairmen of the PrepCom. Following precedent and regional group rotation from previous Review Conferences, the Vice-Chairman from the Western Group will become the Chairman of the Committee of the Whole at the Review Conference, and the Vice-Chairman from the NAM and Others Group will become the Chairman of the Drafting Committee. In addition to these procedural items, the MSP decided that the April meeting would also conduct a general exchange of views and that it would also address the organization of the Review Conference (provisional agenda for the Review Conference, the draft rules of procedure, background documentation, publicity, and various other procedural and administrative items).

He also encouraged States Parties to put forward proposals and ideas to be presented at the April meeting of the PrepCom:

Regarding the general exchange of views (agenda item 5 of Annex A), I encourage States Parties to develop and circulate proposals and ideas to be presented under this item prior to the April meeting. The last MSP already saw several proposals being put forward by States Parties and I imagine that others will also be developed in the coming months. The meeting in April will be a valuable opportunity for States Parties to present and discuss such proposals, although this does not preclude the later submission of such proposals.

In addition, he sought views on the participation of NGO's at the August PrepCom meeting:

An additional point relating to the August meeting on which I would like to seek your views relates to the participation of NGOs. In the past, there has not been an informal session for NGOs at PrepComs as they have been purely procedural in nature. Given that we have agreed a different preparatory process this time, I am of the view that we could have an informal session for NGO statements at the August meeting, but I would like to hear your views on this matter.

Then looking ahead to the Review Conference itself, he encouraged the early submission of proposals as being key to the success of the Review Conference:

Moving on to the Review Conference itself, I would again like to emphasise that its success will depend on early preparation and sharing of proposals.

I encourage States Parties, individually and in groups, to put forward specific proposals for discussion as soon as possible prior to the first session of the PrepCom. The BWC website is a convenient way to share ideas and proposals with a wide audience, and to invite reactions and discussion.

The Chair, Ambassador György Molnár of Hungary, then wrote again to the States Parties on **21 March 2016** when he reiterated the procedural decisions that needed to be taken at the PrepCom meeting by saying:

As was discussed during the previous regional group briefings on 8 February, the Preparatory Committee will need to elect two Vice-Chairmen, one from the Western Group and one from the Group of the Non-Aligned Movement and Other States. Those appointed will serve as Vice-Chairmen during the Preparatory Committee meetings in April and August. Following BWC practice, they will then go on to become the Chairman of the Committee of the Whole and the Chairman of the Drafting Committee at the Review Conference itself. In line with the rotation of posts among the regional groups, the Chairman of the Committee of the Whole will come from the Western Group, and the Chairman of the Drafting Committee will come from the Group of Non-Aligned and Other States.

Looking ahead to the Review Conference itself, we will also establish a Credentials Committee which, in line with past practice, will be chaired by a representative from the Eastern European Group. The Review Conference will also need 20 Vice-Presidents – ten from the Group of the Non-Aligned Movement and Other States, six from the Western Group and four from the Eastern European Group. Furthermore, the Committee of the Whole and the Drafting Committee both require two Vice-Chairmen in line with past practice, while the Credentials Committee requires one Vice-Chairman. I encourage the regional groups to start reflecting on their nominations for the available positions.

The Chair also went on to address the question of background information papers to be prepared by the ISU and on an informal session for NGO statements at the August PrepCom saying:

I would also like to briefly return to two issues which were raised at the regional group briefings in February. The first relates to the issue of background papers for the Review Conference. As you will recall, the list of eight background papers produced by the ISU at the Seventh Review Conference was annexed to my previous letter. At the regional group briefings, we heard proposals for two additional background papers, one on developments in relation to the implementation of Article VII of the Convention and one on financial implications of proposals for follow-up action after the Review Conference. I would like to kindly request States Parties to give further consideration to this issue so that, at the April meeting, we can ask the ISU to begin preparing the necessary background papers. Again, this does not preclude the possibility of requesting additional background papers at a later date, but we must bear in mind the time taken to draft such papers, as well as the time for translation and production.

The second issue is the suggestion that we make time at the August meeting for an informal session in which we can hear brief statements by NGOs, as we have done at previous intersessional meetings. If we resume the general exchange of views at the August meeting, one approach could be to move into an informal session upon the completion of the exchange of views among States Parties. I would appreciate hearing the views of delegations on this suggestion at the upcoming regional group briefings.

The Chair, Ambassador György Molnár of Hungary, then spoke again to the Regional Groups on **5 April 2016** when he reiterated the points about the elections to be made by the PrepCom:

The Preparatory Committee will need to elect:

- **two Vice-Chairmen**, one from the Western Group and one from the Group of the Non-Aligned Movement and Other States. Those appointed will serve as Vice-Chairmen during the Preparatory Committee meetings in April and August.
- Following BWC practice, these Vice-Chairmen will then go on to become the Chairman of the Committee of the Whole and the Chairman of the Drafting Committee at the Review Conference itself:
 - In line with the rotation of posts among the regional groups, the **Chairman of the Committee of the Whole** will come from the Western Group, and the **Chairman of the Drafting Committee** will come from the Group of Non-Aligned and Other States. We will also establish a **Credentials Committee** which, in line with past practice, will be chaired by a representative from the Eastern European Group.
 - The Review Conference will also need **20 Vice-Presidents**:
 - ten from the Group of the Non-Aligned Movement and Other States;
 - six from the Western Group; and
 - four from the Eastern European Group.
 - Furthermore, the Committee of the Whole and the Drafting

*Committee both require **two Vice-Chairmen** in line with past practice, while the Credentials Committee requires **one Vice-Chairman**. [Emphasis in original]*

The Chair also reiterated the points made about background information papers to be prepared by the ISU:

- *On the issue of background papers for the Review Conference, at the previous round of regional group briefings, we heard proposals for two additional background papers, one on developments in relation to the implementation of Article VII of the Convention and one on financial implications of proposals for follow-up action after the Review Conference. I would like to kindly request you to give further consideration to this issue so that, at the April meeting, we can task the ISU with the preparation of the necessary background papers.*
- *Again, this does not preclude the possibility of requesting additional background papers at a later stage, but we must bear in mind the time taken to draft such papers, as well as the time for translation and production. Furthermore, background papers are meant to support and facilitate delegates' preparations of the various meetings, the earlier they are available, the more useful they are for States Parties.*

and again referred to the informal NGO session by saying:

As raised at the previous regional group briefings, the NGOs are keen to be able to make brief statements to the Preparatory Committee meeting in August, as has been the practice at previous review conferences and intersessional meetings. If we resume the general exchange of views at the August meeting, one approach could be to move into an informal session upon the completion of the exchange of views among States Parties. I would appreciate hearing the views of delegations on this suggestion today. I believe that the NGOs make a valuable contribution to our work and that there is merit in hearing additional voices during the preparations for the Eighth Review Conference.

Preparatory Committee Meeting, 26 to 27 April 2016

The Preparatory Committee Meeting began on Tuesday 26 April 2016 with Mary Soliman, Acting Director of the Geneva Branch of the UN Office of Disarmament Affairs, presiding. At its first meeting, the Preparatory Committee elected by acclamation Mr. György Molnár, Ambassador of Hungary as Chairman of the Preparatory Committee. The Preparatory Committee also unanimously elected Mr. Michael Biontino, Ambassador of Germany and Mr. Boudjemâa Delmi, Ambassador of Algeria, as Vice-Chairs of the Preparatory Committee.

Ambassador György Molnár in his opening remarks welcomed all those present and said that much of the work of this PrepCom would be to agree the procedural aspects of the Review Conference, work which was vital for a successful outcome. The PrepCom Agenda (BWC/CONF.VIII/PC/1) was formally adopted and then in accordance with Agenda Item 4 the Preparatory Committee decided to take its decisions by consensus, to use the six standard UN languages, and agreed the participation of a State neither

party nor signatory to the Convention, Israel, as an observer. The participation of the European Union as an inter-governmental organisation and the participation of eight NGOs were also agreed.

Ninety-one States Parties to the Convention participated in the Preparatory Committee in the April 2016 (BWC/CONF.VIII/PC/2) session as follows: Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belgium, **Bhutan**, Bosnia and Herzegovina, Brazil, Bulgaria, **Cameroon**, Canada, Chile, China, Cuba, Cyprus, Czech Republic, Dominican Republic, **Ecuador**, **El Salvador**, Estonia, Finland, France, Georgia, Germany, Guatemala, **Honduras**, Hungary, India, Indonesia, Iraq, Islamic Republic of Iran, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, **Latvia**, Lebanon, Lithuania, Madagascar, Malaysia, **Malta**, **Mauritius**, Mexico, Mongolia, Morocco, **Myanmar**, Netherlands, New Zealand, Norway, Oman, Pakistan, **Panama**, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, **Sudan**, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, **Uzbekistan**, Venezuela (Bolivarian Republic of), **Yemen** and Zimbabwe.

This was two less than the ninety-three States Parties that had attended the Preparatory Committee held on 15 – 17 April 2011 prior to the Seventh Review Conference in 2011. The thirteen States Parties shown in **bold** above participated in **2016** but not in 2011 whilst the following fifteen States Parties participated in 2011 but **not** in 2016: Belarus, Brunei Darussalam, Colombia, Croatia, Denmark, Ghana, Greece, Holy See, Liechtenstein, Mali, Nigeria, Qatar, Senegal, Uganda and Zambia.

The Preparatory Committee then went on to consider Agenda Item 5: *General exchange of views*. Ambassador Molnár in introducing this item, specifically encouraged States Parties to bring forward new ideas and to ask questions to clarify or elaborate on the proposals being made, thereby urging an interactive session rather than the usual plenary in which statements are heard without response. He emphasized that no decisions would be made on any proposal until the Review Conference itself, and noted that the number of proposals that had been put forward in Working Papers prior the Preparatory Committee showed a clear interest by States Parties in strengthening the Convention.

27 States Parties participated. Statements were first made on behalf of the regional groups with a statement being made by Iran on behalf of the NAM. Statements were then made by States Parties with specific proposals: India, Finland, United States, Russia, UK, France, China, and Switzerland. Finally more general statements were made: Iran, Indonesia, Norway, Italy, Australia, Ireland, Japan, Germany, Canada, Morocco, Mexico, Cuba, Ukraine, Pakistan, Armenia, Belarus, Netherlands, Peru and the Republic of Korea. A statement was then made by one intergovernmental organization: the European Union. All of these statements, other than those for Morocco and Armenia, are available on the unog.ch/bwc website for the PrepCom.

The Preparatory Committee then went on to consider Agenda Item 6: *Organization of*

the Review Conference. The Preparatory Committee agreed to recommend to the Eighth Review Conference that Mr. György Molnár, Ambassador of Hungary, preside over the Conference. The Preparatory Committee also reached understanding on a recommendation for final adoption in August with regard to the following distribution of posts of Vice-presidents of the Conference, and Chairmen and Vice-Chairmen of the subsidiary bodies, among the various regional groups:

Vice-presidents:

Ten from the Group of the Non-Aligned Movement and Other States
Six from the Western Group
Four from the Group of Eastern European States

Committee of the Whole:

Chairman: Western Group
Vice-Chairman: Group of Eastern European States
Vice-Chairman: Group of the Non-Aligned Movement and Other States

Drafting Committee:

Chairman: Group of the Non-Aligned Movement and Other States
Vice-Chairman: Western Group
Vice-Chairman: Group of Eastern European States

Credentials Committee:

Chairman: Group of Eastern European States
Vice-Chairman: Western Group

The Preparatory Committee went on to endorse the decision of the 2015 Meeting of the States Parties that the Eighth Review Conference should take place in Geneva from 7 to 25 November 2016.

In regard to other formalities relating to the Review Conference, the Preparatory Committee reached an understanding on a recommendation for final adoption at the August Preparatory Committee meeting of the following:

- a. to recommend to the Eighth Review Conference the draft provisional agenda as contained in document BWC/CONF.VIII/PC/L. 1.*
- b. to recommend as the Draft Rules of Procedure of the Eighth Review Conference the Rules of Procedure of the Seventh Review Conference, as contained in document BWC/CONF.VIII/PC/L.2.*
- c. to recommend that, with respect to Rule 5, the Review Conference should elect a Chairman and two Vice-Chairmen of the Drafting Committee.*
- d. to recommend that the General Committee referred to in Rule 8 should be composed of the President of the Review Conference, the 20 Vice-Presidents, the Chairman and the two Vice-Chairmen of the Committee of the Whole, the Chairman and the two Vice-Chairmen of the Drafting Committee, the Chairman and the Vice-Chairman of the Credentials Committee, to be elected in accordance with Rule 5, the three Regional Group Coordinators, and the Depositories.*
- e. to recommend that with respect to meetings referred to in Rule 43 (2), the Committees may decide to hold certain meetings in public.*

In regard to the preparation of **background information documents** by the ISU, the Preparatory Committee agreed that eight such documents should be prepared:

- a) *A background information document on the history and operation of the confidence-building measures agreed at the Second Review Conference and revised at the Third and Seventh Review Conferences. The document should include data in summary tabular form on the participation of States Parties in the measures since the last Review Conference;*
- b) *A background information document on the financial implications of proposals for follow-on action after the Eighth Review Conference;*
- c) *A background information document showing the additional understandings and agreements reached by previous Review Conferences relating to each article of the Convention, extracted from the respective Final Declarations of these conferences;*
- d) *A background information document showing the common understandings reached by the Meetings of States Parties during the intersessional programme held from 2012 to 2015;*
- e) *A background information document on the status of universalization of the Convention;*
- f) *A background information document on compliance by States Parties with all their obligations under the Convention, to be compiled from information submitted by States Parties;*
- g) *A background information document on the implementation of Article VII, to be compiled from information submitted by States Parties; and*
- h) *A background information document on the implementation of Article X, to be compiled from information submitted by States Parties, including information submitted pursuant to paragraph 61 of the Final Declaration of the Seventh Review Conference.*

The Preparatory Committee decided that the first five background documents listed in sub-paragraphs (a) to (e) above should be circulated not later than four weeks before the opening of the second session of the PrepCom in August 2016 and that the last three background documents listed in sub-paragraphs (f) to (h) above should be circulated not later than four weeks before the opening of the Eighth Review Conference in November 2016.

Working Papers submitted for the April Preparatory Committee meeting

Thirteen Working Papers were submitted for the April Preparatory Committee meeting: four by the USA (WP.3, WP.6, WP.9 and WP.10), two by France (WP.11 & WP.12), two by Russia (WP.1 & WP.2), one each by the Benelux countries (& France) (WP.13), by the Nordic countries (WP.7), by Switzerland (WP.8), the UK (WP.4) and the European Union (WP.5).

These Working Papers are summarised below.

BWC/CONF.VIII/PC/WP.1 and **WP.1/Rev.1** submitted by Russia and entitled *Strengthening the Biological Weapons Convention Operationalising mobile biomedical units to deliver protection against biological weapons, investigate their alleged use, and to suppress epidemics of various etiology*. In this working paper Russia presented proposals for establishing an international institutional mechanism under the BTWC called **mobile biomedical units** to implement three elements of the Russian initiative launched in 2014 to strengthen the BTWC:

- a. advancement of international co-operation for prevention of infectious disease pursuant to Article X;
- b. provision of assistance and delivery of protection against biological weapons pursuant to Article VII;
- c. investigation of alleged use of biological weapons pursuant to Article VI.

In this Working Paper these three elements are considered together since by implementing them in combination useful synergies may be achieved and limited resources utilised efficiently. The Working Paper says that the concept of mobile biomedical units has benefited greatly from applying lessons learned from the many decades of conducting anti-epidemic programmes in the Russian Federation and also adding relevant international input including insights from the recent anti-Ebola effort in West Africa. The Working Paper concludes that taking forward the concept of creating and employing multi-purpose biomedical rapid reaction units would constitute a new paradigm for improving implementation of the BTWC at the international level. Based on the available record of their deployment, it can be asserted with confidence that raising such a capability under the BTWC and its follow-up funding through a future programme and budget process based on the approved scale of assessments will have very modest financial implications for 174 States Parties. In terms of the cost-benefit criterion this may become an optimal investment of the relatively insignificant amount of money in the interests of achieving the aims of the Convention.

BWC/CONF.VIII/PC/WP.2 and **WP.2/Rev.1** submitted by Russia and entitled *Strengthening the Biological Weapons Convention Proposal for the establishment of a Scientific Advisory Committee*. In this working paper Russia presented proposals for enhancing the process of review of science and technology developments under the BTWC to achieve greater effectiveness as well as improving the focus, depth and inclusiveness of the existing arrangements. To do so, it is proposed that a specialised subsidiary organ, the Scientific Advisory Committee, be established for the period of 2017-2021 by the decision of the Eighth Review Conference. In addition, the Working Paper provides proposals for a draft decision of the Eighth Review Conference, the terms of reference and the rules of procedure of the Scientific Advisory Committee.

BWC/CONF.VIII/PC/WP.3 submitted by the USA and entitled *Science and technology review for the BWC: Features of an effective process*. This recognizes it is not clear that the process followed during the ISP 2012-2015 has been an effective approach and notes that through working papers and plenary statements, several States Parties have expressed support for a routine mechanism that goes beyond the current intersessional programme's standing agenda item on science and technology. Useful Swiss papers on

science and technology review (BWC/MSP/2015/MX/WP.11 and BWC/MSP/2015/WP.10) have prompted the USA to consider some possible basic features for a science and technology review mechanism. The Working Paper identifies four features that the USA consider to be essential for effective science and technology review. These features do not dictate any specific structure for science and technology review, but an effective structure or approach should take them into account. The USA is interested to learn what features other States Parties find essential and how to structure a review body for success.

The four features considered to be essential are the following:

- *Be responsive to the needs of States Parties*
- *Have necessary technical expertise*
- *Be representative of the diversity of all States Parties*
- *Be structured for success.*

BWC/CONF.VIII/PC/WP.4 submitted by the UK and entitled *A future science and technology review process*. This notes that there is a need now to find a more effective and timely way of addressing science and technology following the Eighth Review Conference. Many States Parties seem to share this view. The United Kingdom believes that a full and meaningful consideration of the Convention and its implementation cannot take place without a proper understanding of relevant developments in science and technology in the life sciences and other disciplines. For this reason it is proposed that a future science and technology review process takes place first each year before any meetings that consider other aspects of the Convention to allow potential implications to be taken into account. The Working Paper states that *it must be responsive to tasking from the States Parties; be able to present its own findings on its own initiative; have access to a wide range of expertise residing in academia, industry and other research institutes; and be open to all States Party experts wishing to participate*. The Working Paper includes a draft mandate for such a science and technology body.

BWC/CONF.VIII/PC/WP.5 submitted by the European Union and entitled *Position of the European Union relating to the Eighth Review Conference*. This states that in the run up to and during the Eighth Review Conference of the BWC, the European Union will work, in particular, to ensure that the States Parties address the following priorities:

- a) *building and sustaining confidence in compliance, by a range of specific measures described below;*
- b) *supporting national implementation, including by engaging more with non-governmental stakeholders;*
- c) *supporting the United Nations Secretary-General's Mechanism for investigation of alleged use of biological weapons and agents through further development of its operational capabilities as a means of strengthening Articles VI and VIII of the Convention;*
- d) *promoting the universality of the BWC.*

The Working Paper goes on to elaborate on these priorities and other key issues. It states that in order to support the review and strengthening of the intersessional programme, the European Union will in particular:

a) support the following topics for a new intersessional programme, either as intersessional topics or through dedicated working groups, or both:

(i) national implementation and compliance;

(ii) further work on CBMs following the Eighth Review Conference;

(iii) assistance and cooperation under Article VII of the BWC;

(iv) developments in science and technology;

(v) review of the Consultative Committee procedur[er]¹;

(vi) universalisation as proposed in paragraph 8 of the Working Paper.

