

# THE BTWC SEVENTH REVIEW CONFERENCE: A MODEST OUTCOME

by Graham S. Pearson\* & Nicholas A. Sims†

## I INTRODUCTION

1. The Seventh Review Conference of the Biological and Toxin Weapons Convention (BTWC) was held in Geneva from Monday 5 December to Thursday 22 December 2011. This followed the Preparatory Committee meeting held in Geneva on Wednesday to Thursday 13 to 14 April 2011 under the chairmanship of the President-Designate, Ambassador Paul van den IJssel of the Netherlands. The Preparatory Committee agreed a provisional agenda, draft rules of procedure and a recommended distribution of the posts of Chairmen and Vice-Chairmen of the subsidiary bodies (the Committee of the Whole, the Drafting Committee and the Credentials Committee) among the three regional groups.

2. This Review Conference Paper on the outcome of the Seventh Review Conference has chapters providing a detailed report (II), a commentary on the Article by Article *Final Declaration* (III), an analysis of the Committee of the Whole contributions to the Article by Article *Final Declaration* (IV), a commentary on the *Part III: Decisions and Recommendations* of the Final Document (V), and an analysis of the amendments agreed to the Confidence-Building Measures (CBMs) (VI). The final chapter (VII) provides an overall appraisal of the outcome of the Review Conference where it is concluded that a **modest outcome** was achieved.

## II THE SEVENTH REVIEW CONFERENCE: A DETAILED REPORT

3. On the opening day of the Review Conference, Ambassador Paul van den IJssel of the Netherlands was elected President of the Review Conference, Ambassador Desra Percaya of Indonesia elected as Chairman of the Committee of the Whole, Ms. Judit Körömi of Hungary as Chairman of the Drafting Committee and Mr. Mário Duarte of Portugal as Chairman of the Credentials Committee. In addition, the Conference confirmed the nomination by the Secretary-General of the United Nations of Mr. Richard Lennane, Head of the Implementation Support Unit (ISU), as Secretary-General of the Conference. The provisional agenda (BWC/CONF.VII/1) was then adopted with its three substantive items:

*10. Review of the operation of the Convention as provided for in its Article XII*

*(a) General debate*

*(b) Articles I - XV*

*(c) Preambular paragraphs and purposes of the Convention*

*11. Consideration of issues identified in the review of the operation of the Convention as provided for in its Article XII and any possible consensus follow-up action*

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\* Graham S. Pearson is a Visiting Professor of International Security in the Division of Peace Studies at the University of Bradford, Bradford, West Yorkshire BD7 1DP, UK.

† Nicholas A. Sims is an Emeritus Reader in International Relations in the Department of International Relations at the London School of Economics and Political Science, University of London, Houghton Street, London WC2A 2AE, UK.

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

4. The three week Review Conference was structured so as to commence with two days of general debate in which representatives of 54 States Parties and one Signatory State (Egypt), the European Union, seven specialized agencies and other international organizations (the International Committee of the Red Cross (ICRC), the International Criminal Police Organization (INTERPOL), the North Atlantic Treaty Organization (NATO), the World Organization for Animal Health (OIE), the Organization for the Prohibition of Chemical Weapons (OPCW), the United Nations Interregional Crime and Justice Research Institute (UNICRI) and the World Health Organization (WHO) made statements. This was then followed by the Committee of the Whole which met between Wednesday 7 December and Friday 16 December and carried out an Article by Article review of the Convention producing a report containing language proposed by individual States Parties or groups of States Parties for the *Final Declaration*. It presented this report on Friday 16 December. Interposed with the meetings of the Committee of the Whole the President held informal plenaries on cross-cutting issues from Wednesday 7 December through to Tuesday 13 December 2011. Following the conclusion of the informal plenaries, the President conducted a series of informal consultations, in which he was aided by facilitators, which focussed on finding consensus language for the Article by Article *Final Declaration* and for *Part III: Decisions and Recommendations* of the Final Document.

