

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. Pearson* in association with Nicholas A. Sims† available at 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 prejudges 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**§

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

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§ Available online at: [www.unog.ch/80256EE600585943/\(httpPages\)/87CF9BFD24A8D05FC1257574004B285B?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/87CF9BFD24A8D05FC1257574004B285B?OpenDocument).

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]

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.

This document is an addendum to the Statement by the Global Civil Society Coalition for the Biological Weapons Convention delivered to the First Committee on 12 October 2016. The full text of the statement and this addendum are available online at www.bwpp.org/documents.html.