BWC/CONF.VIII/PC/WP.6 submitted by the USA and entitled *Strengthening confidence-building and consultative mechanisms under the Biological Weapons Convention*. This states that the USA attaches great importance to compliance with the BWC by all States Parties. Maintaining and promoting confidence that States Parties are abiding by their commitments is essential to ensuring the stability and integrity of the treaty regime. Because it is very difficult to verify compliance with the BWC, it is even more important to take practical steps to enhance transparency, build confidence in compliance, reduce doubts or concerns about States Parties' actions or intentions, and to constructively address questions when they arise.

The Working Paper states that States Parties can do better to enhance the quantity and quality of information currently provided in the CBMs. The USA suggests the exploration of proposals that would:

- a) Establish a CBM assistance network, coordinated by the Implementation Support Unit (ISU), to provide expert advice and assistance for States Parties upon request, and urge States Parties in a position to do so to offer and to coordinate assistance, training, translations, and workshops in support of tasks such as compiling and submitting CBMs;*
- b) Provide for the further development and ongoing operation and maintenance of the CBM electronic platform, following through on the decision of the Sixth Review Conference. Completing the transition to a fully electronic CBM system would simplify both reporting and analysis, and make the data more useful; and*
- c) Further technical refinement on the type and range of information requested in select CBM forms with a view to generating more useful information. For example:*

¹ This is assumed to be a reference to the Article V procedure under which a Consultative Meeting can be convened.

- i. *Revising CBM Form A (Part 2 (j)), which calls for information on national biodefense research programs, to clarify that the request for information includes both military and civilian programs.*
- ii. *Expanding CBM Form E on national implementation measures to provide more information, for example by adding a request for short descriptions of implementation measures.*

In regard to Consultation and Cooperation, the Working Paper proposes that to facilitate and encourage more widespread use of Article V to address “any problems which may arise...,” it could be strengthened in a number of ways, including:

- a. *Developing more detailed options for bilateral consultation, including some basic procedures, with timelines, that could be invoked when a concern is raised.*
- b. *Developing separate, lower-key procedures for States Parties’ use to ask questions about another States Party’s CBM submission bilaterally or through the ISU.*
- c. *Develop illustrative options or non-binding guidelines for suggested procedures to address concerns.*
- d. *Establishing an understanding that, where bilateral or multilateral consultations are unsuccessful, a State Party could request the United Nations Secretary-General to use his/her “good offices” to seek clarification, ...*

BWC/CONF.VIII/PC/WP.7 submitted by Finland, Norway and Sweden and entitled *Elements on science and technology for the 2016 Review Conference – the importance of an active review process*. This states that the Nordic countries consider it important to establish structures that might contribute to a better functioning of the Convention, and to strengthen the ability to take collective action in between the Review Conferences. This would be of specific importance in the area of science and technology (S&T) due to the rapid advancement within life sciences and biotechnology, which can have both positive and negative impact on the BWC. Dedicated meetings of scientific experts aiming at continuously evaluating the developments in life sciences and biotechnology and addressing specific topics in order to develop concrete recommendations to the States Parties would be a step in the right direction.

The Working Paper proposes that States Parties should nominate national experts possessing know-how on specific topics to serve as members of a more structured scientific open-ended group, administered by the Implementation Support Unit (ISU) who could also have a role as a rapporteur. It would be important to invite variety of specialists from academia, civil society and industry, serving in their personal capacity, when required. Mechanisms should be explored to enable participation of scientists from different regions of the world.

The Working Paper also states that the Review Conference should encourage and support enhanced international cooperation in life sciences, supporting national health systems and addressing global health threats. In particular, the Review Conference should recall the obligations set out in the international health regulations (IHR) and the on-going crisis reform process in the WHO. Although the ISU of the BWC is not an

operational agency in the field of international co-operation and assistance, the Unit could contribute, within its capacities, towards the full implementation of Article X of the Convention in close partnership with the mandated agencies. In addition, the Global Health Security Agenda (GHSA), the G7 Global Partnership and various bilateral and multilateral programs also represent possible channels for the implementation of Article X.

BWC/CONF.VIII/PC/WP.8 submitted by Switzerland and entitled *Strengthening the BWC science and technology review process*. This states that an S&T review process that is both timely and effective is a complex undertaking with a long list of multifaceted scientific topics. In order to live up to the mandated task, Switzerland believes that a more systematic and sustainable examination of S&T developments and their bearings on the BTWC is required. We need to go beyond the current practice of addressing the fundamentals and complexities of a multitude of scientific and technical issues solely in the framework of a policy process. Switzerland does not question the value of the intersessional process (ISP), but rather suggests re-organising the S&T review process in the framework of any type of future ISP in order to maximise its utility.

In an effort to foster this debate and contribute to our collective preparations for the Eighth Review Conference, the Working Paper has identified parameters and considerations, each with a set of options, which Switzerland believes would shape any dedicated arrangement for reviewing S&T developments relevant to the BTWC. These parameters and consideration are addressed under the following headings:

- *General approach*
- *Scope*
- *Group composition and costs*
- *Guidance and coordination*
- *Input*
- *Reporting*

BWC/CONF.VIII/PC/WP.9 submitted by the USA and entitled *Strengthening the ability to take action: an essential agenda for the Eighth Review Conference*. This states that the Working Paper is intended as an invitation to further dialogue: its proposals build on ideas advanced by African and Latin American Parties at the Sixth Review Conference, as well as proposals from South Africa, Germany, and the United Kingdom of Great Britain and Northern Ireland at the Seventh Review Conference. The USA invited additional comments, questions, and suggestions for improvement. The Working Paper states that engaging in such discussion now is the best way to ensure a strong, substantive, and widely supported outcome at the Eighth BWC Review Conference.

The Working Paper sets out the proposal in brief as consisting of the following:

- **Improve capacity to review and respond to developments in science and technology:** Many delegations have called for a better process for seeking advice on scientific and technological developments and their implications for the Convention, and several proposals have been advanced with this aim.

- **Improve capacity for in-depth substantive and technical discussions:** The current intersessional process tries to do too much in too little time. It does not provide opportunities for in-depth discussion of key issues by technical experts, and progress is, therefore, limited. Technical meetings dedicated to specific topics, tasked to submit reports and recommendations to the political decision-making bodies, are a well-established mechanism in other international *fora*. To improve capacity for in-depth substantive and technical discussions, the Review Conference should take action to replace the annual Meeting of Experts with more focused technical working groups, each with its own Chairman, reporting to the Chairman of the Meeting of States Parties. These working groups should be open to all States Parties, and diverse representation would be highly important. Nevertheless, the need for delegations to seek to contribute relevant expertise should be underscored.
- **Enhance the authority of the annual Meeting of States Parties:** Meetings of States Parties already take decisions—for example, on the appointment of officers for the following year, on the implementation of the assistance and cooperation database, and on preparations for each Review Conference. Parties should agree at the Review Conference on clear parameters or guidelines to establish what issues can be decided at such a meeting, and when another procedure, such as making recommendations to the next Review Conference, would be more appropriate.
- **Strengthen the Implementation Support Unit:** States Parties should augment the staffing and mandate of the ISU consistent with the strengthened structures described above and with any agreed measures that would require ISU support to implement.
- **Provide greater oversight and steering:** More in-depth substantive processes, a more action-oriented annual meeting, and a strengthened ISU would require some measure of oversight, coordination, and planning. A steering group comprising the Chairman, Vice-Chairmen, and leaders of expert groups should be established to support the Chairman, liaise with the ISU, help to identify and prepare issues for consideration at the annual meetings, and maintain an ongoing focus on BWC issues in Geneva.

BWC/CONF.VIII/PC/WP.10 submitted by the USA and entitled *Possibilities for strengthening the international community's ability to investigate alleged use*. This notes that a State Party might suspect that it was the victim of a biological weapons attack, and need assistance, but lack clear evidence. While paragraph 2 of Article VI foresees that the Security Council might call for an investigation in response to such a complaint, there is no requirement for such an investigation, and no common understanding concerning the amount of evidence that would be required to galvanize Security Council action. Thus uncertainty about whether biological weapons have been used could prevent the assistance obligation of Article VII being triggered.

The Working Paper then sets out several actions that could be taken by the Eighth Review Conference to strengthen the key ability to investigate allegations of use:

- a) **Support for implementation of the International Health Regulations (IHR) and Global Health Security Agenda (GHSA):** The Joint External Evaluation Tool-International Health Regulations (2005) (JEE) was published by the World Health Organization in 2016 to assess country capacity to prevent, detect and respond to public health emergencies, regardless of origin. It is noteworthy that the JEE specifically indicates that States Parties to the IHR should work in collaboration with relevant regional and international entities, including the FAO, INTERPOL, OIE, WHO, the BWC and the Secretary-General's Mechanism to develop and implement systems to identify, investigate and respond to suspected deliberate biological use events.
- b) **Clarify the relationship between the BWC and the Secretary-General's Mechanism:** The Review Conference could articulate a clearer understanding of how the Secretary-General's Mechanism relates to and reinforces the Convention. In particular, the Review Conference could recognize that the Mechanism could play an important role in implementing provisions of the Convention related to Articles V, VI, and VII.
- c) **Support efforts to ensure the operational readiness of the Secretary-General's Mechanism:** the Review Conference could affirm the importance of maintaining a credible international investigative capability, and urge the United Nations Secretary-General to ensure the operational readiness of the Secretary-General's Mechanism; States Parties could be encouraged by the Review Conference to support the Secretary-General in these efforts. They could also be called upon to update their nominations of experts and laboratories and ensure their availability.
- d) **Commit in advance to cooperate with an investigation:** Historically, delays by a United Nations Member State in accepting an investigation have been a key factor limiting their success. At the Third Review Conference, BWC States Parties agreed *to cooperate fully with the United Nations Secretary-General in carrying out such [alleged use] investigations*. At the Eighth Review Conference, BWC States Parties could collectively reaffirm their commitment to cooperate with international investigations of alleged biological weapons use, and affirm that this includes their willingness to provide access to an investigation team, consistent with safety and domestic legal constraints.

BWC/CONF.VIII/PC/WP.11 submitted by France and entitled *90th anniversary of the signature of the Protocol prohibiting the use in war of asphyxiating, poisonous or other gases and of bacteriological methods of warfare*. This notes that for 90 years, the Protocol has served as a cornerstone of international efforts to prohibit the use of biological and chemical weapons. It points out that it still is a cornerstone, even after the entry into force of the Biological and Toxin Weapons Convention and the Chemical Weapons Convention as the three instruments together form a coherent normative architecture.

The Working Paper states that today, 140 States are party to the Geneva Protocol. The pace of accessions was relatively regular until the 90's. Unfortunately, since 2000, this pace slowed down. 2015 was however marked by a positive trend, as 2 new accessions

were registered: Former Yugoslav Republic of Macedonia and Colombia. However, it is noted that there are still discrepancies between the membership of the BTWC and of the Geneva Protocol, as 36 States which are party to the BTWC are not yet party to the Geneva Protocol. Furthermore, 18 States parties to the BTWC maintain reservations to the Geneva Protocol. The Working Paper concludes by encouraging the States Parties to the BTWC to include in the Final Document of the Eighth Review Conference the points relating to the Geneva Protocol that were made in the Final Document of the Seventh Review Conference.

BWC/CONF.VIII/PC/WP.12 submitted by France and entitled *Specificities of the response to natural and intentional disease outbreaks*. This states that measures to address an intentional outbreak and measures to address a natural outbreak are often discussed simultaneously. They should, however, clearly be distinguished, as a biological weapon attack would have very specific technical features. These features are derived from what is known of the biological threat. They would impact the capacity of the international community to provide assistance and support to the targeted State. Moreover, the nature of the response would not be the same in both situations.

The Working Paper addresses these differences under three headings: I. Technical aspects, II. Organizational consequences, and III. Investigation and response.

BWC/CONF.VIII/PC/WP.13 submitted by Belgium, France, Luxembourg and the Netherlands entitled *Peer review: An innovative way to strengthen the BWC*. This notes that after the French pilot peer review exercise in 2013, Belgium, the Netherlands and Luxembourg decided to launch a peer review exercise in 2015, which has proved to be very successful. It adds that new initiatives will continue to demonstrate the relevance of this concept in the run-up to the Eighth Review Conference.

The Working Paper goes on to seek to dispel any misunderstandings by making the following points:

- *Firstly, the Peer review mechanism is not a replacement to verification, but an improvement of compliance. The aim of the Peer review is to move ahead from this difficult debate in a workable, pragmatic way.*
- *Secondly, we propose this innovative mechanism as an attempt to think “out of the box” of the traditional BWC debate. We are convinced that this method would enable the opening of a new dimension in improving the implementation of the Convention, complementary to the approach based on the CBMs. The voluntary nature of the Peer review mechanism represents a further strength of this innovative initiative.*
- *Finally, if we want to achieve concrete progress at the BWC, we need to secure tangible results at the next Review Conference. Addressing the issue of the Peer review mechanism in the final report would be in our opinion a very good first step in that direction.*

Conclusion of the April Preparatory Committee Meeting

The April Preparatory Committee Meeting concluded on Wednesday 27 April 2016 at the end of the morning session with the adoption of an interim report, BWC/CONF.VIII/PC/2 *Interim report of the Preparatory Committee (26-27 April 2016)*. This ends by stating that:

In accordance with the decision of the 2015 Meeting of the States Parties, the Preparatory Committee will resume its work from 8 to 12 August 2016.

There were a number of Side Events during the Preparatory Committee Meeting session in April:

Tuesday 26 April

- Royal Society and the InterAcademy Partnership (IAP) held an all day event entitled *Round Table Event to Explore Options for the S&T Review Process within the BTWC*.

[No further information on this side event is available on the unog.ch/bwc website]

- The Russian Federation held a side event at lunchtime entitled *Strengthening the Biological Weapons Convention*. The following presentations were made:

a. Russian side event: Mobile Biomedical Units and Scientific Advisory Committee

b. Russian presentation slides "The experience of operating specialized mobile anti-epidemic units of Rospotrebnadzor (Federal Service for Surveillance on Consumer Rights and Human Wellbeing"

c. Operationalising mobile biomedical units to deliver protection against biological weapons, investigate their alleged use, and to suppress epidemics of various etiology

d. Proposal for the establishment of a Scientific Advisory Committee

[These presentations are all available on the unog.ch/bwc/PrepCom website]

Wednesday 27 April

- The United States of America held a side event at 9.00 am entitled *Discussion of U.S Proposals for Post Review Conference Work*.

[No further information on this side event is available on the unog.ch/bwc website]

- The European Union held a side event at lunchtime entitled *Launch of the New EU Council Decision in Support of the BWC*.

[No further information on this side event is available on the unog.ch/bwc website]

Reflections on the April Preparatory Committee Meeting

The April meeting of the Preparatory Committee laid useful foundations for the week-long meeting in August. It made good use of its mandate, defined in paragraph 56 of the Report of MSP/2015, to engage in a *general exchange of views* and not confine itself to *organizational aspects of the Review Conference* alone. The mandate carefully avoided the words *procedural* and *substantive* so as to prevent the April meeting being limited to the former. In effect, the April meeting was authorised to begin the exploration of desirable outcomes to be achieved by the Review Conference. As Ambassador György Molnár subsequently pointed out in his letter of 25 May 2016, and again in addressing the Regional Groups on 21 June 2016, the States Parties were already in April coming up with *concrete proposals* and among these there was a *degree of convergence of ideas* which he welcomed.

It was significant that the Preparatory Committee requested a background information paper, to be available in good time before its August meeting, on *the financial implications of proposals for follow-on action after the Eighth Review Conference*. This request indicated a readiness to contemplate a constructive evolution in the way States Parties intended to make the Convention work. Several of the Working Papers submitted to the April meeting envisaged structural changes, such as enhanced authority for the annual Meeting of States Parties, establishment of working groups throughout the intersessional period, a strengthened process for the annual review of relevant developments in science and technology, a more adequately resourced Implementation Support Unit, and a steering group to provide oversight and coordination. Other Working Papers aimed to strengthen the Convention in elaborating extended understandings and agreements on the implications of particular Articles and how best to advance their implementation.

Where the April meeting was cautious was on procedural matters, the traditional preserve of Preparatory Committees for previous Review Conferences. It held back from the final step of issuing recommendations to the Review Conference on its *organizational aspects*. Instead, it reached *understandings* on the content of the organizational recommendations to be adopted formally in August. This procedural hesitancy was, however, greatly outweighed by the confidence with which States Parties submitted their ideas for the substantive work of the Review Conference and in particular their *concrete proposals* for the outcomes they wished to see it achieve. They were setting the scene for productive work on structural changes to reinforce the Convention as an effective treaty totally prohibiting biological and toxin weapons.

Preparation for the Preparatory Committee Meeting, 8 to 12 August 2016

The Chair, Ambassador György Molnár of Hungary, wrote to the States Parties on **25 May 2016** saying that:

I was pleased that we were able at our meeting in April to address several of the necessary procedural issues for the efficient planning and preparation of the Review Conference in November. I was especially gratified that States Parties responded positively to my request to come to the meeting with concrete proposals for consideration by the Review Conference. In particular, I would like to thank those States Parties which took part in the “general exchange of views” for their willingness to share their ideas at an early stage, and also for their involvement in the interactive segment of the discussion.

Many interesting proposals were tabled in April, and it is clear that a lot of time and effort has gone into their development. Between now and August, I would encourage States Parties to continue to work on existing and new proposals. In some areas where there were a number of proposals there appears to be a degree of convergence of ideas. I hope that interested States Parties will consider the option of working together informally in the coming months in order to identify mutually acceptable approaches in their proposals.

As the preparations for the Review Conference intensify in the months to come, I may consider seeking the assistance of individuals to assist me as friends of the chair on particular topics. At this stage it is too early to identify where such assistance may be required.

Ambassador Molnár’s letter went on to make the following points:

I would hope that we can quickly address the remaining procedural issues at the start of the meeting in August. I would like to recall that we reached general understanding at our April meeting on several such issues, and it appeared that there was no objection to adopting formal decisions on them in accordance with standard practice at our resumed session. Then, as I have mentioned before, we would return to the “general exchange of views”, so that States Parties can present new or revised proposals or indeed elaborate further on their existing proposals. Once the “general exchange of views” has been concluded, my intention would be to switch to an informal session in order to hear brief statements from speakers from nongovernmental organizations, as has been the practice at many previous BWC meetings.

We would then turn to the main work of the August meeting as decided by the Meeting of States Parties. I intend to begin with those topics which do not fit neatly into the natural structure of the articles of the Convention. For example, questions relating to any future intersessional programme after the Review Conference, or questions relating to the Implementation Support Unit. I would also like to seek your inputs on possible common ground leading to deliverables at the Review Conference. Thereafter, we will address item 7 of the agenda of the Preparatory Committee – “comprehensive consideration of all provisions of the

Convention". The articles of the Convention provide a natural structure to this agenda item, so I propose that we should structure our deliberations in accordance with the articles of the Convention using a rolling schedule. Those States Parties who see close linkages between certain articles of the Convention may clarify that during the discussion. Such an approach should provide for a balanced and well-structured discussion during the meeting. I would very much value the views of States Parties in this regard.

The Chair, Ambassador György Molnár of Hungary, then spoke to the Regional Groups on **21 June 2016** when he essentially reiterated what he had said in his letter to States Parties on 25 May 2016 by making the following points:

I was pleased that we have already addressed several of the necessary procedural issues for the efficient planning and preparation of the Review Conference in November. I was especially gratified that States Parties responded positively to my request to come to the meeting with concrete proposals for consideration by the Review Conference. In particular, I would like to thank those States Parties which took part in the "general exchange of views" for their willingness to share their ideas at an early stage, and also for their involvement in the interactive segment of the discussion.