5. 104 States Parties participated in the Review Conference as follows: Afghanistan, Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burundi, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of Congo, Denmark, Dominican Republic, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Madagascar, Malaysia, Mexico, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of) and Yemen. This was one more than the 103 States Parties who participated at the Sixth Review Conference in 2006: Armenia, Brunei Darussalam, Burundi, Democratic Republic of Congo, Dominican Republic, Ethiopia, Fiji, Kazakhstan, Lao People's Democratic Republic, Lesotho, Liechtenstein, Madagascar, Mozambique, Tajikistan, Uganda, United Arab Emirates, and Uruguay all participated in 2011 whilst Bahrain, Benin, Ecuador, El Salvador, Honduras, Jamaica, Kyrgyzstan, Mali, Malta, Monaco, Oman, Rwanda, Sudan, Swaziland, Viet Nam, and Zimbabwe who had participated in 2006 did not in 2011.

6. Five Signatory States participated: Côte d'Ivoire, Egypt, Haiti, Myanmar and the United Republic of Tanzania, which was five less than in 2006 (Burundi, Madagascar, Nepal, Syrian Arab Republic and United Arab Emirates – of these Burundi, Madagascar and the United Arab Emirates had become States Parties since 2006). Two States, neither party nor

signatory, Cameroon and Israel, were granted Observer status in 2011, one more than in 2006 when Israel was accorded Observer status. The Convention now has 165 States Parties, 12 Signatory States and 19 States have neither signed or ratified (BWC/CONF.VI/INF.7/Add.1 dated 12 January 2012).

7. The Secretariat prepared eight background information documents in 2011 – two more than the six background documents produced for the Sixth Review Conference in 2006. Considering the background papers in sequence the following observations can be made:

BWC/CONF.VII/INF.1. History and Operation of the Confidence Building Measures (CBMs). This is an updated version of the background document provided at previous Review Conferences. INF.1 contains 8 pages of background and introduction, an Annex reproducing in 17 pages the Annex to the Third Review Conference setting out the agreed forms and then 6 pages indicating which States Parties have submitted CBMs in each year since they were first agreed in 1987. This is similar to the background paper on CBMs in 2006 which presented comparable information. It should be noted that the annual report of the ISU (BWC/CONF.VII/3 dated 23 November 2011) provides a report indicating which States Parties had responded to each individual CBM in the year to date.

BWC/CONF.VII/INF.2 and Add.1 Compliance by States Parties. This is closely similar to the background paper prepared prior to previous Review Conferences in that it is compiled from the information submitted by the States Parties with no added material, comment or analysis. Information was provided by 36 States Parties: Argentina, Australia, Brazil, Bulgaria, Canada, China, Cuba, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, India, Iran (Islamic Republic of), Ireland, Italy, Japan, Kazakhstan, Netherlands, New Zealand, Norway, Pakistan, Poland, Portugal, Qatar, Republic of Moldova, Russian Federation, South Africa, Sweden, Switzerland, Ukraine, United Kingdom, and United States of America. This was sixteen more than in 2006 as Brazil, Bulgaria, Canada, Cyprus, Denmark, Georgia, Greece, India, Iran (Islamic Republic of), Ireland, Kazakhstan, New Zealand, Norway, Pakistan, Poland, Qatar, Republic of Moldova, South Africa, Sweden and Ukraine all provided information in 2011 whilst Estonia, Hungary, Nigeria, Serbia, Switzerland and the Ukraine did not.

BWC/CONF.VII/INF.3 New Scientific and Technological Developments. This is a document which contains an overview of developments prepared by the ISU based on submissions from States Parties and other sources, and as Annex II, an overview an overview of developments prepared by IAP: the Global Network of Science Academies. In a welcome change from the corresponding document in 2006 when the individual submissions from States Parties were not included, in 2011 an annex comprising the individual submissions from States Parties was issued separately as an addendum (BWC/CONF.VII/INF.3/Add.1, Add.2 and Add.3). Individual submissions were provided by ten individual States Parties: Australia, China, Czech Republic, Germany, Netherlands, Portugal, South Africa, Sweden, United Kingdom, United States of America. This was the same number as in 2006 although in 2011 Germany, and South Africa made contributions whereas Argentina and the Russian Federation did not. It is regretted that the third co-depositary did not make a contribution as it has done hitherto.