Many interesting proposals were tabled in April. Between now and August, I would encourage States Parties to continue to work on existing and new proposals. In some areas where there were a number of proposals there appears to be a degree of convergence of ideas. I hope that interested States Parties will consider the option of working together informally in the coming months in order to identify mutually acceptable approaches in their proposals.

Ambassador Molnár went on to add that:

Our April meeting was not the only opportunity for States Parties to table proposals. I would therefore like to reiterate my encouragement to States Parties to submit ideas and proposals at any time. Proposals submitted in written form can quickly be processed by the Implementation Support Unit and posted on the BWC website for all to see.

The next opportunity for proposals to be presented and discussed collectively will be at the resumed session of the Preparatory Committee in August. Given that this will be a longer session, it is my intention to prepare a programme of work, based on suggestions received from States Parties over the coming weeks.

In regard to the August meeting, he said that:

We would then turn to the main work of the August meeting as decided by the Meeting of States Parties. I intend to begin with those topics which do not fit neatly into the structure of the articles of the Convention. For example, questions relating to any future intersessional programme after the Review Conference, or questions relating to the ISU. I would also like to seek your inputs on possible common ground leading to deliverables at the Review Conference.

We will then address item 7 of the agenda of the Preparatory Committee – “comprehensive consideration of all provisions of the Convention”. The articles of the Convention provide a natural structure to this agenda item, so I propose that we should structure our deliberations accordingly using a rolling schedule. Those States Parties who see close linkages between certain articles of the Convention may clarify that during the discussion. Such an approach should provide for a balanced and well-structured discussion during the meeting. I would appreciate hearing your views today in this regard.

Preparatory Committee Meeting, 8 to 12 August 2016

The Preparatory Committee Meeting resumed on Monday 8 August 2016 with Ambassador György Molnár of Hungary in the Chair. Ambassador Molnár started by welcoming Angola as the newest State Party bring the number of States Parties up to 175. He hoped that together with the ratification earlier this year by Côte d'Ivoire that this indicated a new momentum towards universalization in the run up to the Eighth Review Conference.

He then noted that a signatory state, Haiti, had asked to attend this meeting, that a non-signatory State, Israel, had in April asked to attend meetings of the Preparatory Committee as an observer, and in regard to intergovernmental and regional organizations the Preparatory Committee had agreed in April to grant the European Union and the International Committee of the Red Cross observer status. This was agreed. He also noted that at this week's meeting and in accordance with past practice, he had scheduled an informal session for NGOs to make brief and relevant interventions to the meeting. This was planned for later that afternoon.

The Preparatory Committee Meeting then went on to consider Agenda Item 6 *Organisation of the Review Conference*. The Preparatory Committee Meeting agreed to recommend to the Eighth Review Conference the following:

- Mr. György Molnár, Ambassador of Hungary, to preside over the Conference.
- The following distribution of posts of Vice-presidents of the Conference, and Chairmen and Vice-Chairmen of the subsidiary bodies, among the various regional groups:

Vice-presidents:

Ten from the Group of the Non-Aligned Movement and Other States
Six from the Western Group
Four from the Group of Eastern European States

Committee of the Whole:

Chairman: Western Group
Vice-Chairman: Group of Eastern European States
Vice-Chairman: Group of the Non-Aligned Movement and Other States

Drafting Committee:

Chairman: Group of the Non-Aligned Movement and Other States

Vice-Chairman: Western Group
Vice-Chairman: Group of Eastern European States

Credentials Committee:

Chairman: Group of Eastern European States
Vice-Chairman: Western Group

In addition:

- The Preparatory Committee endorsed the decision of the 2015 Meeting of the States Parties that the Eighth Review Conference should take place in Geneva from 7 to 25 November 2016.
- The Preparatory Committee agreed to recommend to the Eighth Review Conference the draft provisional agenda as contained in document BWC/CONF.VIII/PC/L.1.
- The Preparatory Committee agreed to recommend as the Draft Rules of Procedure of the Eighth Review Conference the Rules of Procedure of the Seventh Review Conference, as contained in document BWC/CONF.VIII/PC/L.2.
- The Preparatory Committee agreed to recommend that, with respect to Rule 5, the Review Conference should elect a Chairman and two Vice-Chairmen of the Drafting Committee.
- The Preparatory Committee further agreed to recommend that the General Committee referred to in Rule 8 should be composed of the President of the Review Conference, the 20 Vice-Presidents, the Chairman and the two Vice-Chairmen of the Committee of the Whole, the Chairman and the two Vice-Chairmen of the Drafting Committee, the Chairman and the Vice-Chairman of the Credentials Committee, to be elected in accordance with Rule 5, the three Regional Group Coordinators, and the Depositaries.
- The Preparatory Committee also agreed to recommend that with respect to meetings referred to in Rule 43 (2), the Committees may decide to hold certain meetings in public.

Later in the week the participation in the Preparatory Committee Meeting of a further signatory state, Somalia, and a further non-signatory state, Djibouti, were agreed.

Based on a comparison of BWC/CONF.VIII/PC/9/Corr.1 and of BWC/CONF.VIII/PC/2 it is evident that one hundred and sixteen States Parties to the Convention participated in the Preparatory Committee – some twenty-five more than the ninety-one States Parties reported as participating in the April 2016 session. The additional twenty-five States Parties over those participating in the April session are shown in bold in the following: **Afghanistan**, Albania, Algeria, **Angola**, Argentina, Armenia, Australia, Austria, Azerbaijan, **Bahrain**, Bangladesh, **Belarus**, Belgium, Bhutan, Bosnia and Herzegovina, Brazil, **Brunei Darussalam**, Bulgaria, **Burkina Faso**, Cameroon, Canada, Chile, China, **Colombia**, **Côte d'Ivoire**, **Croatia**, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, **Ghana**, **Greece**, Guatemala, **Holy See**, Honduras, Hungary, India, Indonesia, Iraq, Islamic Republic of Iran, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, **Kyrgyzstan**, Lao People's

Democratic Republic, Latvia, Lebanon, **Libya**, Lithuania, **Luxembourg**, Madagascar, **Malawi**, Malaysia, **Mali**, Malta, Mauritius, Mexico, Mongolia, **Montenegro**, Morocco, Myanmar, Netherlands, New Zealand, **Nicaragua**, **Nigeria**, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, **Qatar**, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Serbia, **Singapore**, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, **Togo**, Tunisia, Turkey, **Uganda**, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Yemen, **Zambia** and Zimbabwe.

The Preparatory Committee on Monday 8 August then proceeded to continue its consideration of Agenda item 5 *General exchange of views* when statements were made by Iran (on behalf of the NAM and Other States Parties), China, Russia, USA, Germany, Ukraine, Brazil, Pakistan, Japan, Kazakhstan, Italy, Ireland, Turkey, Netherlands (on behalf of the BENELUX countries), South Africa, France and Cuba in the morning session. Spain, Algeria, Poland, Serbia, Australia, Morocco, United Arab Emirates, Belarus, UK, Ecuador, Nigeria, India, Colombia, Kenya, Iran (national), Peru, Angola, EU and International Committee of the Red Cross made statements in the afternoon session. All of these statements, other than those for China, Ukraine, Brazil, Kazakhstan, South Africa, Cuba, Algeria, Poland, Morocco, United Arab Emirates, Belarus, Ecuador, Nigeria, Colombia, Kenya, Peru, Angola and the Côte d'Ivoire, are available on the unog.ch/bwc website for the PrepCom.

This was followed by an informal session in which the following NGOs were able to address delegations: University of Bradford, University of London, VERTIC, Biosecure Ltd, Research Group for Biological Arms Control (Hamburg University), Pax Christi International, and Pugwash Conferences on Science and World Affairs.

The informal session resumed on the Tuesday morning, 9 August, when statements were made by the following NGOs: Biosecurity Working Group of the InterAcademy Panel on International Issues, the International Network of Engineers and Scientists (INES), the Biotechnology Innovation Organization (BIO), Parliamentarians for Global Action (PGA), University of Massachusetts Lowell, and Stanford University. All of the NGO statements are available on the unog.ch/bwc website for the PrepCom.

The NGO statements were then followed by additional statements under the agenda item for general exchange of views from Ghana and Côte d'Ivoire.

The Preparatory Committee Meeting then moved on to consideration of Agenda Item 7 *Comprehensive consideration of all provisions of the Convention*. Particular attention was given to “cross-cutting issues” which were relevant to more than one Article of the Convention such as the future programme of work, the review of science and technology and the Implementation Support Unit.

On Wednesday 10 August, the meeting continued its consideration of the “cross-cutting issues” before going on to consider the Article by Article review of the Convention. The

Chairman drew attention to the background information paper (BWC/CONF.VIII/PC/4) prepared by the ISU on *Additional understandings and agreements reached by previous Review Conferences*. Discussion addressed successively Article I, Article III, Article IV, Article V and Article VI.

Thursday 11 August saw the continuation of the Article by Article review of the Convention with attention being given successively to Article VII, Article VIII, Article IX, Article X, Article XI and Article XII. In addition, the Chairman circulated the drafts of the procedural report (BWC/CONF.VIII/PC/CRP.2 dated 11 August 2016) and of the Chairman's report. The Chairman's report follows the decision of MSP/2015 that:

At the conclusion of the meeting in August, the President would present under his own responsibility, for consideration of delegations ahead of the Review Conference, a summary report without prejudice to perspectives, recommendations, conclusions and proposals presented by delegations or that prejudices the final outcome of the Review Conference.

The Preparatory Committee meeting concluded on the morning of Friday 12 August 2016 with the adoption of the report (BWC/CONF.VIII/PC/9 dated 23 August 2016) which included as Annex I the summary report *submitted by the Chairman of the Preparatory Committee under his own responsibility* in accordance with the decision of MSP/2015.

The final paragraph of the report (PC/9) reads as follows:

35. At its meeting on 12 August 2016, the Preparatory Committee adopted its final report by consensus, as contained in document BWC/CONF.VIII/PC/CRP.2, to be issued as document BWC/CONF.VIII/PC/9. The 2015 Meeting of the States Parties had decided that at the conclusion of the Preparatory Committee, the Chairman "would present under his own responsibility, for consideration of delegations ahead of the Review Conference, a summary report without prejudice to perspectives, recommendations, conclusions and proposals presented by delegations or that prejudices the final outcome of the Review Conference." This summary report is annexed to this report. Views were expressed on the summary report.

The final sentence was an addition to the draft report (PC/CRP. 2) to take note that Iran on behalf of the NAM had expressed some concerns about the Chairman's summary report being '*not adequately balanced*' and emphasising that '*it should not be construed as the agreement of the States Parties...nor being binding for them*', even though it was clearly stated in the Report of the Preparatory Committee (BWC/CONF.VIII/PC/9) that the Chairman's summary report had been prepared under his own responsibility and was without prejudice to perspectives, recommendations, conclusions and proposals presented by States Parties and it did not prejudice the final outcome of the Review Conference.

There were a number of Side Events during the Preparatory Committee Meeting session in August:

Monday 8 August

- Ukraine held a side event at lunchtime entitled *Supporting Effective BWC Implementation: Education, Outreach, and Policy Advice*. This was co-chaired by Serhiy Komisarenko, Academician-Secretary of the National Academy of Sciences of Ukraine (NASU) and Palladin Institute of Biochemistry of the NASU, Ukraine and Jo Husbands, Scholar, U.S. National Academy of Sciences, USA.

The following presentations were made:

- *Awareness Raising & Education on Biosafety & Biosecurity in Ukraine: 2011-2016 Review* by Professor Serhiy Komisarenko, Academician-Secretary of the National Academy of Sciences of Ukraine (NASU), Palladin Institute of Biochemistry of the NASU, Ukraine
- *Understanding of BTWC by Academia in Developing Countries: The Example of Pakistan* by Dr. Zabta Khan Shinwari, Secretary General, Pakistan Academy of Sciences and Chairman (Department of Biotechnology), Quaid-e-Azam University, Islamabad, Pakistan
- *Biosecurity and Nonproliferation Fellowship: Perspectives for Mali* by Dr. Kadiatou Dao, Research Assistant, Mali National Institute of Public Health Research and Deputy Secretary General, Malian Association for Biosafety and Biosecurity
- EASAC Report entitled *Gain of Function: Experimental Applications Relating to Potentially Pandemic Pathogens* by Professor Bert Rimaý, School of Medicine, Dentistry and Biomedical Sciences, Queen's University, Belfast, UK and European Academies Science Advisory Council (EASAC)
- *Contributions of IAP and Its Biosecurity Working Group to the BWC* by Dr. Peter McGrath, Coordinator, IAP for Science & IAP for Health and The World Academy of Sciences (TWAS), Trieste, Italy

[No further information on this side event is available on the unog.ch/bwc website]

- The Biotechnology Innovation Organization (BIO) also held a side event at lunchtime entitled: *Partnering with Industry: Key Considerations for National Public Health Preparedness Planning*.

[No further information on this side event is available on the unog.ch/bwc website]

Tuesday 9 August

- Russia held a side event at lunchtime entitled *Establishing mobile biomedical units under the BWC: a multipurpose capability to strengthen collective security under the Convention and pursue its humanitarian mandate*.
 - Vladimir Ladanov, Counsellor, Arms Control Department, Russian Foreign Ministry made some opening remarks.
The Russian Working Paper (BWC/CONF.VIII/PC/WP.2/Rev.2) was made available

- Dr Vyacheslav Smolensky, Head of International Co-operation Department of Russia's Federal Service for Surveillance on Consumer Rights Protection and Human Well-Being made a presentation entitled *Establishing Mobile Biomedical Units Under the BWC: A Multipurpose Capability to Strengthen Collective Security Under the Convention and Pursue its Humanitarian Mandate*

[All of the above are available on the unog.ch/bwc/PrepCom website]

Wednesday 10 August

- The University of Pennsylvania held a side event at lunchtime entitled *Promoting Norms through Knowledge: Roles and Mechanisms for Science and Technology Review in the BTWC*.

The speakers were:

- Nicholas Greig Evans, Assistant Professor, Department of Philosophy, University of Massachusetts Lowell
- Megan Joan Palmer, Senior Research Scholar and William J. Perry Fellow in International Security, Center for International Security and Cooperation (CISAC), Stanford University
- Piers Millett, Principal, Biosecure

[No further information on this side event is available on the unog.ch/bwc website]

Thursday 11 August

- The Harvard Sussex Program on Chemical and Biological Weapons held a lunchtime side event entitled *Options for Article X*.
 - A presentation was made by James Revill and Caitriona McLeish of the University of Sussex entitled *Options for Article X*.

[This presentation is available on the unog.ch/bwc website]

Chairman's summary report of the Preparatory Committee

As decided by MSP/2015, the Chairman prepared a summary report in Annex I to BWC/CONF.VIII/PC/9 *intended to be a concise and factual record of the proceedings of the Preparatory Committee with a view to facilitating preparations for the Eighth Review Conference to be held in November 2016*.

The summary report contains sections which *summarize and synthesize substantive discussions under agenda items 5 and 7 thematically as many issues cut across different Articles of the Convention and some States Parties frequently highlighted the linkages between Articles* on the following topics:

Science and technology

4. *It was noted that science and technology is relevant to most Articles of the Convention and that the Review Conference was specifically mandated by Article XII to "take into account any new scientific and technological developments". In this regard, it was recognized that developments since the Seventh Review Conference have brought both potential risks and benefits to the Convention. Some States Parties highlighted that common understandings on this subject already exist. As regards the process of reviewing science and technology within the framework of the Convention, some States Parties expressed satisfaction with the existing mechanism which is based upon a standing agenda item considered at the annual meetings of experts and States Parties. Others underlined that the present review process is not effective enough to keep pace with relevant developments and to be responsive to the needs of States Parties. A variety of proposals were made to improve the review mechanism by more frequent, systematic and structured assessment of relevant science and technology developments. To this end, the establishment of a new subsidiary review body to support the work of a future intersessional programme, such as a Scientific Advisory Committee, Group of Governmental Experts or working groups, was suggested. These proposals offered various options on inter alia the composition, scope, costs, guidance and coordination, input and reporting in relation to this new body and provided a basis for further consideration to enable appropriate actions at the Review Conference.*

Cooperation and assistance

5. *The importance of strengthening international cooperation and assistance under Article X and further elaborating existing common understandings, building upon various decisions of the Seventh Review Conference, through concrete measures to be adopted at the Eighth Review Conference, was highlighted. Some States Parties proposed to develop a mechanism for the full, effective and non-discriminatory implementation of Article X and emphasized that international cooperation and assistance for purposes consistent with the Convention should not be hindered. In this regard, a Standing Committee to follow-up and review the effective and full implementation of the transfer-related issues was proposed. It was highlighted that a range of activities are already conducted within the framework of Article X. Some States Parties noted the role of Article X in strengthening international and national capacities for tackling outbreaks of infectious diseases. The cross-cutting nature of cooperation and assistance was noted, as were the linkages between this Article and others in the Convention, in particular Article VII. Creation of an institutional mechanism for the practical implementation of Articles VI, VII and X was proposed, including the establishment of mobile biomedical units, to enhance the operational capacity of the Convention to investigate alleged use of biological weapons and to assist in the mitigation of epidemics.*

National implementation

6. *States Parties noted the value of elaborating further the existing common understandings related to national implementation. Proposals were made for the Eighth Review Conference to take further steps to promote and strengthen the implementation of Articles III and IV of the Convention. With regard to Article III, proposals were advanced on national legislation, national export controls, cooperative activities and on the establishment of a non-proliferation export control and international cooperation regime under the framework of the Convention. Some proposals involved new voluntary initiatives such as peer review mechanisms, voluntary visits and exchanges of information, and voluntary exercises to build confidence and transparency. Some initiatives were related to several provisions of the Convention pertaining to national implementation, international assistance and cooperation, confidence-building and capacity development. It was noted that comprehensive plans at the national level can aid implementation, as well as the identification of requirements for assistance. Proposals also addressed mechanisms for the oversight of scientific research, education about dual-use risks, and by the development of a template for a code of conduct for life scientists.*

CBMs, consultation and cooperation

7. *It was noted that in the absence of verification it is important to build confidence in compliance and enhance information sharing between States Parties. To this end, proposals were made to enhance the consultation process under Article V of the Convention by further elaborating possible ways to develop bilateral and multilateral consultation mechanisms in order to provide a framework to address implementation challenges that may affect States Parties. Further proposals were made to enhance the utility and use of CBMs by States Parties, as well as to increase participation through a step-by-step approach, while some States Parties noted that CBMs are neither declarations nor a substitute for verification of compliance with the Convention. Proposals related to CBMs included a CBM assistance network, operationalizing the electronic platform and technical refinements to the type and range of information requested in CBM forms.*

Investigating alleged use

8. *It was noted that in investigating a disease outbreak, taking into account the particular circumstances, the measures taken may differ on the technical and organisational levels depending on whether the outbreak was deliberate or natural. Some States Parties proposed that the operational capabilities of the United Nations Secretary-General's mechanism to investigate the alleged use of chemical, biological and toxin weapons should be enhanced. The importance of commitments in advance to cooperate with an investigation was also highlighted. Other States Parties underlined the necessity of clarifying some definitions and the scope of Article VI, along with clarification of the relationship between the Convention and the Secretary-General's Mechanism. Some views were*

expressed on establishing a verification/investigation mechanism within the Convention.