BWC/CONF.VI/INF.4 Developments in other International Organizations relevant to the Convention. This reviews developments in regard to twelve UN and specialized agencies: 1540 Committee, Economic and Social Council (ECOSOC), Food and Agriculture Organization (FAO), International Civil Aviation Organization (ICAO), International Maritime Organization (IMO), Office for the Coordination of Humanitarian Affairs (OCHA), Secretary-General of the United Nations, United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Environment Programme (UNEP), World Health Organization (WHO), United Nations Interregional Crime and Justice Research Institute (UNICRI). This is similar to 2006 although in 2011 ICAO and UNICRI are included. It then considers six other international intergovernmental organizations: International Centre for Genetic Engineering and Biotechnology (ICGEB), International Committee of the Red Cross (ICRC), International Criminal Police Organization (INTERPOL), Organisation for Economic Cooperation and Development (OECD), Organisation for the Prohibition of Chemical Weapons (OPCW), World Customs Organization (WCO). Finally it considers three international commercial and scientific organizations: IAP – the Global Network of Science Academies, International Air Transport Association (IATA), International Federation of Biosafety Associations (IFBA). Unlike in 2006, this background paper in 2011 has no summary table showing which organizations are active in which particular areas. Nevertheless, it is still a helpful document that helps to set the BTWC in the wider international context.

BWC/CONF.VII/INF.5 Additional Understandings. This is an updated version of the background document provided at previous Review Conferences that provides a summary of the additional understandings and agreements reached by previous Review Conferences. The approach taken is to first provide the language in the Convention and then secondly provide the additional understandings. This is done in turn for the Preamble and then for each of the Articles. As in the document prepared for the Sixth Review Conference, the document prepared for the Seventh Review Conference does not, however, show how these extended understandings have developed over the years as successive Review Conferences have frequently amended the language and these amendments are not necessarily of equal merit or always progressive. Although it would have necessitated a longer document, the development of the language over the years is significant and could have been important in considering language at the Seventh Review Conference.

BWC/CONF.VII/INF.6 Common understandings reached by the Meetings of States Parties during the intersessional programme held from 2007 to 2010. This is a new background document that reproduces the substantive paragraphs from the respective reports adopted by the Meetings of States Parties in 2007, 2008, 2009 and 2010. This is a useful document as it puts together the substantive outcome of the annual Meetings of States Parties and should have facilitated the preparation of proposals by the States Parties for language for the Article by Article *Final Declaration* to be considered by the Committee of the Whole. However, as reported later, the consideration by the Committee of the Whole of proposals for the *Final Declaration* was less effective than at previous Review Conferences.

BWC/CONF.VII/INF.7 and Add.1 Status of universalization of the Convention. This background document outlines the results to date of the activities to promote

universalization of the Convention undertaken by the President-designate of the Review Conference and the ISU in 2011. 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 165 States Parties (listed in the Annex to Add.1), with 12 signatories still to ratify and 19 states having neither signed nor ratified. A total of 31 states are not party to the Convention.

BWC/CONF.VII/INF.8 and Add.1 Implementation of Article X of the Convention.  
This is a new background document that is compiled from the information submitted by the States Parties with no added material, comment or analysis. It should be noted that the Sixth Review Conference in paragraph 54 of its *Final Declaration* in regard to Article X stated that:

*54. The Conference encourages States Parties to provide appropriate information on how this Article is being implemented to the United Nations Department for Disarmament Affairs, and requests the Department to collate such information for the information of States Parties.*

Information was provided by 27 States Parties: Australia, Belgium, Bulgaria, Canada, China, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, India, Iran (Islamic Republic of), Japan, Netherlands, New Zealand, Norway, Poland, Qatar, Republic of Moldova, Russian Federation, Sweden, Switzerland, Ukraine, United Kingdom and United States of America.