Provision of assistance

9. It was noted that while providing or supporting assistance to any State Party exposed to danger as a result of violation of the Convention is a key obligation under Article VII, there is a lack of detailed procedures and mechanisms for its implementation. The creation of a database open to all States Parties was proposed for matching specific offers and requests for assistance, while noting that the implementation of other Articles was also relevant in this context. Guidelines were also suggested to aid a State Party when submitting a request for assistance under Article VII to the United Nations Security Council. The establishment of a working group on cooperation and assistance was also proposed, as was cooperation with other relevant international organizations.

Geneva Protocol and universalization

10. The Preparatory Committee also discussed the relationship between the Convention and the 1925 Geneva Protocol. Some States Parties noted the disparity in membership between the two instruments. Proposals were submitted for action at the Eighth Review Conference to promote the universalization of the Protocol and to encourage States with reservations to the Protocol to withdraw them as soon as possible.

11. Adopting an Action Plan for the universalization of the Convention was also proposed. Its implementation should be regularly reviewed at dedicated sessions or working group meetings.

Follow-on action after the Eighth Review Conference

12. The Preparatory Committee also considered possible follow-on action after the Eighth Review Conference. These proposals addressed the future programme of work and the Implementation Support Unit.

(a) It was noted that the intersessional programme had been useful in discussing and promoting common understandings on those issues identified for inclusion by the Seventh Review Conference. Some States Parties showed satisfaction with the present arrangements consisting of Review Conferences, Meetings of States Parties and Meetings of Experts. Others expressed the view that the previous intersessional programme had not been as effective as had been hoped with regard to promoting “effective action”. Emphasizing first and foremost the importance of finding common ground on substance, various options for a future intersessional programme were discussed. It was underlined that any such future programme would have to allow for balanced consideration of issues relating to all provisions of the Convention. Some States Parties suggested to set up working groups or groups of governmental experts to address

specific issues as needed, as well as a steering committee to manage the process. While some States Parties emphasized the supremacy of the Review Conferences, others proposed to give the annual meetings of States Parties of a future intersessional programme carefully delegated decision-making authority. Any such changes could be formalized by the Eighth Review Conference in relation to Article XII of the Convention. Alternatively, some States Parties proposed to establish an open-ended working group to negotiate a legally-binding instrument strengthening the Convention, while others called for concluding an appropriate multilateral verification agreement. Several proposals involved more meetings per year than had been the case since 2011, and it was noted that this would have consequent financial implications.

(b) Some States Parties proposed a modest reinforcement of the Implementation Support Unit commensurate to any possible expanded mandate to be agreed by the Eighth Review Conference. Suggested additional tasks included, inter alia, science and technology, cooperation and assistance, universalization, capacity-building or the CBM system. It was noted that any such expansion would need to be properly discussed and planned. The issue of selection criteria for staff members of the ISU was also discussed. It was also noted that any expansion would have consequent financial implications for all States Parties which would need to be properly considered.

This summary report provides a valuable insight to the perceptions of the Chairman of the Preparatory Committee in regard to the current state of preparations for the Eighth Review Conference.

Working Papers submitted for the August Preparatory Committee meeting

Between the April and the August Preparatory Committee meetings a further twenty-six Working Papers were submitted: three by South Africa (WP.21, WP.22 and WP.23), two by Canada (WP.24 and WP.25), by China and Pakistan (WP.31 and WP.32), by Iran (WP.17 and WP.33) and by the UK (WP.14 and WP.15) and one each by Australia, Canada, Chile, Colombia, Costa Rica, Ecuador, Ghana, Japan, Malaysia, Norway, Philippines, Republic of Korea, Switzerland and Thailand (WP.34), by Australia, Canada, Japan, Malaysia, Republic of Korea and Switzerland (WP.36), by Australia and Japan (WP.37), by Belgium, Luxembourg and the Netherlands (WP.26), by Chile and Spain (WP.28), by Cote d'Ivoire, Gabon, Montenegro, Philippines and Uganda (WP.30), by France and India (WP.38), by Germany (WP.35), by Japan (WP.29), by Spain (WP.27), by Switzerland (WP.16), and by the United States (WP.18). Working Papers were also submitted by the European Union (WP.20) and by the ICRC (WP.39).

BWC/CONF.VIII/PC/WP.14 submitted by the United Kingdom entitled *Articles VII and X: the importance of synergy*. This notes that activities relevant to Article X that prevent, detect and combat infectious disease outbreaks regardless of their origin create linkages to Article VII. Such activities are consequently relevant to the operationalization of Article

VII. Given this synergy, it is argued that it is essential that future consideration of these issues in a new intersessional programme take place in the same space; a specific proposal for a Working Group is made:

... the Eighth Review Conference should include the following text in the Decisions and Recommendations section of the Final Document:

'A Working Group on Cooperation and Assistance composed of States Parties and other experts including from relevant international and non-governmental organisations will meet in the summer for one week each year to address how best the Convention may contribute to national, regional and international efforts to combat infectious disease and specifically the roles that Articles VII and X should play in such a process, with particular focus on infectious disease surveillance, detection, diagnosis and mitigation capability and capacity building, especially in less economically developed countries. In particular, it should develop and agree a format for requesting assistance under Article VII, develop and design an assistance database in the framework of Article VII and address ways of further developing and maximising the use of the current assistance and cooperation database. The Group will develop recommendations for action if agreed by consensus for consideration and adoption by the annual meeting of States Parties. The Group will appoint its own Chair who will preferably serve for the term of the next intersessional programme. The Chair will produce a report in two parts: the first will be a summary of the discussions in his/her own capacity; the second will contain any recommendations or actions agreed by the States Parties.'

BWC/CONF.VIII/PC/WP.15 submitted by the United Kingdom entitled *Eighth BWC Review Conference: New intersessional work programme*. This proposes three interlinked meetings each year to address Science and Technology (S&T), cooperation and assistance and overall operation of the Convention in a more action oriented work programme for 2017-2020; well-defined and constrained authorisation for decision making in each of these meetings is outlined as well as arrangements for effective and efficient administration of this process.

The Working Paper proposes that the Eighth Review Conference should include the following text in the Decisions and Recommendations section of the Final Document:

Science and technology

2. A Group of Government Experts on Science and Technology (S&T) will meet in the spring each year for one week to review and assess S&T developments and how they may impact on the operation of the Convention; and to identify and submit appropriate proposals to enhance the effective implementation of the Convention, where agreed by consensus, to the Annual Meeting of States Parties.

3. The Group will respond to tasking from the Annual Meeting of States Parties when advice or assessments are required on any specific topic with particular

reference to its benefits and risks to the object and purpose of the Convention. The Group will set its own agenda covering the technical topics to be addressed and invite relevant subject matter experts from academia, industry and other research organisations to support its work through inter alia participation at, and contributions to, its meetings. The Group will submit technical reports on its meetings and, as appropriate, on relevant topics of its own choosing to help inform the Annual Meeting of States Parties, in a comprehensive and balanced manner, about the issues discussed as well as any immediate or potential implications for the implementation of the Convention. Such reports are to provide a more robust and comprehensive technical basis to inform the deliberations and possible recommendations of the other two meetings held in the intersessional programme as elaborated below.

4. In order to enable the States Parties to send experts with the appropriate scientific and technical knowledge, expertise and experience, the first tasks and topics to be addressed by the group will include [...] [To be determined at the Eighth Review Conference].

5. Decisions on any actions that might be proposed or required in light of Group reports will remain the sole responsibility for the States Parties. The Group will be chaired by a scientific expert nominated and agreed by the States Parties; the Chair will preferably serve for the term of the next intersessional programme. The Group will be supported by a scientific officer to be recruited and based in the Implementation Support Unit. The ISU will establish an electronic experts' communication system to enable exchanges of views and information in between its formal meetings on topics under consideration or relevant to the Group's mandate.

Cooperation and assistance

[The language proposed is identical to that proposed in BWC/CONF.VIII/PC/WP.14 and reproduced earlier above.]

Annual Meeting of States Parties: functions and issues

7. An annual meeting of States Parties will convene for up to two weeks each year in the autumn to review and decide as required any recommendations or conclusions arising from Group of Government Experts on Science and Technology and the Working Group on Cooperation and Assistance. The Chair and vice chairs of the annual autumn meeting will rotate between the regional groups, starting with a representative of the Group of the Non-Aligned Movement and Other States (NAM) in 2017. This meeting will also address and decide on any actions agreed as required on:

- (a) Efforts to achieve universality;*
- (b) Reports and actions on measures taken by the States Parties singly or collectively to ensure, promote and strengthen effective national implementation under Articles III and IV;*

- (c) Measures to address the threat from non-state actors;
- (d) Measures to provide effective frameworks for effective oversight, guidance and training in the life sciences;
- (e) Enhancing transparency;
- (f) Reassurance of compliance with the Convention;
- (g) The operation of the existing and potentially further enhanced confidence building and transparency measures, and
- (h) The annual ISU report.

8. Time on each topic will be allocated on an as required basis. Friends of the Chair may be tasked by the annual Chair to progress the work and to report on any results and the work done on each topic. Such reports are to be a factual account of the work done. The annual Chair will produce a report in two parts: the first will be a summary of the discussions in his/her own capacity; the second will contain any recommendations or actions agreed by the States Parties. The 2017-2020 intersessional programme may be revised or updated by the annual meeting of States Parties in light of experience and only where there is consensus to do so.

Effective and efficient organisational and administrative aspects

9. The Chair and two vice chairs of the annual meeting of States Parties, Chairs of the Group of Government Experts on Science and Technology and the Working Group on Cooperation and Assistance, the regional coordinators, any Friends of the Chair appointed by the Chair, the depositary powers and the Head of the ISU will meet as required during each year to facilitate the effective and efficient organisation and administration of the overall programme. The Chair of the annual meeting will also chair any meetings of this group.

BWC/CONF.VIII/PC/WP.16 submitted by Switzerland entitled *Strengthening the BWC science and technology review process: Considerations regarding the composition of an S&T review body*. This notes that in order to help promote consensus on the establishment of a systematic and dedicated science and technology (S&T) review process for the Biological and Toxin Weapons Convention (BTWC) and to assist collective preparations for the Eighth Review Conference, Switzerland has identified parameters and considerations, each with a set of options, which it believes would shape any arrangement for reviewing S&T developments relevant to the Convention. These were contained in Switzerland's working paper entitled *Strengthening the BWC Science and Technology Review Process* that it submitted to the first meeting of the Preparatory Committee held in April 2016 (BWC/CONF.VIII/PC/WP.8).

Switzerland invited States Parties to provide written feedback on its working papers as well as those submitted by other States Parties on the issue of an S&T review process (namely PC/WP.2/Rev1 (Russia), PC/WP.3 (USA), PC/WP.4 (UK), and PC/WP.7 (Finland, Norway and Sweden)) under the Convention in order to take consideration of an S & T body forward and ensure that all views are taken into account. Switzerland is grateful to those States Parties that have provided feedback as well as to those that elaborated and propose concrete review models. The Working

Paper says that these contributions were very useful and important for identifying common ground and hence moving towards a shared view.

The Working Paper sets out a number of options for the composition of an S & T group and for its funding. It goes on to state that *Switzerland would like to reiterate that whatever is agreed by States Parties with respect to S&T review should be flexible enough to accommodate other decisions, particularly those with respect to any type of future intersessional process.* It then notes that the President-designate indicated in his letter, dated 25 May 2016, that he is considering nominating Friends of the Chair for particular topics and says that Switzerland believes that nominating such a Friend for the issue of S&T review would be beneficial in taking this matter forward. The Working Paper concludes by noting that *A shared view on these parameters and considerations will enable States Parties to identify what models and approaches would take them into account, and what a more effective and sustainable process would look like. This will enable the Review Conference to agree on a suitable, standing arrangement – supported by adequate resources – for a timely, sustained and systematic review of S&T developments.*

BWC/CONF.VIII/PC/WP.17 submitted by Iran entitled *“Investigation” under the framework of BWC.* This notes that for longer than the past two decades, various proposals have been put tabled about how to strengthen effectiveness of the UNSG Investigation Mechanism in the context of the BTWC; this mechanism resulted from the UN General Assembly Resolution A/RES/42/37C of 30 November 1987 on *Measures to uphold the authority of the 1925 Protocol.* As stated in its working paper in 2004, Iran considers that there are several procedural and semantic deficiencies in regard to this mechanism, and its relevance to the BTWC. However, Iran considers that these deficiencies are not insurmountable, and addressing them only needs the collective will of the States Parties.

This Working Paper provides a further analysis of the situation in regard to the BTWC and the UNSG Investigation Mechanism. It concludes by saying that:

Considering the above mentioned deficiencies in the Mechanism and the problems with regard to the implementation of the Convention itself, and also, faced with rapid development of bioscience and biotechnology, there is no doubt that it is an imperative and important for the States Parties to the Convention to discuss the implementation of the Convention in its totality and to strengthen the effectiveness of the Convention, in a balanced manner, within an inter-governmentally negotiated legally binding non-discriminatory framework.

BWC/CONF.VIII/PC/WP.18 submitted by the United States entitled *New scientific and technological developments of relevance to the Convention: some examples.* This notes that the United States had for each Meeting of Experts during the Intersessional Period from 2012 to 2015 contributed a Working Paper focussed on the S & T topics agreed by the Seventh Review Conference. This Working Paper addresses three S & T topics that are relevant to the BTWC which had not been addressed in the earlier USA Working

Papers. These topics are CRISPR gene-editing system, gene drives and unmanned aircraft systems.

The Working Paper goes on to note that:

States Parties would benefit from an effective way to determine the impact of new technologies like CRISPR, gene drives, UAS, and many others upon the operation of the BWC. Broad support has been expressed for a routine mechanism to review S&T developments relevant to the Convention. And while the 2012-2015 S&T standing agenda item has featured thought-provoking working papers and presentations, discussion has unfortunately been limited – as has the number and diversity of experts participating in Meetings of Experts.

It concludes by observing that:

Several States Parties have submitted recent working papers that outline parameters for a BWC S&T review process. To date, these parameters have related largely to the structure of a review body and the processes by which it could operate. At the August Preparatory Committee meeting, we hope to hear from States Parties their ideas about the substance of S&T review, specifically ideas about topics a review body might undertake, whether it should make recommendations, how it might foster a connection between the BWC forum and communities of science practitioners, et cetera.

BWC/CONF.VIII/PC/WP.19 submitted by Russia entitled *The Biological and Toxin Weapons Convention and the Geneva Protocol of 1925*. This notes that the main purpose of the Biological and Toxin Weapons Convention (BTWC) is enshrined in its Preamble, namely "to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons." States Parties contribute to that primarily by implementing the provisions of Article I of the Convention that bans development, production, stockpiling, acquisition or retention of biological and toxin weapons. That being so, during the negotiating stage of the BTWC in 1969–1971 the international realities were such that the prohibition of the **use** of biological and toxin weapons could not be included in Article I. In that respect, it had been considered more important to strengthen the authority of the already existing instrument, the Geneva Protocol of 1925. It goes on to examine the situation today regarding the BTWC and the Geneva Protocol and notes that the resolution *Measures to Uphold the Authority of the 1925 Geneva Protocol* was adopted by consensus at the 69th session of the United Nations General Assembly in 2014. In this, the General Assembly:

Calls upon those States that continue to maintain reservations to the 1925 Geneva Protocol to withdraw them.

The Working Paper says that it would appear that the situation is very clear and all required actions have been set out and reaffirmed by consensus on multiple occasions. Nonetheless, one must acknowledge that the progress in this regard has been nearly stalling. Portugal's withdrawal of the remaining part of its reservation in 2014 was a

notable exception. Action by Portugal set an important precedent confirming that the withdrawal of reservations continues albeit at a very slow pace

The Working Paper concludes by saying that:

Bearing in mind decisions adopted by consensus in the BTWC, OPCW, and the UN, Russia encourages States Parties to the BTWC that maintain reservations to the Geneva Protocol to explain their position during this review process and set out a timeframe required by them to withdraw the reservations. Agreements reached in this regard may be incorporated into the Final Document of the Eighth Review Conference.

BWC/CONF.VIII/PC/WP.20 and WP.20/Rev.1 submitted by the European Union entitled *Implementation of Article X of the BWC by the European Union Institutions and the European Union Member States*. This provides an overview of the implementation of Article X by the EU and its Member States by providing specific but not comprehensive examples of Article X cooperation activities. It builds on similar EU information papers circulated in 2011, 2012 and 2013. This Working Paper includes examples of such activities carried out by the following EU Member States: Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Netherlands, Poland, Portugal, Spain, Sweden and United Kingdom.

BWC/CONF.VIII/PC/WP.21 submitted by South Africa entitled *Functional structures of the Biological and Toxin Weapons Convention*. This notes that Article XII of the Convention provides for a Review Conference five years after entry into force of the Convention, but there is no provision for any further structures to be utilised by States Parties in the implementation of the Convention. The intersessional process was introduced through a decision of the extended Fifth Review Conference in November 2002 and this process has acquired a semi-permanent nature due to decisions by subsequent Review Conferences. This Working Paper proposes that the Eighth Review Conference formalise these structures.

The Working Paper then goes on to set out proposals for the Review Conference, for the Meeting of States Parties, for subsidiary intersessional meetings and for the Implementation Support Unit. These proposals include the following in regard to the making of decisions by the Review Conference:

- (d) All decisions of a substantive nature regarding the implementation of the Convention shall be taken by the Rev Con.*
- (e) The Rev Con may mandate subsidiary bodies or establish ad hoc bodies to make proposals/decisions for decision/ratification at a following Rev Con.*

and by the Meeting of States Parties:

- (e) The MSP will consider the reports of subsidiary intersessional meetings and provide guidance for follow-up work.*
- (f) The MSP may make proposals to the Rev Con in terms of the mandate received from the Rev Con.*
- (g) The MSP will take decisions by consensus and if there is no consensus, the*

proposals should be reflected as such and referred to the Rev Con, as the Rev Con is the highest decision making body.

BWC/CONF.VIII/PC/WP.22 submitted by South Africa entitled *Implementation of Article VII*. This proposes that States Parties consider a set of guidelines to aid a State Party when submitting an application for assistance to the UN Security Council in accordance with Article VII of the BTWC which requires that States Parties are to *provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention.*

The Working Paper sets out a set of guidelines and notes that *As the Article requires that the request be forwarded to the UNSC, the information provided to the UNSC with the request for assistance would play a crucial role in helping the UNSC to come to a speedy decision. The quicker the decision is made, the faster the provision of assistance. The requesting process followed to apply for assistance as well as the information provided to support the application is the prerogative of the State Party requiring the assistance.*

The guidelines indicate the sort of information that would be useful in such an application for assistance and then go on to consider command and control, laboratory samples and how the application can be submitted.

BWC/CONF.VIII/PC/WP.23 submitted by South Africa entitled *Future planning for the Implementation Support Unit*. This notes that *The ISU has undertaken a considerable amount of work over the previous intersessional periods despite limited capacity. Although more tasks could be provided to the ISU to strengthen the implementation of the Convention, that would be subject to a possible increase in human and financial resources. It is noted that such possibility may be limited due to financial constraints being experienced by States Parties. It is therefore necessary to consider how the ISU could be utilised more efficiently, if resources cannot be increased.*

The Working Paper also notes that *In order for the ISU to efficiently conduct its work, there needs to be proper management and planning that is undertaken particularly on its structure and size. Any decision on the future structure and size of the ISU will need to be closely linked to the tasks that States Parties decide should be carried out.* It consequently points out that *There would therefore need to be agreement on the role and functions of the ISU.*

The Working Paper says that *It would not be appropriate to base the structure and budget for the ISU on assumptions. To ensure that there is no underestimation of costs, planning should be based on the actual work that would be undertaken by the ISU as mandated by States Parties. The ISU structure and budget should be based on proper planning once there is consensus on its role and functions for the next intersessional period.* It then goes on to say that: *Since this will only be achieved towards the end of the Review Conference, it is clear that there will not be sufficient time during the Review Conference to do proper planning.*

It concludes by making the proposal that: *the Review Conference:*

(a) determine the budget of the ISU until the end of 2017, once a decision has been made on the ISU functions;

(b) mandate the ISU and interested States Parties to do detailed planning with relation to the structure and budget for the period until the next Review Conference for consideration and approval by the Meeting of States Parties at the end of 2017.

BWC/CONF.VIII/PC/WP.24 submitted by Canada entitled *2017-2020 Intersessional Process*. This notes that *In an attempt to address the lack of continuity and progressive development of discussions throughout the intersessional period, the recently-concluded 2012-2015 intersessional process developed a standing agenda structure. This structure aimed to promote common understanding and effective action on those subjects identified by the Seventh Review Conference. The standing agenda item structure allowed States Parties to advance discussions along the same themes from one year to the next, rather than address a theme in one year and then not revisit it until the Review Conference, up to four years later. In some cases, this did allow States Parties to build deeper understandings of, and proposals on, issues from one year to the next. However, this structure also resulted in repetition, where States Parties did not always advance ideas, but instead revisited the same ones each year. Furthermore, States Parties could not engage as deeply in any one subject, as only one day per meeting was devoted to each standing agenda item and biennial item. Lastly, while the biennial agenda items allowed consideration of two lower-profile subjects for two years each, there remain numerous other subjects that were not considered at all, such as investigation of alleged biological weapons use or biosafety and biosecurity.*

The Working Paper proposes that: *the 2017-2020 intersessional process be structured around working group-focused Meeting of Experts to examine in depth key developments in the Convention, followed by a three-day Meeting of States Parties that would seek to build common understandings, develop clear recommendations to the next Review Conference and set the agenda for the next year's intersessional meetings. It goes on to propose that: Each working group established during the Meeting of Experts would be open to participation by all States Parties. The working groups will meet one after the other during a seven day period. Two working groups, on cooperation and assistance and on national implementation, will meet for two days each on an annual basis. The outcomes of a science and technology review, irrespective of the decision the Review Conference will take on its structure, will be considered at a science and technology working group meeting that will last one day. Finally, as it remains essential to address a myriad of other issues, a fourth working group will consider an annual theme, to be decided in advance at the Eighth Review Conference. Potential topics for this annual theme could include Article VII, Confidence Building Measures, investigation into alleged use, biosafety/biosecurity, dual-use issues, compliance, interactions between the BTWC and other regimes, etc.*

In addition to steer the Intersessional Process the Working Paper proposes that:

7. In order to best steer the discussions over many years, the intersessional Chair and Vice-Chairs should be nominated for the entire 2017-2020

intersessional period. Three States Parties, one from each regional group, should be selected at the Eighth Review Conference. The NAM representative would serve as Chair in 2017 and 2020, while the EEG and WEOG representatives will serve as Chairs in 2018 and 2019, respectively. Each representative will act as a Vice-Chair during the years when they are not the Chair. This structure was achieved on an ad hoc basis during the last intersessional period, and would merit becoming a formal practice.

8. The Chair and Vice Chairs would serve as coordinators for each working group on a rotating basis during the Meeting of Experts. The coordinator's responsibility would be to chair meetings, lead discussions, and produce reports. In keeping with recent ad hoc practices, the coordinators would prepare a synthesis document of all issues considered at their working group meeting, as well as a non-paper that would be the basis for negotiating the report of the Meeting of States Parties.

The Working Paper concludes by proposing:

In order to ensure that discussions on cooperation and assistance and national implementation evolve from year to year, and do not focus on the same discussions each meeting, each coordinator would be mandated to build upon the work of their predecessor. The coordinator will be responsible for identifying the best subjects for consideration by the working group the next year, on the basis of that year's discussions, and recommending those subjects to the States Parties. The Meeting of States Parties will have the authority to take a decision on the specific subjects for consideration the following year.

BWC/CONF.VIII/PC/WP.25 submitted by Canada entitled *Frameworks for effective oversight of scientific research facilities and awareness of dual-use risks*. This notes that *The potential benefits and risks posed by new advances in the biological sciences have been a focus of the Convention over the past five years. No less than twenty-five working papers were tabled and twenty side events, generally concluding that many new advances pose dual-use risks that can be exploited by proliferators, were held on this subject during the 2012-2015 intersessional period.*

This Working Paper takes particular note of BWC/MSP/2015/WP.6/Rev.1 co-sponsored by Australia, Canada, Chile, Colombia, Czech Republic, Finland, Germany, Hungary, Japan, Lithuania, Netherlands, Nigeria, Norway, Philippines, Republic of Korea, Slovakia, Sweden, and Switzerland and proposes that at the Eighth Review Conference the States Parties should agree:

- (a) That legislation implementing the BWC should not hamper legitimate scientific research;*
- (b) That a comprehensive examination of appropriate oversight criteria as required for assessing risks and benefits, including risks of misuse and risk mitigation measures, are a vital component of domestic BWC implementation;*
- (c) That codes of conduct, voluntary or otherwise, for scientists in the fields relevant to the Convention should be put in place for preventing*

the misuse of dual-use research while ensuring that research for peaceful purpose is not hampered; and
(d) That States Parties must pursue opportunities to raise awareness on dual-use research and technologies among scientists.

5. The items proposed for inclusion in the Final Declaration of the Eighth Review Conference should not impose new legal requirements on States Parties, but are meant to encourage States Parties to ensure their national implementation frameworks are able to address dual-use risks.

The Working Paper includes as its Annex A Canada's model as an example that may be of interest to other States Parties in considering how to implement the above listed recommendations. It notes that the Canadian system requires researchers to identify the dual-use potential of their own research, and mitigate any risks appropriately, while providing necessary guidance.

BWC/CONF.VIII/PC/WP.26 submitted by Belgium, Luxembourg and Netherlands entitled *Strengthening the BWC: reflecting on the peer review concept*. This working paper seeks to demonstrate the relevance of the peer review concept within the framework of the BTWC and to alleviate possible concerns States Parties might have. Moreover, this paper aims to reflect on the approach taken by the Benelux-countries in conducting the joint peer review exercise and provide lessons learned. It notes that as one of the main characteristics of the proposed peer review mechanism is its flexibility in terms of format, scope and methods, such a reflection might prove useful for future exercises.

The Working Paper states that: *Having conducted a peer review exercise, the Benelux-countries are convinced that this innovative concept has several advantages for States Parties and allows the latter to take concrete steps in view of bolstering mutual confidence in compliance within the framework of the BTWC.* It then sets out observations in regard to:

- *Enhanced national implementation*
- *Improved transparency and confidence in compliance*
- *Increased international cooperation*
- *More awareness of the BTWC among national stakeholders*

The Working Paper then outlines the Benelux peer review concept noting that: *The Benelux peer review **format** involved declarations (in the form of the 2015 CBMs), written and oral consultations and on-site visits to national biological defence research programs as well as other relevant facilities as declared by the three countries in Form A of the CBM. The Benelux-countries chose to give a central role to the CBM in the peer review exercise, as this is the main declaration tool for relevant biotechnological capabilities, activities and BTWC implementation measures. Thereby, it represents a unique instrument that helps increase mutual trust and generates transparency. The peer review exercise provided an opportunity to mutually analyse and assess the respective CBM submissions and make better and more practical use of the information provided.*

This feedback cycle could increase their role and relevance as declaration tool within the Convention.[Emphasis in original]

The Working Paper concludes by saying that:

The Benelux-countries are highly convinced of the added value of the peer review concept to enhance national implementation and increase transparency and trust, thereby strengthening the Convention. The upcoming 8th Review Conference provides States Parties with the opportunity to strengthen the functioning of the BTWC and consolidate initiatives that contribute to this objective. The peer review mechanism is such an initiative and can provide new impetus to the Convention. Therefore, the Benelux-countries strongly advocate for addressing the issue of the peer review mechanism in the final report of the 8th Review Conference, which would in our view contribute to achieving concrete results at the Conference for a strengthened and more effective Convention.

BWC/CONF.VIII/PC/WP.27 submitted by Spain entitled *Reviewing science and technology with the BWC: elements of a politically independent review*. This notes that the pace at which Science and Technology (S&T) evolves is of such a magnitude that it is not always easy to keep track of the latest findings. Spain believes that the Convention needs to be aware and punctually and properly informed about relevant scientific and technological developments. In the last intersessional period, science and technology advances have been addressed as a standing agenda item. Spain has found this very useful, but it has reinforced our conviction of the need for a structured mechanism to carry out the S&T review that the Convention really needs.

The Working Paper recognizes that several States Parties have a similar view and would welcome a mandate from the Review Conference to establish an S&T structured review body. Spain considers that there are several elements that need to be taken in consideration for such a body:

- *This S&T body should be independent, both functionally and politically. In other words, it has to be purely technical and constituted by well reputed, appropriate technical experts.*
- *Technical experts in the S&T body could be nominated by States Parties according to the expertise needed, while they should come from different parts of the world, so that the final composition would be inclusive, and all States Parties could feel being represented.*
- *The S&T body should be under the functional guidance of the BWC Chairman and assisted by a technical expert of the ISU, in order to properly prepare and plan the work of the S&T body, for it to be useful and successful.*
- *The presence of a technical expert nominated from each State Party in the S&T body, would ensure an equal geographical representation. The Chairman could eventually invite specialists if so required by a particular issue. Likewise, specialised working groups may be organised if need be.*
- *These arrangements will no doubt encompass additional costs, which should be well balanced with the intended goals and kept to a reasonable amount.*

BWC/CONF.VIII/PC/WP.28 submitted by Spain entitled *Voluntary visits for the BWC: a concept paper*. This notes that Spain supports control measures to help moving forward on the actual BWC regime. These measures ought to be of a non-legally binding nature, so that they could be more easily accepted within the Convention. It then adds that Voluntary Visits are among such measures noting that such visits and their contents will be agreed by the participating countries, in accordance with the voluntary nature of the visits. Such visits should foster a much better cooperation and transparency among States Parties.

The Working Paper then sets out a number of points in regard to voluntary visits:

- a. Article V makes provisions for States Parties to the BWC to consult with one another and to cooperate in order to solve any problem which may arise in relation to the objective or in the application of the provisions of the Convention.*
- b. Within the Global Health Security Agenda and the BWC, over the last intersessional period, Spain has explored the concept of visits and meetings on a voluntary basis to foster an in-depth revision of both Biosafety and Biosecurity issues with other interested States Parties to the Convention.*
- c. These visits are voluntary by definition. Therefore, they have to be mutually accepted by participants. Their voluntary nature ensures the right of any State Party to refuse a visit by another State Party.*
- d. These visits could take place between two States Parties, or more than two, provided that the contents of the visit have been previously agreed among the participants. Thus, the visits are open to discuss any BWC related issue of possible mutual concern.*
- e. Visits ought to be carried out on a case by case and step-by-step basis, since it is likely that the national situation of participant countries may differ from one another.*
- f. These visits are meant to exchange views and share information among equal partners in an equal footing exercise. This will allow for a deeper interaction among participants and, consequently, a better understanding of their relative needs. At the same time, it will also allow participants to acquire a better mutual knowledge of their respective national level of compliance (strengths and weaknesses) to the BTWC.*
- g. In the absence of compulsory measures of any kind, Voluntary Visits will likely favour potential agreements and foster cooperation among States Parties.*
- h. The use of these visits could eventually serve as an implementation tool for focused cooperation among States Parties to the BTWC.*
- i. It is more than likely that the issue of cooperation will often come up in the visits. Should this be the case, it may be convenient to make clear that whatever cooperation may result out of the visit, it will always be adjusted to the identified needs.*

The Working Paper then concludes by saying that:

The voluntary visits could be used to:

- i. Support the overall implementation of the Convention.*
- ii. Strengthen transparency and compliance.*
- iii. Promote coordination and improvement of international capacities for investigations of alleged use.*
- iv. Better and faster assistance in the event of an alleged use of biological weapons.*
- v. Increase awareness and information on developments in Science and Technology.*
- vi. Favour oversight, outreach, and education in the BTWC framework.*
- vii. Promote international cooperation and capacity building under Article X*

(n) Each particular visit may concentrate itself on just one issue or comprise more than one, as agreed by the participants.

(o) These Voluntary Visits may be arranged using the ISU services or directly by the participant countries. Ideally, the outcome of the visits should be reported to the BTWC, whenever possible.

BWC/CONF.VIII/PC/WP.29 submitted by Japan entitled *Strengthening cooperation with international organizations*. This notes that *In the event of an outbreak of an infectious disease, it is hard to judge at the initial stage whether the event has naturally occurred or intentionally caused. In either case, it is most likely that the medical experts dispatched will detect pathogens and provide medical treatment based on diagnosis.*

The Working Paper proposes that collaboration should be strengthened between the BTWC and international organizations such as the World Health Organization (WHO), the World Organization for Animal Health (OIE) and the United Nations Food and Agriculture Organization (FAO).

The Working Paper concludes by recommending the following measures:

(a) invite members from international organizations, including WHO, OIE and FAO members officially and regularly in order for them to get involved in discussion at future Science and Technology (S&T) review processes so that experts in related fields are aware of up-to-date technology related to possible biological threats;

(b) invite policy staff of such international organizations to the Meeting of States Parties (MSP) and experts in related fields to the S&T review working group;

(c) consider secondment from the above mentioned international organizations or hire someone with a career background in such organizations;

(d) establish a communication line between the BWC and such international organizations so that smooth and swift communication and exchange of information are possible in case of a public health emergency.

8. *We believe measures recommended above could augment other mechanisms to achieve goals of the BWC.*

BWC/CONF.VIII/PC/WP.30 submitted by Cote d'Ivoire, Gabon, Montenegro, Philippines and Uganda entitled *Implementation of National CBRN action plans: Facilitating cooperation to strengthen cooperation against bio-risks*. This notes that *In recent years, events related to Ebola virus disease and Middle East Respiratory Syndrome (MERS) reminded humanity of the global threat posed by disease outbreaks – whether natural, accidental or criminal in origin. Likewise, the potential misuse of biological agents and biotechnology by criminals or terrorists could lead to intentional harm to human, animal and/or environmental health. These risks accentuate the need for robust biosafety and biosecurity measures as well as innovative, coordinated mechanisms for enhancing national implementation of the Biological Weapons Convention (BWC) and relevant cooperation and exchange. Indeed, it is becoming increasingly evident that biological risks can be effectively managed only through collaboration and coordination of existing resources located among different agencies and organizations both at the national and international levels.*

The Working Paper goes on to state that *An effective strategy to mitigate chemical, biological, radiological and nuclear (CBRN) risks of criminal, accidental or natural origin requires a very high level of cooperation and coordination both between different national agencies and among States and International and Regional Organizations. With a view to strengthening national capabilities to counteract such risks, the European Union CBRN Risk Mitigation Centres of Excellence initiative, funded by the European Commission and implemented by the United Nations Interregional Crime and Justice Research Institute (UNICRI) and the Joint Research Centre of the European Commission, was launched in 2010.*

Furthermore the Working Paper observes that: *The initiative is putting in place a framework providing for cooperation and coordination between all levels of government and international partners such as the BWC Implementation Support Unit (ISU), as well as the Organization for the Prohibition of Chemical Weapons (OPCW), the UN Security Council Resolution 1540 Committee, and the World Health Organization through the International Health Regulations, inter alia. The initiative also facilitates regional cooperation in order to enhance CBRN capabilities, as well as promoting the implementation of UN Security Council Resolution 1540 and subsequent relevant resolutions.* National Action Plans for CBRN risk mitigation are already available in Cote d'Ivoire, Gabon, Kenya, Montenegro, Philippines and Uganda.

The Working Paper concludes by stating that:

9. *Capacity-building activities based on the National CBRN Action Plans can make a substantial contribution to bolstering national measures to implement the Biological Weapons Convention, in line with Article IV of the Convention and the importance attributed to national implementation measures in recent BWC Meeting of States Parties reports.*

10. *The National Action Plans serve as useful instruments for ensuring that cooperation and assistance – in the context of Article X of the Convention – is performed efficiently, without duplication of efforts and focusing on States own capacity needs and priorities. Particularly when the priorities identified in States' Action Plans are matched with existing international donor capacities and assistance offers (e.g. the BWC assistance database), the implementation of the National Action Plans can have a remarkable impact in augmenting States' capacities in the area of biological risk mitigation.*

11. *It is therefore in the benefit of the BWC States Parties to support the implementation of the National Action Plans as an important component in future strategy for implementing and strengthening the Biological Weapons Convention.*

BWC/CONF.VIII/PC/WP.31 submitted by China and Pakistan entitled *Proposal for the Development of the Template of Biological Scientist Code of Conduct under the Framework of Biological Weapons Convention*. This notes that *Biological researchers are not only the front line of bio-science and technology development, but also the primary defense to prevent bio-technological misuse. Codes of conduct for bioscientists is important for raising biosecurity awareness, coping with biosecurity risks and preventing abuse and misuse of biotechnology. States Parties, such as Netherlands, have established their code of conduct for scientists. Chile, Spain, Italy and several other states have co-sponsored two working papers (BWC/MSP/2012/WP/9, BWC/MSP/2014/WP.6), calling upon States Parties “to establish a scientific practice code of conduct directed at improving the custody of biological agents and the vectors thereof on the part of the scientific community that works with biological agents and toxins in the different States Parties to the BWC”.*

The Working Paper concludes by recommending that States Parties should:

- a. *Fully exchange of views on the issue “the development of the template of biological scientist code of conduct under the framework of the BWC” under relevant agenda of the Eighth Review Conference.*
- b. *Promote the Eighth Review Conference to authorize the following inter-sessional process to discuss and approve it. The arrangement is open to be discussed and agreed upon. States Parties could establish an open-ended working group on this issue, or discuss it as one of the topics within the process of reviewing developments in science and technology.*
- c. *Guarantee the discussing process carried out in an open and transparent manner, with the full representation of the States Parties, and invite relevant governmental officials as well as bioscientists and researchers to participate in drafting process.*
- d. *Make full use of the existing codes of conduct for scientists produced by States Parties and relevant international organizations, and conduct step by step discussion principles, legal status, structure and detailed provisions of the template.*

BWC/CONF.VIII/PC/WP.32 submitted by China and Pakistan entitled *Establishing a Non-proliferation Export Control and International Cooperation Regime under the Framework of Biological Weapons Convention*. This notes that *It is imperative to establish “a non-proliferation export control and international cooperation regime” under the framework of the Convention. In the context of persistent threats posed by traditional biological weapons and increasing rampancy of terrorist activities, biological non-proliferation is of great significance to safeguarding global security and stability. Final Document of the Seventh Review Conference “calls for appropriate measures, including effective national export controls, by all States Parties to implement this Article (Article III), in order to ensure that direct and indirect transfers relevant to the Convention, to any recipient whatsoever, are authorized only when the intended use is for purposes not prohibited under the Convention.” Report of the Meeting of States Parties 2015 states that “to further reinforce efforts to enhance national implementation and sharing of best practice and experiences, States Parties agreed on the value of: (iv) export controls on sensitive materials.”*

The Working Paper concludes by stating that:

7. It is feasible to establish “a non-proliferation export control and international cooperation regime” under the framework of the Convention. For years, States Parties have established national export control regimes. The establishment of the relevant regime can fully use as reference the prevailing international practices, such as list control and end-user certificate. Meanwhile, in order to remove the discriminatory hurdle and to facilitate the international cooperation, the regime should, during the design phase, ensure the equality of rights and obligations.