[Although **not** one of the background documents, it is noted that BWC/CONF.VII/INF.10 dated 13 December 2011 is entitled *Implementation of Article X of the BTWC – some illustrative contributions*. This provides some specific but not comprehensive examples of Article X cooperation activities carried out by EU Member States and EU Institutions. Indicative projects are listed for 14 EU Member States: Belgium, Bulgaria, Czech Republic, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Poland, Spain, Sweden, and the United Kingdom. It is noted that three of these: Ireland, Italy and Spain did not contribute to the official background document (BWC/CONF.VII/INF.8) on the Implementation of Article X of the Convention even though all States Parties had been encouraged to do so by paragraph 54 of the *Final Declaration* of the Sixth Review Conference.]

8. Two of these background information documents were new for the Seventh Review Conference: one on the common understandings reached by the interessional programme from 2007 to 2010 and the other on the implementation of Article X to be compiled from information submitted by the States Parties.

9. 30 Working Papers – nine fewer than at the Sixth Review Conference in 2006 – were submitted by States Parties or Groups of States Parties to the Review Conference: 4 by South Africa, 3 by United Kingdom, 2 each by Belgium, Germany and France and 1 each by Canada, China, Cuba (on behalf of the NAM), Finland, India, Iran, Iraq, Japan, Poland and the USA. In addition, members of the JACKSNNZ group submitted Working Papers either as the group or as part of the group: 1 by the JACKSNNZ group together with Kenya, Sweden, Ukraine, the United Kingdom and the USA, 3 by Australia, Japan and New Zealand, 1 by Norway, Switzerland and New Zealand, and 1 by Germany, Norway and Switzerland

and 1 by Canada and Switzerland – this is a Working Paper by Canada and Switzerland entitled *National Implementation of the BTWC: Compliance Assessment* which was available as an advance document on the unog.ch/bwc website but has yet in March 2012 to appear as a WP although this is intended. In contrast, in 2006 the 39 Working Papers were submitted as follows: 8 by the EU, 5 by the Latin American Group, 4 by NAM, 3 by Australia and by Iran, 2 by Canada, Japan, South Africa, Switzerland and the US and 1 each by Germany, New Zealand, Norway, Republic of Korea, Ukraine and the UK. The big difference in 2011 was in regard to Working Papers by the recognised Groups – one by Cuba on behalf of the NAM and one by the JACKSNNZ group (together with other states) with **no** Working Papers submitted by the EU, or by the Latin American Group. A welcome step forward is the commitment shown by the JACKSNNZ group of States Parties as some 8 Working Papers were submitted by members of the JACKSNNZ group. It is notable that the initiative shown by the JACKSNNZ group included deliberate variations in the configuration, sometimes forming trios or duos within their group (Australia, New Zealand, Japan; Norway, Switzerland, New Zealand; Canada, Switzerland) and sometimes co-sponsoring WPs with members of the Western Group outside the JACKSNNZ (Germany, Norway, Switzerland) or members of the Western and East European Groups and the NAM (Ukraine and Kenya, as well as Sweden, UK and USA). It is noted that WP. 20 when first issued was by submitted by Australia, Canada, Japan, New Zealand, Republic of Korea and Switzerland (on behalf of the “JACKSNNZ”), Kenya, Pakistan, Sweden, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America – but when reissued as WP. 20 Rev.1, Pakistan was no longer a co-sponsor.

10. There was again the welcome provision of daily reports on the Review Conference written by Richard Guthrie for the BioWeapons Prevention Project (BWPP) and distributed in hard copies to the delegates as well as by listserv and on the BWPP website (at <http://www.bwpp.org/reports.html>).

### **Opening of the Review Conference**

11. The Seventh Review Conference opened with Jarmo Sareva, Director of the Geneva Branch, Office for Disarmament Affairs in the chair. In his opening remarks, he said that the Convention was the legal embodiment of the international community’s determination to exclude forever the possibility of disease being used as a weapon. It was one of the three pillars against weapons of mass destruction. He noted that there were three short weeks in which to carry out the Review Conference to review all aspects of the operation of the Convention and to decide on what must be done to maintain and strengthen its effectiveness, and thus reduce the risk of biological agents and toxins being used as weapons. It was an important and challenging task, and there was no time to waste.