8. The Eighth Review Conference of the Convention will provide an opportunity to start rule-making and institutional building for improving the global biological non-proliferation and enhancing the international bio-technology cooperation. To this end, States Parties should:

(a) Exchange views, under relevant agenda item for the Eighth Review Conference of the Convention, on the issue of establishing “a non-proliferation export control and international cooperation regime” under the framework of Convention;

(b) Establish an open-ended working group authorized by the Eighth Review Conference to discuss the issues such as the structure, control list and transfer dispute settlement mechanism of the regime; and

(c) Fully tap the resources of existing international regimes and organizations, and conduct exchanges and cooperation with the UNSCR 1540 Committee, the Australia Group, etc.

BWC/CONF.VIII/PC/WP.33 submitted by Iran entitled *“Transfers” under the Framework of BTWC: Challenges and Opportunities*. This notes that *The “golden rule” in the multilateral disarmament instruments is that the rights and obligations established by a treaty must apply equally to all States Parties. Therefore, the implementation of all the provisions of the Convention, in a balanced and non-discriminatory manner, is important in fulfilling its objectives and promoting its credibility.* Furthermore, it states that: *Measures to prevent developing or acquiring a biological weapon should not be developed at the expense of containing the legitimate peaceful uses of biological agents, toxins, and the related science, knowledge, equipment, materials and technologies. The provisions of BTWC should not be misused to impose restrictions and/or limitations on transfers of biological agents, toxins, scientific knowledge, technology, equipment and materials for peaceful purposes.*

The Working Paper concludes by saying that:

(a) Concerns arising from any restrictions on transfers of biological agents, toxins, and the related science, knowledge, equipment, materials and technologies for peaceful purposes to the States Parties would be best addressed adequately through a mechanism with the participation of all States Parties to the BTWC, while taking into account the lessons and experiences of, and trying to avoid duplication of efforts by, CWC, WHO, OIE, and FAO, in its consideration of measures aimed at strengthening the implementation of the Convention.

(b) In this regard, establishing a Standing Committee, with specific mandate and modalities, and open to all States Parties, could be a useful mechanism to follow-up and review the effective and full implementation of the transfer-related-issues. The recommendations of this Standing Committee, adopted by consensus, shall be reported to the upcoming Review Conference for its consideration.

BWC/CONF.VIII/PC/WP.34 submitted by Australia, Canada, Chile, Colombia, Costa Rica, Ecuador, Ghana, Japan, Malaysia, Norway, Philippines, Republic of Korea, Switzerland and Thailand entitled *Working Paper on providing reassurance on Biological Weapons Convention (BWC) implementation*. This notes that *The overall aim of this working paper is to facilitate the formulation of recommendations for the 2016 Biological Weapons Convention (BWC) Review Conference (RevCon) on ways of providing reassurance that States Parties are fully implementing all provisions of the BWC effectively.*

The Working Paper then sets out its appreciation of what is reassurance and makes a number of proposals:

- *We continue to encourage all BWC States Parties to submit comprehensive annual CBMs.*
- *We encourage States Parties to enact, enforce and review national implementation measures, and to provide comprehensive reports on such activities (under Articles III, IV and V). These measures include, inter alia:*

- *Domestic legislation, including the criminalisation of the prohibitions contained in the BWC;*
- *Regulations on the transfers of BWC relevant materials, equipment and information, including an effective national export control licensing system; and*
- *National biosecurity measures*
- *Where national capacity to undertake such measures is limited, the following are some of the options available to seek external assistance:*
 - *The offers of assistance provided by States Parties through the BWC ISU assistance database;*
 - *The offer by States Parties which have export licensing measures in place to provide assistance on implementation of export controls for chemical and biological transfers; and*
 - *Regional cooperation.*
- *Reassurance that all BWC provisions are implemented effectively is important – not only those related to National Implementation. Such reassurance can be achieved by demonstrating a willingness to co-operate with other States Parties in resolving alleged breaches (Article V or VI); to assist other States Parties in the event of a biological incident whether a natural outbreak, accidental release of biological agents, or a deliberate use of biological weapons (Article VII); or in relation to Article X cooperation.*
- *Proposed initiatives worth further consideration under these Articles include:*
 - *Building an operational capability (i.e. through generating a list of experts) that could be called upon to assist in responding to a biological incident, in the absence of a full-time inspectorate;*
 - *Encourage greater transparency of BWC relevant activities undertaken by industry and academic and research institutions;*
 - *Support to domestic arrangements in States Parties' jurisdictions facilitating the fullest possible exchange of relevant equipment, materials and scientific and technological information for peaceful purposes;*
 - *Contribute to international cooperation in the life sciences for peaceful purposes (Article X); and*
 - *Submit regular Article X reports.*

BWC/CONF.VIII/PC/WP.35 submitted by Germany entitled *Strengthening confidence-building measures in regard to dual use materials*. This notes that *In the intersessional period between 2012 and 2015, the dual use aspect of hazardous biological materials was one of the key items of discussions with respect to developments in life sciences and technologies, export control, awareness raising and education. More than 25 working papers were submitted by States Parties from all regional groups addressing all aspects of dual use risks. Against the backdrop of the rapid development of life sciences and technologies, major concerns were expressed with regard to risks linked to synthetic biology, synthetic genomics, dual use research of concerns and other dual use developments, which are primarily based on the use of chemically synthesised genetic sequences.*

The Working Paper goes on to state that *Since the CBMs' establishment in 1986/87, the annual number of States Parties submitting CBMs has not exceeded 75 (in 2016). Although recent years suggest a more optimistic outlook, the fact that CBMs are submitted annually by less than 40 per cent of the States Parties indicates the necessity to collectively adjust the structure and substance of the CBMs to ensure increased commitment by all States Parties and therefore an increase in overall transparency and confidence.*

The Working Paper concludes by saying that Germany will submit a proposal to the Eighth Review Conference to amend Form E to include information on the export control of genetically modified organisms and specific genetic elements linked to export controlled microorganisms and toxins. This would be achieved by adding an additional category (e) to Form E which would seek information on *(e) Exports of genetic elements or genetically modified organisms that contain nucleic acid sequences associated with the pathogenicity of any of the microorganisms addressed under (b) or coding for any of the toxins addressed under (b), or for their sub-units.*

BWC/CONF.VIII/PC/WP.36 submitted by Australia, Canada, Japan, Malaysia, Republic of Korea, and Switzerland entitled *Step-by-step approach in CBM participation (2016)*. This notes that *statistics show that the level of CBM participation has declined in 2013, and that engagement by States Parties continues to remain low even after the introduction of the updated forms. In fact, only about half of States Parties fulfilled their political commitment and submitted CBMs in 2016. It is also understood that some States Parties encounter a range of difficulties in completing CBMs, which are beyond mere technical difficulties. For example, some States Parties difficulties start with the coordination process among internal governmental agencies. Based on this awareness, this working paper would like to propose to States Parties which have never submitted or have not annually submitted CBM returns for a "step-by-step approach in CBM participation" to facilitate a gradual accumulation in submission of CBM returns, as a practical way of working towards the end-goal of "full and timely" CBM participation.*

The Working Paper concludes by stating:

16. Although submission of CBM returns is a politically binding obligation, the number of participating States Parties remains low and only one about half of States Parties currently fulfil their commitment. However, it is critical to enhance transparency and to build confidence through the participation of a CBM regime as one of the measures to reinforce the effectiveness of the BWC and States Parties should continue their efforts to increase the number of participants in CBMs.

17. As a measure to ease the burden for CBM submissions, this proposal encourages States Parties to submit each CBM form separately and to gradually increase submitting additional forms to meet the objective of CBMs.

An Annex to the Working Paper provides useful examples of how States Parties might set about carrying out such a step by step approach submitting simply one CBM in the first year and then additional and/or updated CBMs in subsequent years.

BWC/CONF.VIII/PC/WP.37 submitted by Australia and Japan entitled *New ideas for the intersessional programme*. This notes that *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.*

The Working Paper goes on to state that *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).*

The Working Paper proposes that:

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.

The Working Paper concludes by proposing the giving of some mandates to the Meeting of States Parties (MSP):

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.*

BWC/CONF.VIII/PC/WP.38/Rev.1 submitted by France and India and co-sponsored by Belgium, Canada, Finland, Germany, Jordan, the Netherlands, Pakistan, Peru and the United Kingdom entitled *Proposal for establishment of a database for assistance in the framework of Article VII of the Biological Weapons Convention*. This notes that *The implementation of this Article is recognized as a key obligation under the Convention. However as acknowledged by previous outcome documents and discussions in the BWC, there is a lack of detailed procedures or mechanisms for its implementation. Thus there is a need to set up an effective way to facilitate provision of assistance to ensure timely and adequate response to a situation involving the implementation of the provisions of Article VII. It is also essential to underline the concrete benefits of accession to the Convention.*

The Working Paper goes on to state that:

It is widely recognized that international assistance should be considered in case of a biological outbreak, but this assistance would not necessarily need to be channelled through the BWC, as the outbreak might not be due to a biological weapon. The provisions of Article VII refer to the specific situation in which the Security Council has decided that a State party has been exposed to a danger as a result of a violation of the Convention. However as noted in past Review Conferences, "in view of the humanitarian imperative, pending consideration of a decision by the Security Council, timely emergency assistance could be provided by States Parties, if requested."

The Working Paper proposes that:

4. It is proposed that the ISU establish and administer a database open to all States Parties, for assistance under Article VII. The purpose of a database on Article VII would be solely to implement Article VII of the BWC and allowing matching specific offers and requests for assistance. It would respond to a specific need, which is fully relevant to the scope of the BWC, for developing effective measures for the provision of assistance and coordination with relevant international organizations to respond to the use of a biological or toxin weapon.

5. Setting-up a database in the framework of the BWC would not mean duplicating emergency assistance mechanisms already provided by regional or international organizations or bilateral arrangements. It would encompass both emergency assistance, containment measures and recovery assistance.

6. Furthermore, the establishment of this database would provide for a concrete incentive for universalization of the Convention, by providing an operational and concrete tool to implement one of its provisions.

The Working Paper concludes by stating:

10. States Parties may agree at the next Review Conference to establish a dedicated database on the BWC website and maintained by the ISU, along the same lines as the database established for assistance under Article X, but separate from it.

and continues by outlining how such a database might function.

BWC/CONF.VIII/PC/WP.39 submitted by ICRC entitled *Humanitarian response to the use of biological weapons: Lessons from the naturally occurring Ebola outbreak of 2014-2016*. This notes that *The naturally occurring Ebola virus disease outbreak in Guinea, Liberia and Sierra Leone from 2014 to 2016 led to at least 28,646 people falling ill and 11,323 deaths. The pandemic highlighted the fragility of international response mechanisms for global health emergencies, including the humanitarian response to which the International Red Cross and Red Crescent (RC) Movement contributed.*

The Working Paper then states that:

3. Experiences with the humanitarian response to this naturally occurring outbreak hold lessons for preparations to respond to the use of biological weapons, and are relevant for States considering ways to strengthen the implementation of Article VII of the Biological Weapons Convention (BWC) – the provision of assistance to States in case of use, or threat of use, of biological weapons. However, there is an important distinction between assistance to a State under Article VII and assistance to victims as part of a humanitarian response. The latter must always focus on protecting and assisting affected people, without excluding assistance to the affected State(s).

4. Many of these lessons have relevance beyond the response to a deliberate outbreak of Ebola, and may also be applicable to responses to the deliberate use of other biological agents, in particular those with epidemic and pandemic potential. The fact that the use of biological weapons may, depending on the circumstances, be perceived at first (and even for some considerable time) as a naturally occurring disease outbreak underscores the relevance of the lessons learned.

In regard to the different types of activities that may be required the Working Paper notes that:

6. First, there are the many complex practical aspects of developing, acquiring, training for and planning an appropriate response capacity to assist victims; second, there are issues related to the deployment of this capacity; and third, there are issues raised by different mandates and policies of relevant international

organizations, and how these organizations interact. Specific considerations in the event of alleged use of biological weapons (as opposed to naturally occurring outbreak) are that:

(a) it is unlikely that the biological agent or the area of use will be immediately known;

(b) there will likely be a gap between identification of the biological agent (required to treat victims) and the determination of whether the release was deliberate;

(c) information may be hard to obtain on the type of event, who is affected, where they are, and what their needs are, but this information will be essential to assist those affected;

(d) a response to assist victims may generate additional security risks to humanitarian organizations and their workers, since it may be perceived as a verification of use, and perpetrators may wish to prevent outside organizations having knowledge of the event;

(e) it is not clear which organizations would mount an international response to assist victims, who would coordinate it, and how it would be triggered; and

(f) it is not clear whether some organizations involved would bring assistance only to the affected State, or also directly to victims.

7. An overarching issue, to which many of these challenges relate, are the particular risks to the health and security of personnel bringing the assistance.

The Working Paper then addresses the lessons learnt from the Ebola outbreak under the following headings:

A. Establishing a humanitarian response framework, and capacity building

B. Improving coordination, and understanding the roles of different actors

C. Safety and security of humanitarian workers

D. Access for humanitarian organizations and their workers

E. Availability of equipment and resources

F. Maintaining basic services and continuity of other humanitarian operations

G. Implications of military involvement in humanitarian response

The Working Paper concludes by addressing the implications for the States Parties to the BTWC as follows:

31. *The naturally occurring Ebola outbreak of 2014-2016 highlighted the limitations of humanitarian response to assist the victims of such disease outbreaks; a response that would likely be even more difficult and strained in the case of a known or suspected use of biological weapons, especially if it occurred during an armed conflict.*

32. *The experience from Ebola provides some concrete lessons for States, and for humanitarian organizations, in preparing to respond to the use of biological weapons, and underlines the importance of collaborative work between States Parties to the BWC in fulfilling their obligation to provide assistance to States affected by the use, or threat of use, of biological weapons. The reality is that assistance to governments must begin well in advance of any such use, and preparations for an international response to assist victims must be greatly strengthened.*

33. *In light of this, States Parties to the BWC must renew their preventive commitment to ensuring biological weapons are never again used, and strengthen the range of measures that form a “web of prevention” to support this goal.*

34. *As one of these measures, States should work to improve preparedness for responding to the use of biological weapons. From the ICRC’s perspective, the focus of these efforts must be on enhancing the capability to assist the victims, including improved mechanisms, such as those under Article VII of the BWC, to help States achieve this goal.*

35. *In this respect, agreement to strengthen the implementation of Article VII should remain a high priority for the November 2016 Review Conference of the BWC and beyond.*

The ICRC calls on States Parties to establish a working group – or similar working process – to develop and agree on practical actions to build response capacity where it is lacking, to improve coordination among those who may be involved in a response, to address current obstacles to an effective response, and ultimately to limit the adverse humanitarian consequences in case of use of biological weapons. [Emphasis in original]

In addition to the Working Papers summarized above which were submitted for the August Preparatory Committee Meeting, revised versions of two of the Working Papers originally submitted for the April Preparatory Committee meeting were submitted: by Russia (WP.1/Rev.2 and WP.2/Rev 2).

In regard to the revised version **BWC/CONF.VIII/PC/WP.1/Rev.2** of the earlier BWC/CONF.VIII/PC/WP.1 and WP.1/Rev.1 submitted by Russia and entitled *Strengthening the Biological Weapons Convention Operationalising mobile biomedical units to deliver protection against biological weapons, investigate their alleged use, and to suppress epidemics of various etiology* which is summarized earlier above,

WP.1/Rev.2 with few changes of substance, draws attention again to the potential roles of mobile biomedical units.

In regard to the revised version **BWC/CONF.VIII/PC/WP.2/Rev.2** of the earlier BWC/CONF.VIII/PC/WP.2 and WP.2/Rev.1 submitted by Russia and entitled *Strengthening the Biological Weapons Convention Proposal for the establishment of a Scientific Advisory Committee* which is summarized earlier above, **WP.2/Rev.2** has Annex I having the words *decision* and *recommendation* now as plurals and the requirements in paragraph 4 of Annex I limiting the session to *five days* and in paragraph 13 of Annex II being that the Committee shall meet *at least* annually rather than simply annually. As paragraph 4 of Annex which limits the session to *five days* is in regard to the States Parties covering the expenses of this limited session, and the same paragraph also states that *any other sessions of the Committee or meetings of its temporary working groups will be at no additional cost to States Parties*; it appears that any other sessions or Temporary Working Groups (see Annex II) would need to be funded from outside the budget.

Background Information Papers

The Preparatory Committee agreed to request the Implementation Support Unit to prepare eight background information documents as follows:

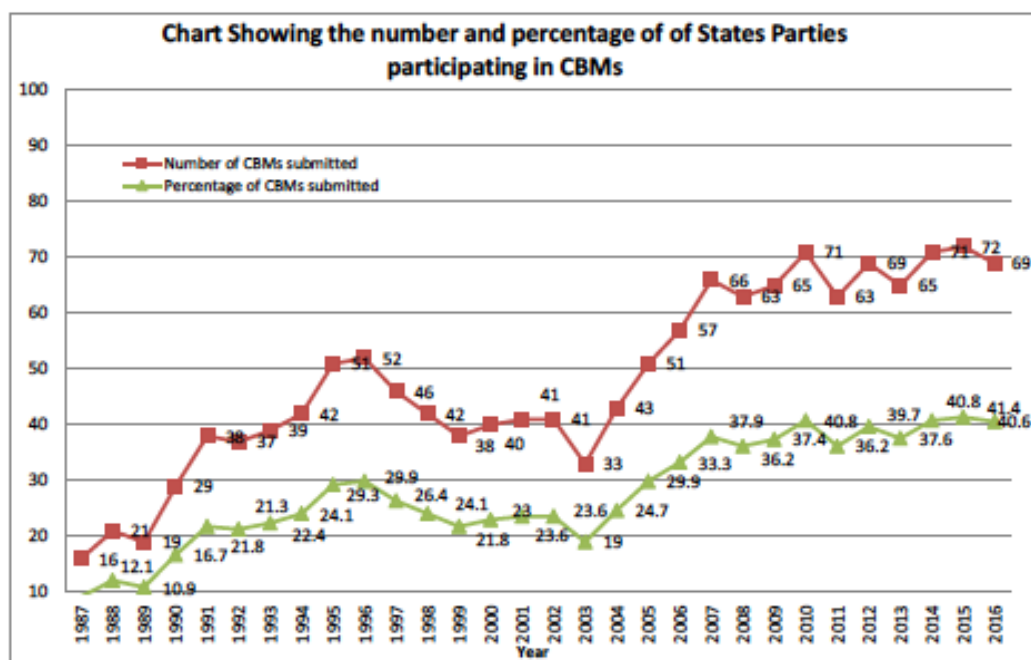
- a) *A background information document on the history and operation of the confidence-building measures agreed at the Second Review Conference and revised at the Third and Seventh Review Conferences. The document should include data in summary tabular form on the participation of States Parties in the measures since the last Review Conference;*
- b) *A background information document on the financial implications of proposals for follow-on action after the Eighth Review Conference;*
- c) *A background information document showing the additional understandings and agreements reached by previous Review Conferences relating to each article of the Convention, extracted from the respective Final Declarations of these conferences;*
- d) *A background information document showing the common understandings reached by the Meetings of States Parties during the intersessional programme held from 2012 to 2015;*
- e) *A background information document on the status of universalization of the Convention;*
- f) *A background information document on compliance by States Parties with all their obligations under the Convention, to be compiled from information submitted by States Parties;*
- g) *A background information document on the implementation of Article VII, to be compiled from information submitted by States Parties; and*
- h) *A background information document on the implementation of Article X, to be compiled from information submitted by States Parties, including information submitted pursuant to paragraph 61 of the Final Declaration of the Seventh Review Conference.*

The first five background documents – (a) to (e) above – were to be circulated not later

than four weeks before the opening of the resumed PrepCom session in August and the last three documents – (f) to (h) above – were to be circulated not later than four weeks before the opening of the Eighth Review Conference.