12. Then following the provisional agenda (BWC/CONF.VII/1) he moved on to agenda item 2. Election of the President of the Review Conference and Ambassador Paul van den IJssel was elected by acclamation. Ambassador van den IJssel then took the chair and thanked the delegations for his election. He said that he had spent the last year preparing for the Review Conference both in Geneva and around the world. He very much saw this as a common enterprise. He said the coming three weeks would be busy as a number of important topics were to be considered. He said that his aim was to lead the discussions in an open and transparent manner, and to ensure that all opinions were heard. He said he was confident that this would lead to both an ambitious and realistic document that could be agreed by all at the end of this Review Conference.

13. He then outlined the programme for the rest of the opening morning. He said attention would first be given to the various procedural matters that required attention, starting with the adoption of the agenda. Once these had been completed, there would be a message from the Secretary-General of the United Nations, and then brief addresses from two special guest speakers, before moving on to the General Debate.

14. The President then went on to consider the items of the Agenda. Under agenda item 3, the provisional agenda as set out in BWC/CONF.VII/1 was adopted. Then under agenda item 4, the report of the Preparatory Committee (BWC/CONF.VII/PC.2 dated 26 April 2011) was considered. The President noted that the ISU had prepared eight background documents. He said that these papers were meant only to provide a variety of background information to help delegations in their preparations and that these background documents had no official status as an input to the Review Conference. The report of the Preparatory Committee was adopted.

15. It is unfortunate that it was said that the background information documents had no official status as inputs to the Conference. This is because it is a fact that some of the information documents are immensely important in helping the States Parties to carry out their mandate as set out in the Article XII section of the *Final Declaration* of the Sixth Review Conference that states:

*61. The Conference decides that the Seventh Review Conference shall be held in Geneva not later than 2011 and should review the operation of the Convention, taking into account, inter alia:*

- (i) new scientific and technological developments relevant to the Convention;*
- (ii) the progress made by States Parties on the implementation of the obligations under the Convention;*
- (iii) progress of the implementation of the decisions and recommendations agreed upon at the Sixth Review Conference.*

The information submitted by the States Parties on compliance for BWC/CONF.VII/INF.2 (Compliance by States Parties), on new scientific and technological developments for INF.3 (New Scientific and Technological Developments) and on the implementation of Article X for INF.8 (Implementation of Article X of the Convention) are central to carrying out the mandated function of the Review Conference to *review the operation of the Convention* and all States Parties are to be encouraged to submit information for these three documents. In addition, it can be argued that the information provided in INF.6 (Common understandings reached by the Meetings of States Parties during the intersessional programme held from 2007 to 2010) is vital to assist the States Parties to judge the adequacy of the extended understandings in the Article by Article *Final Declarations* of previous Review Conferences and to develop ideas for *Part III: Decisions and Recommendations*. For future Review Conferences, there is much to be said for recognising the importance of the information in these documents in enabling the States Parties to carry out their mandated function to *review the operation of the Convention* at the Review Conference.

16. The rules of procedure set out in Annex II to BWC/CONF.VII/PC.2 were then considered. The President noted that the Preparatory Committee had recommended certain adjustments to Rule 5, Rule 8 and Rule 43 (2) respectively. Specifically, the Preparatory Committee recommended that with respect to Rule 5, the Conference should elect two (rather

than one) Vice-chairmen for the Drafting Committee. With respect to Rule 8, the General Committee should be composed of the President, the 20 Vice-presidents, the Chairmen and Vice-chairmen from the three Committees, the three regional coordinators, and the three Depositaries. And with respect to Rule 43 (2), the Committees may decide to hold certain meetings in public. The rules of procedure, as recommended by the Preparatory Committee, were adopted under agenda item 5.

17. Consideration was then given to the request of two States not party: Cameroon and Israel, to be granted observer status – this was agreed. In addition, consideration was given to the requests of specialized agencies and regional intergovernmental organizations: The African Union, the European Union, the International Committee of the Red Cross (ICRC), the International Criminal Police Organization (INTERPOL), the North Atlantic Treaty Organization (NATO), the Organization for the Prohibition of Chemical Weapons (OPCW), the World Health Organization (WHO), and the World Organisation for Animal Health (OIE) to be granted observer status – this was agreed.