BWC/CONF.VIII/PC/3 Background information document prepared by the Implementation Support Unit entitled *History and operation of the confidence-building measures*. This provides information on *the history and operation of the confidence-building measures (CBMs) agreed at the Second Review Conference and revised at the Third and Seventh Review Conferences, with the document to include data in summary tabular form on the participation of States Parties in the measures since the last Review Conference (see BWC/CONF.VIII/PC/2, paragraph 25). The ISU has duly prepared this document which outlines the history and operation of the CBMs. Annex I provides data in summary tabular form on the participation of States Parties in the measures since the last Review Conference while Annex II presents the standard detailed information on CBM returns submitted so far in 2016.*

The background information document provides a chart showing the overall trend of CBM submissions between 1987 and May 2016:



The background information document concludes by stating that:

42. Since States Parties' agreement on the concept and general content of the CBMs during the Second Review Conference in 1986 and the first exchange of information and data in 1987, they have evolved over time with revisions made at the Third and Seventh Review Conferences. While there has been over the course of the years a slow, but steady increase in the submissions made by States Parties, the overall level of participation remains low with less than half of all States Parties having regularly exchanged information and data. The Seventh Review

Conference therefore decided to consider how to enable fuller participation in the CBMs during the intersessional programme in 2012 and 2013. At these meetings, States Parties agreed to work on several activities aimed at addressing the technical difficulties experienced by some States Parties.

43. As shown by the table in Annex I, participation in the CBMs has barely increased in the years since the Seventh Review Conference. The majority of those States Parties which do participate do so on a regular basis. However, several States Parties participate irregularly, and over half of BWC States Parties do not participate at all. The ISU does not have the resources to expand the scope of the limited assistance that it offers upon request to States Parties. Furthermore, the ISU has received little information from States Parties that have not participated regularly in the CBMs or have never participated, on the specific reasons on why they do not participate.

BWC/CONF.VIII/PC/4 Background information document prepared by the Implementation Support Unit entitled *Additional understandings and agreements reached by previous Review Conferences relating to each article of the Convention*. This provides *the additional understandings and agreements reached by previous Review Conferences relating to each article of the Convention, extracted from the respective Final Declarations of these conferences. The ISU has duly compiled this document which shows the text of each article of the Convention, followed by the additional understandings and agreements relating to that article reached by the First, Second, Third, Fourth, Sixth and Seventh Review Conferences.*

The background information document shows *the text for each article of the Convention, followed by the additional understandings and agreements relating to that article reached by the various Review Conferences. For the purposes of this document, an "additional understanding or agreement" is one which:*

(a) interprets, defines or elaborates the meaning or scope of a provision of the Convention; or

(b) provides instructions, guidelines or recommendations on how a provision should be implemented.

BWC/CONF.VIII/PC/4/Corr.1 provides a correction for the text relating to Article IX regarding the language agreed by the Sixth and Seventh Review Conferences in regard to the Chemical Weapons Convention.

BWC/CONF.VIII/PC/5 Background information document prepared by the Implementation Support Unit entitled *Common understandings reached by the Meetings of States Parties during the intersessional programme held from 2012 to 2015*. This document *reproduces the substantive paragraphs from the respective reports adopted by the Meetings of States Parties in 2012, 2013, 2014 and 2015. The text of the common understandings therefore appears in this document exactly as it was adopted by the States Parties at each meeting, although the paragraphs have been renumbered.*

BWC/CONF.VIII/PC/6 Background information document prepared by the Implementation Support Unit entitled *Financial implications of proposals for follow-on action after the Eighth Review Conference*. This document is intended to facilitate States Parties' preparations for the Eighth Review Conference by presenting a range of different options for follow-on action after the Review Conference. States Parties have yet to agree on such follow-on action, including its possible form and structure, so this paper only provides factual information to aid discussions, it does not prejudge the outcome of future discussions and decisions yet to be taken. Financial information is provided on conference-servicing costs as well as on non-conference servicing costs.

This background information document provides some illustrative examples for information purposes only noting that these **only include the conference-servicing costs**, as non-conference servicing costs such as the staff costs of the ISU are addressed later. These examples include:

(a) Two five day meetings per year with full services (translation and interpretation) (estimate 1 above), identical to the 2012-2015 intersessional programme. The cost per year of the conference-servicing element would therefore be USD 763,000;

(b) One ten-day meeting (estimate 4 above) and one five-day meeting (estimate 1 above) per year, both with full services (translation and interpretation), identical to the 2003-2005 intersessional programme. The cost per year of the conference-servicing element would therefore be USD 933,600;

(c) Five ten-day meetings (estimate 4 above) per year with full services (translation and interpretation), similar to the Ad Hoc Group meetings during the 1990s and early 2000s. The cost per year of the conference-servicing element would therefore be USD 2,760,500;

(d) Four ten-day meetings (estimate 4 above), five small five-day meetings (estimate 7 above) and one three-day meeting (estimate 2 above), all with full services. The cost per year of the conference-servicing element would therefore be USD 3,834,300;

The background information document also provides information on the non-conference servicing costs such as the costs of the Implementation Support Unit. It notes that *the current composition of the ISU is one P5 Chief of Unit, one P4 Political Affairs Officer and one P3 Political Affairs Officer. To facilitate States Parties' consideration of any further renewal of the mandate of the ISU, or of any expansion of its staff as a result of possible additional tasks mandated to the ISU by the Eighth Review Conference, the following information is provided (these are standard costs which can vary depending on several factors):*

	USD
<i>P5 Senior Political Affairs Officer</i>	<i>279,336</i>
<i>P4 Political Affairs Officer</i>	<i>240,125</i>
<i>P3 Political Affairs Officer</i>	<i>198,654</i>

P2 Associate Political Affairs Officer 162,494

G5 Administrative Assistant 156,279

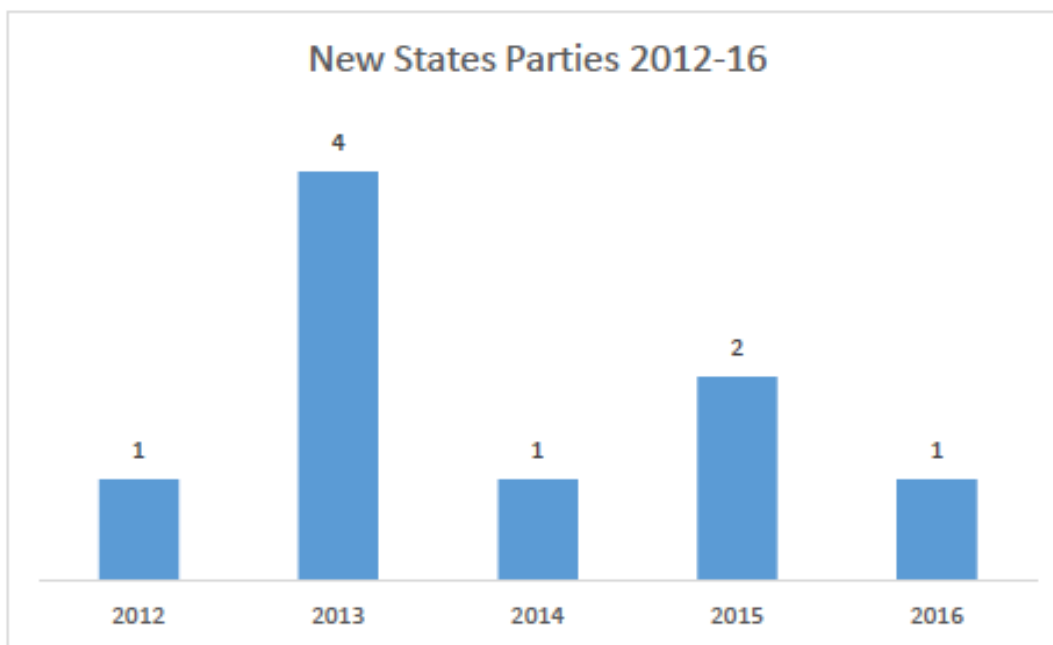
The background information document goes on to note that *the costs of the ISU also include small annual budget lines for travel and equipment. During the 2012-15 intersessional programme these amounts were USD 20,000 and USD 5,000 respectively per annum. As described in the report submitted by the ISU on the performance of its activities, the small size of the travel budget has implications for the regional distribution of ISU activities. In addition, the current financial arrangements present challenges when staff members are temporarily absent for long periods, as it is not possible to recruit temporary replacements, or to carry over unspent funds from one year to the next. States Parties may wish to consider such issues at the Eighth Review Conference.*

The background information document also states that *based on the figures provided above, the estimated cost for a continuation of the ISU with the current level of staffing and travel and equipment budgets (one P5, one P4, one P3 and USD 25,000 for travel and equipment) plus the 13% programme support costs would amount to USD 746,365. For information purposes only, adding two additional staff members (e.g. one at the P4 level and one at the G5 level) would increase the cost per annum of the ISU to USD 1,142,800.*

BWC/CONF.VIII/PC/8 Background information document prepared by the Implementation Support Unit entitled *Status of universalization of the Convention*. This document describes *the current status of universalization of the Convention and activities undertaken from 2012 until 2016 to promote universalization. It also includes information from States Parties and other organizations, where that information has been provided to the President-Designate or the ISU. The Convention currently has 174 States Parties, with 8 signatories and 14 states having neither signed nor ratified. A total of 22 States are therefore not party to the Convention.*

The background information document states that *since the Seventh Review Conference, nine States have joined the Convention, increasing the total number of States Parties from 165 to 174, (a full list of States Parties is contained in Annex I). A further eight States have signed but not ratified the Convention (Annex II contains a list of Signatory States) and 14 States have neither signed nor ratified the Convention (contained in Annex III). This document describes the progress made since the Seventh Review Conference and provides information made available to the ISU on the status of ratification or accession in each of the remaining 22 States yet to join the Convention.*

The situation up to June 2016 is illustrated graphically in the background information document:



The above are the five background information papers that were to be prepared prior to the August session of the Preparatory Committee Meeting.

Although not a background information document, another useful document prepared by the Implementation Support Unit for the Preparatory Committee Meeting was **BWC/CONF.VIII/PC/7** entitled *Report of the Implementation Support Unit on its activities to implement its mandate, 2012-2016*. This describes *the activities of the Implementation Support Unit (ISU) since the Seventh Review Conference to implement its mandate to support States Parties in the administration and comprehensive implementation of the Convention, the promotion of universalization, and the exchange of confidence-building measures (CBMs). The Conference decided that the Unit "will submit a concise annual written report to all States Parties on its activities to implement its mandate" and such reports have been submitted annually since 2012. The Conference also decided that the ISU's "performance will be evaluated and its mandate will be reviewed by States Parties at the Eighth Review Conference". This report is submitted to facilitate this evaluation and review by States Parties.*

This Report of the ISU addresses the following topics:

II. Institutional Arrangements

A. ISU staffing

B. ISU funding

III. Administrative support for the Convention

IV. Implementation of the Convention

V. Confidence-Building Measures (CBMs)

VI. Cooperation and assistance

A. National reports on Article X implementation

B. Cooperation and assistance database

C. Sponsorship programme

VII. Promotion of universalization

In the section on *ISU staffing* it is reported that:

4. The ISU has three fixed-term staff positions and has also been assisted by interns. From 2012 until 2014, the ISU had stability in staffing with the same three individuals occupying the P5, P3 and P2 posts since the establishment of the ISU in 2007.

5. The years since 2014 have seen significant staffing changes within the ISU. In 2014, both Mr. Lennane and Mr. Millett left the ISU. For much of that year, the ISU was reinforced by the temporary relocation of staff from UNODA New York, Also during 2014, the P3 and P2 posts were reviewed and States Parties agreed that they should be upgraded to a P4 and a P3 post respectively. In late 2014, a new Chief of the ISU was appointed, Mr. Daniel Feakes. During 2015, recruitment was undertaken for both the P4 and P3 posts, and the ISU operated with only two staff for the entire year. Ms. van der Blij was appointed to the P3 post in late 2015, and Mr. Hermann Lampalzer was appointed to the P4 post in January 2016. Selection and recruitment of ISU staff members is undertaken in accordance with United Nations rules and regulations. From May to November 2016, staff capacity in the ISU will again be significantly reduced due to the temporary absence of one staff member. For almost half of the period from 2012 to 2016 the ISU was or will be operating at two-thirds of its intended capacity.

6. With a small number of staff, any instability in staffing can have a significant impact on the work of the ISU. While the ISU has continued to maintain the same level of service to States Parties and to the Chairmen, the staffing situation has meant that some activities had to be postponed and invitations to events had to be declined. The situation is exacerbated by the fact that the current funding arrangements for the ISU do not permit the recruitment of temporary staff to cover such gaps and also do not allow unspent funds from one year to be rolled over to the next year. There may be merit in addressing this matter in case similar situations arise in the future, for example due to maternity leave, long-term sick leave or other staffing changes.

In regard to *ISU funding* the report notes that:

7. In accordance with the decision on its establishment taken by the Sixth Review Conference, the ISU is funded by the States Parties to the Convention. The costs of the ISU are included in the annual assessed contributions from

States Parties and are generally included within the costs for the first BWC meeting of the year. During the 2012-15 intersessional period, these costs included the expenditures relating to the three staff members, a small travel budget of USD 20,000 per year and a small equipment budget of USD 5,000 per year. For example, the total annual cost of the ISU in 2016 is USD 760,700 including staff, travel and equipment costs, and programme support cost.

In regard to the *Implementation of the Convention* it notes that: *Up to 2013, the ISU also maintained and updated the National Implementation Database and the Compendium of National Approaches on the BWC website. However, due to resource constraints and duplication with similar efforts by other entities, these tools were discontinued.* This section goes on to note that:

19. Participation by the ISU in workshops and seminars plays a crucial role in raising awareness of the Convention and its implementation, both for national governments and other relevant actors such as international and regional organizations, the scientific community, professional associations, academia and the private sector. The ISU accepted select invitations to participate in a range of meetings and events throughout the intersessional period. Details of the events attended are provided in the annual reports of the ISU. The chart below gives an overview for the period of the 2012-15 intersessional programme and clearly shows the effect on ISU outreach of the staffing shortages and instability during 2014 and 2015.

The chart shows that the participation of the ISU in events outside Geneva was 36 in 2012, 33 in 2013, and then falling to 9 in 2014 and 16 in 2015.

The report goes on to note that:

21. However, the ISU also has to decline many invitations to participate in meetings or other events directly related to the Convention. Because of its limited travel budget the ISU tends to participate more in events where the organizers can cover the travel costs which generally take place in developed countries. The effects of this can be seen in the chart below which shows that most external events in which the ISU participated from 2012 to 2015 take place in Europe and North America. Additional human and financial resources would allow the ISU to improve the regional distribution of its activities and to prioritize its travel according to the needs of States Parties, rather than according to solely pragmatic considerations of what is financially possible.

The chart shows that the events attended by the ISU outside Geneva were 6% in Latin America and the Caribbean, 58% in Europe, 9% in Asia Pacific, 18% in North America and 9% in Africa.

In regard to cooperation and assistance the report notes that *The Seventh Review Conference encouraged States Parties to provide at least biannually appropriate information on how they implement Article X of the Convention to the ISU and requested the ISU to collate such information for the information of States Parties. A total of 10 States Parties, one regional organization and one group of States have*

submitted at least one such report during the intersessional period

The report concludes by stating that:

40. As described in the annual reports of the ISU, the decision of the Seventh Review Conference to assign additional tasks to the ISU without increasing its resources posed a challenge throughout the intersessional period. The concerns raised in the 2011 ISU report to the Seventh Review Conference about the capacity of the ISU to respond to the requests of States Parties and the geographic distribution of ISU activity remain unresolved.¹⁹ This challenge has been exacerbated by the fact that the ISU has been operating at two-thirds strength for half of the intersessional period as described in paragraphs 4 and 5 above, combined with the fact that there it is not possible to recruit temporary staff to cover such situations since no budgetary provision is made to cover such cases.

41. The mandate of the ISU has proved to be adequately broad in practice, and has not caused any operational problems for the Unit in responding to requests from States Parties, or in dealing with other organisations. However, the staff shortages and instability mean that the services offered by the ISU are oversubscribed, and approximately one in three invitations to the ISU to participate in an event or activity has had to be turned down either because of lack of available staff, or insufficient travel funds.

Overall Analysis of Working Papers

Analysis of submitting States Parties and international organisations

The benefits of a substantive Preparatory Committee Meeting were evident in that a total of 39 Working Papers were submitted – 13 being submitted for the two day April session and the remaining 26 for the week long August session – and 5 background information papers prepared by the ISU for the August session.

The three Co-Depositaries led the way in submitting eleven of the Working Papers – five by the USA (WP. 3 on S & T review, WP.6 on confidence building mechanism, WP. 9 on taking action, WP.10 on alleged use and WP.18 on new S & T developments), three by Russia (WP.1 on biomedical units, WP.2 on S & T review and WP.19 on the BTWC and Geneva Protocol) and three by the United Kingdom (WP.4 on S & T review, WP. 14 on Article VII and Article X, and WP.15 on a new Intersessional Process).

Three Working Papers were also submitted by South Africa (WP.21 on functional structures, WP.22 on Article VII and WP.23 on future planning for the ISU).

Two Working Papers were submitted by Belgium, Luxembourg and the Netherlands (WP.13 on peer review, together with France, and WP.26 on peer review), Canada (WP.24 on the Intersessional Process and WP.25 on oversight of research and dual-use risks), China and Pakistan (WP. 31 on Code of Conduct and WP.32 on export controls & international cooperation), France (WP.11 on the Geneva Protocol and WP.12 on

response to disease outbreaks), Iran (WP. 17 on investigation of use and WP.33 on transfers), Spain (WP.27 on S & T review and WP.28 on voluntary visits), Switzerland (WP.8 on S & T review and WP.16 on S & T review) and by the EU (WP.5 on the Eighth Review Conference and WP.20 on implementation of Article X by the EU).

Single Working Papers were submitted by Germany (WP.35 on CBMs for dual-use materials) and by Japan (WP.29 on cooperation with International Organisations). Single Working Papers were also submitted by groups of two or more States Parties – those submitted by groups of States Parties from more than one of the Groups of States Parties are particularly welcome as these demonstrate trans-Group support.

Single Working Papers were submitted by Australia and Japan (WP.37 on the Intersessional Process), by Australia, Canada, Japan, Malaysia, Republic of Korea, and Switzerland (WP.36 on step by step participation in CBMs), by Australia, Canada, Chile, Colombia, Costa Rica, Ecuador, Ghana, Japan, Malaysia, Norway, Philippines, Republic of Korea, Switzerland and Thailand (WP.34 on reassurance), by Côte d'Ivoire, Gabon, Montenegro, Philippines and Uganda (WP.30 on national CBRN action plans), by Finland, Norway and Sweden (WP.7 on S & T review), and by France and India and co-sponsored by Belgium, Canada, Finland, Germany, Jordan, the Netherlands, Pakistan, Peru and the United Kingdom (WP.38 on a database for Article VII).

In addition, a Working Paper was submitted by ICRC (WP.39 on humanitarian response to use of biological weapons).

Analysis by relevant Articles of the Convention

In this analysis, the Working Papers are analysed by their relevance to particular Articles of the Convention.

Article I. Seven Working Papers were submitted in regard to S & T review which is considered here as being of particular relevance to Article I and the scope of the Convention although the implications of S & T developments are relevant for many Articles of the Convention. Papers on S & T review were submitted as follows: two by Switzerland (WP.8 and WP.16) and one each by Finland, Norway and Sweden (WP.7), Russia (WP.2), Spain (WP.27), United Kingdom (WP.4) and USA (WP.3). In addition the USA submitted a Working Paper on new S & T developments (WP.18).

Article III. Two Working Papers were submitted in regard to Article III – one by China and Pakistan on export controls (WP.32) and one by Iran on transfer-related issues (WP.33).

Article IV. Seven Working Papers were submitted in regard to various aspects of national implementation – one by Australia, Canada, Chile, Colombia, Costa Rica, Ecuador, Ghana, Japan, Malaysia, Norway, Philippines, Republic of Korea, Switzerland and Thailand on reassurance (WP.34), two by Belgium, Luxembourg and the Netherlands on peer review (WP.13 and WP.26), one by Canada on oversight of research and dual-risk materials (WP.25), one by China and Pakistan on codes of conduct

(WP.31), one by Côte d'Ivoire, Gabon, Montenegro, Philippines and Uganda on national CBRN action plans (WP.30), and one by Spain on voluntary visits (WP.28).

Article V. Three Working Papers were submitted in regard to Article V – one by Australia, Canada, Japan, Malaysia, Republic of Korea, and Switzerland on step by step participation in CBMs (WP.36), one by Germany on CBMs for dual-use materials (WP.35) and one by the USA on confidence-building mechanisms (WP.6).

Article VI. Four Working Papers were submitted on Article VI investigation of alleged use – one by France on response to natural and deliberate outbreaks (WP.12), one by Iran on investigation of use (WP.17), one by Russia on mobile biomedical units (WP.1) and one by USA on alleged use (WP.10).

Article VII. Four Working Papers were submitted on Article VII – one by France and India and co-sponsored by Belgium, Canada, Finland, Germany, Jordan, the Netherlands, Pakistan, Peru and the United Kingdom on a database for Article VII (WP.38), one by South Africa on Article VII (WP.22), one by the United Kingdom on Article VII and Article X: the importance of synergy (WP.14) and one by the ICRC on humanitarian response to use of biological weapons (WP.39).

Article VIII. Two Working Papers were submitted on Article VIII – one by France on the Geneva Protocol (WP.11) and one by Russia on the BTWC and the Geneva Protocol (WP.19).

Article X. Three Working Papers were submitted on Article X – one by Japan on cooperation with International Organizations (WP.29), one by the United Kingdom on Article VII and Article X: the importance of synergy (WP.14) and one by the EU on implementation of Article X by the EU (WP.20) [This was essentially an information paper].

Intersessional Process and the Implementation Support Unit. Five Working Papers were submitted on the Intersessional Process and one on the Implementation Support Unit – one by Australia and Japan on the Intersessional Process (WP.37), one by Canada on the Intersessional Process (WP.24), one by South Africa on functional structures (WP.21), one by the United Kingdom on a new Intersessional Process (WP.15) and one by the USA on taking action (WP.9) – and the one on the ISU being submitted by South Africa on future planning for the ISU (WP.23).

Reflections

It is evident that the decision taken by the Meeting of States Parties in December 2015 as recorded in paragraph 56 of BWC/MSP/2015/6:

The Meeting also decided that the Preparatory Committee would be held in Geneva as per the following: up to two days on 26 and 27 April 2016 and would resume its work from 8 to 12 August 2016. It was agreed that the Preparatory Committee meeting in April would consider the agenda items on general exchange of views and the organizational aspects of the Review Conference. It was further agreed that the meeting in August would provide an opportunity for

States Parties to consider comprehensively all provisions of the Convention. At the conclusion of the meeting in August, the President would present under his own responsibility, for consideration of delegations ahead of the Review Conference, a summary report without prejudice to perspectives, recommendations, conclusions and proposals presented by delegations or that prejudices the final outcome of the Review Conference.

has enabled States Parties to be better prepared for the Eighth Review Conference than for any of the previous Review Conferences. This is demonstrated by the thirty-nine Working Papers submitted to the Preparatory Committee and also by the five background information papers prepared by the Implementation Support Unit prior to the August session of the Preparatory Committee. It is also noteworthy that the thirty-nine Working Papers submitted to the Preparatory Committee are **ten** more than the twenty-nine Working Papers submitted to the Seventh Review Conference itself in 2011.

The preparations of the States Parties for the Review Conference are also facilitated by the *Key Points for the Eighth Review Conference* that is available on the latest information page of the unog.ch/bwc website and of which copies were circulated to States Parties at the August session of the Preparatory Committee. Ambassador György Molnár of Hungary, the President-Designate of the Eighth Review Conference in his *Foreword* to these *Key Points* states that:

I welcome the fact that in their overall aim of strengthening the BTWC, they [the authors of Key Points] have put forward a comprehensive set of sensibly argued points that will, I am sure, inform States Parties' preparation for the Eighth Review Conference.

Our aim in preparing these *Key Points* was to identify what decisions need to be taken at the Eighth Review Conference that are both realistic and effective in strengthening the implementation of the Convention. In these reflections, we have taken into account the Working Papers and background information documents submitted to the Preparatory Committee and also the recommendations in *Key Points*.

There is widespread recognition that the Intersessional Period from 2012 to 2015 has produced disappointing results and the practice at the annual Meetings of States Parties has been to agree the substantive paragraphs of their Reports by using the approach of consensus by deletion rather than recognizing that an objective can be achieved by various alternative routes. Moreover, it is evident that States Parties need to prepare for the Eighth Review Conference by considering **structural changes** for a more robust and purposeful intersessional programme which will enable them to work together more effectively to strengthen the Convention and its implementation.

A key element in moving forward, addressed in several Working Papers, is the evolving role of the Annual Meeting of States Parties, building on the experience of the Meeting of States Parties in 2015 and earlier years in taking **decisions**. Such as, for example, the decision taken by the Meeting of States Parties in 2015 to have a Preparatory Committee Meeting for the Eighth Review Conference that met for two

days in April 2016 and a week in August 2016 thereby providing *an opportunity for States Parties to consider comprehensively all provisions of the Convention*. The Eighth Review Conference should authorise the Annual Meeting of States Parties to take decisions within the framework set by the Review Conference in order to make the intersessional work programme more effective. It needs to be understood by all States Parties that providing such authority to the Annual Meeting of States Parties could not be any threat to the authority of the Review Conference because of the rule of consensus: it would be the same States Parties taking decisions at the Annual Meeting of States Parties within the limits they themselves agreed on the framework they set at the Review Conference.

Whilst many Working Papers have addressed the subject of reviewing science and technology and made a variety of proposals, we recommend that particular attention should be given to establishing an arrangement that is both **inclusive** and **effective** for the BTWC. It is for this reason that we recommend an Open-Ended Working Group on science and technology so that participation includes diplomats and policy makers as well as scientific experts from government, academia and industry.

Several Working Papers related to national implementation and building confidence that States Parties are effectively implementing all Articles of the Convention. One Working Paper co-authored by fourteen States Parties, reaching across regional groups, addressed how reassurance can be achieved by demonstrating transparency in implementing the Convention. We recommend that a second Open-Ended Working Group should address providing reassurance that States Parties are implementing all Articles of the Convention.

Other Working Papers addressed Confidence-Building Measures and the need to increase participation by all States Parties. We recommend that a Technical Working Group should address enhancing the effectiveness of the Confidence-Building Measures (CBM) process, increasing participation therein, revising the forms as necessary and further developing the electronic platform.

In the context of structural changes and the need to provide leadership and continuity, we recommend a Steering Committee should be established that would be made up of the Chair and Vice-Chairs of the Annual Meeting of States Parties together with the Chairs of the Open-Ended and Technical Working Groups. This Steering Committee would also be responsible for promoting the Action Plan on Universalisation and progress in regard to accessions to the 1925 Geneva Protocol and withdrawal of any remaining pertinent reservations working in both cases closely with the respective Depositaries.

The background information document **BWC/CONF.VIII/PC/6** prepared by the Implementation Support Unit entitled *Financial implications of proposals for follow-on action after the Eighth Review Conference* is particularly welcome as it enables States Parties to better appreciate what the costs might be of various decisions that might be taken at the Eighth Review Conference. However, for quite understandable reasons, the background information paper does not provide any comparative information – such as the annual costs to States Parties of their participation in the Chemical Weapons Convention. The *Key Points* was able to use the information in

the background information document BWC/CONF.VIII/PC/6 in order to calculate the additional costs of:

***Addition** of an additional P4 for the OEWG on Science and Technology, an additional P4 for the OEWG on Providing reassurance and an additional P3 for the Technical Working Group on CBMs, together with additional travel costs of 30,000 USD and additional equipment of 3,000 USD including the 13% programme costs would cost an additional USD 717,194 each year. [Key Points, page 353]*

and also that:

56. Consequently, the annual costs during the Intersessional period from 2017 to 2020 for a programme consisting of an Annual Meeting of States Parties lasting one week each year, prepared for by three one week meetings of the OEWG on science and technology, the OEWG on providing reassurance and the Technical Working Group on CBMs, an ISU with travel and equipment budgets as essentially agreed at the Seventh Review Conference and augmented by an additional P4 for the OEWG on Science and Technology, an additional P4 for the OEWG on Providing Reassurance and an additional P5 for the Technical Working Group on CBMs, together with additional travel costs of 30,000 USD and additional equipment of 3,000 USD, would amount to some USD 3,281,782 each year. [Key Points, page 353]

This then enabled a comparison to be made with the annual cost **for 2016** of the OPCW of the Chemical Weapons Convention which was agreed on 3 December 2015 at the Conference of States Parties [OPCW Conference of States Parties, *Decision: Scale of Assessments for 2016*, C-20/DEC.7, 3 December 2015] of EUR 65,529,600 (which equates to USD 73,088,440). The recommended **annual** cost of the proposed enhanced BTWC meetings and the ISU is thus **less than 4½ per cent** of the cost of OPCW for 2016. [Key Points, page 353]

We therefore recommend that given the risk from misuse of biological agents and toxins – infectious disease recognizes no boundaries – to humans, animals and plants, States Parties should recognize the immense benefits that they would gain from an augmented Implementation Support Unit and an enhanced effectiveness of the Biological and Toxin Weapons Convention for a cost of **less than 5 per cent** of that which virtually all States Parties **already** pay nationally as parties to the Chemical Weapons Convention and thereby members of the Organisation for the Prohibition of Chemical Weapons.

Addendum: Key Objectives for an **effective** Eighth Review Conference

(based on 'Reflections' in *Report from Geneva Review no. 45* 'The Biological Weapons Convention Preparatory Committee Meeting April and August 2016' by Graham S. Pearson² in association with Nicholas A. Sims³ available at [www.sussex.ac.uk/Units/spru/hsp/ Reports%20from%20Geneva.html](http://www.sussex.ac.uk/Units/spru/hsp/Reports%20from%20Geneva.html))

Reflections

- **Key Point:** States Parties are better prepared for the Eighth Review Conference than for any of the previous Review Conferences.

It is evident that the decision taken by the Meeting of States Parties in December 2015 as recorded in paragraph 56 of BWC/MSP/2015/6:

The Meeting also decided that the Preparatory Committee would be held in Geneva as per the following: up to two days on 26 and 27 April 2016 and would resume its work from 8 to 12 August 2016. It was agreed that the Preparatory Committee meeting in April would consider the agenda items on general exchange of views and the organizational aspects of the Review Conference. It was further agreed that the meeting in August would provide an opportunity for States Parties to consider comprehensively all provisions of the Convention. At the conclusion of the meeting in August, the President would present under his own responsibility, for consideration of delegations ahead of the Review Conference, a summary report without prejudice to perspectives, recommendations, conclusions and proposals presented by delegations or that prejudices the final outcome of the Review Conference.

has enabled States Parties to be better prepared for the Eighth Review Conference than for any of the previous Review Conferences. This is demonstrated by the thirty-nine Working Papers submitted to the Preparatory Committee and also by the five background information papers prepared by the Implementation Support Unit prior to the August session of the Preparatory Committee. It is also noteworthy that the thirty-nine Working Papers submitted to the Preparatory Committee are **ten** more than the twenty-nine Working Papers submitted to the Seventh Review Conference itself in 2011.

- **Key Point:** Preparations for the Eighth Review Conference are facilitated by the University of Bradford *Key Points for the Eighth Review Conference* available at [http://www.unog.ch/80256EE600585943/\(httpPages\)/87CF9BFD24A8D05FC1257574004B285B?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/87CF9BFD24A8D05FC1257574004B285B?OpenDocument)

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The preparations of the States Parties for the Review Conference are also facilitated by the *Key Points for the Eighth Review Conference* that is available on the latest information page of the unog.ch/bwc website and of which copies were circulated to States Parties at the August session of the Preparatory Committee. Ambassador György Molnár of Hungary, the President-Designate of the Eighth Review Conference in his *Foreword* to these *Key Points* states that:

I welcome the fact that in their overall aim of strengthening the BTWC, they [the authors of Key Points] have put forward a comprehensive set of sensibly argued points that will, I am sure, inform States Parties' preparation for the Eighth Review Conference.

Our aim in preparing these *Key Points* was to identify what decisions need to be taken at the Eighth Review Conference that are both realistic and effective in strengthening the implementation of the Convention. In these reflections, we have taken into account the Working Papers and background information documents submitted to the Preparatory Committee and also the recommendations in *Key Points*.

- **Key Point:** States Parties need to prepare for the Eighth Review Conference by considering *structural changes* for a more robust and purposeful intersessional programme.

There is widespread recognition that the Intersessional Period from 2012 to 2015 has produced disappointing results and the practice at the annual Meetings of States Parties has been to agree the substantive paragraphs of their Reports by using the approach of consensus by deletion rather than recognizing that an objective can be achieved by various alternative routes. Moreover, it is evident that States Parties need to prepare for the Eighth Review Conference by considering *structural changes* for a more robust and purposeful intersessional programme which will enable them to work together more effectively to strengthen the Convention and its implementation.

- **Key Point:** Annual Meeting of States Parties should be authorized to take decisions within the framework set by the Review Conference in order to make the intersessional work programme more effective.

A key element in moving forward, addressed in several Working Papers, is the evolving role of the Annual Meeting of States Parties, building on the experience of the Meeting of States Parties in 2015 and earlier years in taking *decisions*. Such as, for example, the decision taken by the Meeting of States Parties in 2015 to have a Preparatory Committee Meeting for the Eighth Review Conference that met for two days in April 2016 and a week in August 2016 thereby providing *an opportunity for States Parties to consider comprehensively all provisions of the Convention*. The Eighth Review Conference should authorise the Annual Meeting of States Parties to take decisions within the framework set by the Review Conference in order to make the intersessional work programme more effective. It needs to be understood by all States Parties that providing such authority to the Annual Meeting of States Parties could not be any threat to the authority of the Review Conference because of the rule

of consensus: it would be the same States Parties taking decisions at the Annual Meeting of States Parties within the limits they themselves agreed on the framework they set at the Review Conference.

- Key Point: On S & T review particular attention should be given to establishing an arrangement that is both *inclusive* and *effective* for the BTWC. An Open-Ended Working Group on science and technology is recommended so that participation includes diplomats and policy makers as well as scientific experts from government, academia and industry.

Whilst many Working Papers have addressed the subject of reviewing science and technology and made a variety of proposals, we recommend that particular attention should be given to establishing an arrangement that is both *inclusive* and *effective* for the BTWC. It is for this reason that we recommend an Open-Ended Working Group on science and technology so that participation includes diplomats and policy makers as well as scientific experts from government, academia and industry.

- Key Point: A second Open-Ended Working Group be established to address providing reassurance that States Parties are implementing all Articles of the Convention.

Several Working Papers related to national implementation and building confidence that States Parties are effectively implementing all Articles of the Convention. One Working Paper co-authored by fourteen States Parties, reaching across regional groups, addressed how reassurance can be achieved by demonstrating transparency in implementing the Convention. We recommend that a second Open-Ended Working Group should address providing reassurance that States Parties are implementing all Articles of the Convention.

- Key Point: A Technical Working Group be established to address enhancing the effectiveness of the Confidence-Building Measures (CBM) process, increasing participation therein, revising the forms as necessary and further developing the electronic platform.

Other Working Papers addressed Confidence-Building Measures and the need to increase participation by all States Parties. We recommend that a Technical Working Group should address enhancing the effectiveness of the Confidence-Building Measures (CBM) process, increasing participation therein, revising the forms as necessary and further developing the electronic platform.

- Key Point: In order to provide leadership and continuity, a Steering Committee be established that would be made up of the Chair and Vice-Chairs of the Annual Meeting of States Parties together with the Chairs of the Open-Ended and Technical Working Groups.
- Key Point: The Steering Committee to be responsible for promoting the Action Plan on Universalisation and progress in regard to accessions to the 1925 Geneva Protocol and withdrawal of any remaining pertinent reservations working in both cases closely with the respective Depositaries.

In the context of structural changes and the need to provide leadership and continuity, we recommend a Steering Committee should be established that would be made up of the Chair and Vice-Chairs of the Annual Meeting of States Parties together with the Chairs of the Open-Ended and Technical Working Groups. This Steering Committee would also be responsible for promoting the Action Plan on Universalisation and progress in regard to accessions to the 1925 Geneva Protocol and withdrawal of any remaining pertinent reservations working in both cases closely with the respective Depositaries.

- **Key Point:** The resources for the Implementation Support Unit should be enhanced by the appointment of three additional staff and appropriate financial provisions recognizing that the *annual* cost to States Parties of the proposed enhanced BTWC meetings and the enhanced ISU would be *less than 4½ per cent* of the cost of OPCW for 2016.

The background information document **BWC/CONF.VIII/PC/6** prepared by the Implementation Support Unit entitled *Financial implications of proposals for follow-on action after the Eighth Review Conference* is particularly welcome as it enables States Parties to better appreciate what the costs might be of various decisions that might be taken at the Eighth Review Conference. However, for quite understandable reasons, the background information paper does not provide any comparative information – such as the annual costs to States Parties of their participation in the Chemical Weapons Convention. The *Key Points* was able to use the information in the background information document BWC/CONF.VIII/PC/6 in order to calculate the additional costs of:

Addition of an additional P4 for the OEWG on Science and Technology, an additional P4 for the OEWG on Providing reassurance and an additional P3 for the Technical Working Group on CBMs, together with additional travel costs of 30,000 USD and additional equipment of 3,000 USD including the 13% programme costs would cost an additional USD 717,194 each year. [Key Points, page 353]

and also that:

56. Consequently, the annual costs during the Intersessional period from 2017 to 2020 for a programme consisting of an Annual Meeting of States Parties lasting one week each year, prepared for by three one week meetings of the OEWG on science and technology, the OEWG on providing reassurance and the Technical Working Group on CBMs, an ISU with travel and equipment budgets as essentially agreed at the Seventh Review Conference and augmented by an additional P4 for the OEWG on Science and Technology, an additional P4 for the OEWG on Providing Reassurance and an additional P5 for the Technical Working Group on CBMs, together with additional travel costs of 30,000 USD and additional equipment of 3,000 USD, would amount to some USD 3,281,782 each year. [Key Points, page 353]

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The logo for the Harvard Sussex Program Occasional Paper (HSPPOP) features the acronym 'HSPPOP' in a bold, sans-serif font. The letters 'HSP' are white, and 'POP' is blue. The logo is set against a solid tan background.

HSPPOP

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HSP is an inter-university collaboration for research, communication and training in support of informed public policy towards chemical and biological weapons. The Program links research groups at Harvard University in the United States and the University of Sussex in the United Kingdom. It began formally in 1990, building on two decades of earlier collaboration between its founding co-directors.

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