18. Then under agenda item 6, the meeting went on to elect the Vice-Presidents of the Conference and the Chairmen and Vice-Chairmen of the Committee of the Whole, the Drafting Committee and the Credentials Committee. For the Committee of the Whole, Ambassador Desra Percaya of Indonesia was elected as Chairman of the Committee and for the Drafting Committee, Ms. Judit Körömi, Special Envoy of the Minister of Foreign Affairs of Hungary, was elected as Chairman of the Committee. Finally, for the Credentials Committee, Mr. Mário Duarte of Portugal was elected as Chairman of the Committee. Under agenda item 8, the meeting went on to formally confirm Richard Lennane as the Secretary-General of the Review Conference.

19. The indicative programme circulated as BWC/CONF.VII/2 was then considered under agenda item 9. The President noted that this included a suspension of the formal programme at 4.30 pm on the Tuesday afternoon 6 December 2011 to enable NGOs to make statements. Then on Thursday, there would be an informal session for a discussion panel of industry representatives in the morning, and the poster session in the afternoon. The indicative programme was agreed.

20. Then before starting on the General Debate under agenda item 10 (a), the Conference heard a video-statement from the **Secretary-General**, Ban Ki-Moon. In this he said that *The Biological Weapons Convention is central to the global disarmament and non-proliferation framework. Over the past five years, States parties have developed common understandings aimed at better implementation of this critical instrument. The parties have also built a vibrant network of concerned groups and individuals.* He then went on to add that:

*This Conference is a chance to build on these advances. You can address new developments in the field of life sciences and technology so that we can respond to emerging risks. You can also take a fresh look at how to ensure that the Convention's non-proliferation provisions are carried out in full. You can continue our efforts to make sure that all countries adhere to the Convention. Finally, you can boost cooperation on the peaceful uses of biological science and technology. This would directly support the Convention's goal of preventing the nightmare of biological warfare.*

21. The President then invited two special guests from the wider world of science and technology to address the Conference. He said that he had invited them to speak about the responsible conduct of science, and the role of scientists in supporting the implementation of the Convention. The first was **Professor Indira Nath**, a specialist in the immunology of infectious disease. She said that *The BTWC is the legal embodiment of a powerful international norm against the use of disease as a weapon. As a researcher whose career has been devoted to seeking cures for infectious disease, this has great meaning for me. I also believe this norm provides a powerful connection beyond legal requirements to the fundamental social responsibilities of science in ways that can strengthen the implementation of the Convention in the future.* She went on to add that *In its efforts to engage the scientific community in strengthening the BTWC, the States Parties can draw on an existing culture of responsibility in the scientific community. Certainly that culture needs to be strengthened and expanded and, as I will describe later, important efforts are being made. But we are far from starting from scratch. One important area I want to note but which I will not address is biosafety, the responsibility to protect the health of workers as well as the broader community and environment from harm. As other speakers will make clear, important efforts are under way to improve biosafety around the globe and to use it as a foundation to enhance security as well. It is an important part of the culture of responsibility and its capacity-building elements make it attractive for many countries.*

22. She then concluded by saying that she wished to bring a message that there is an opportunity to take advantage of the growing international recognition of the importance of promoting responsible conduct of science. For most scientists, broad concerns about the social responsibility of science and scientific ethics will be the best entry point for engagement in the specific concerns of the BTWC. Then more can be done to address particular responsibilities vis-a-vis preventing the misuse of science to cause deliberate harm. The Review Conference is an important opportunity for the States Parties to reinforce and support the essential role that education and awareness raising will play in enabling the scientific community to meet its responsibilities under the Convention. It is also an opportunity to continue to build the relationships between the BTWC and the scientific community that have developed in the last decade and that will support our mutual goals of ensuring that science is used solely to support human progress.

23. The second special guest was **Esther Ng**, a student from Singapore studying Genomic Medicine and Statistics at the University of Oxford, who was invited to read an essay entitled *Biosecurity: The role of young scientists* with which she had won the prize that had been offered in the Young Scientist Essay Contest that had been run by the Implementation Support Unit in collaboration with the governments of the Netherlands, Switzerland and the United Kingdom, for graduate and undergraduate science students on: *Responsible conduct in the life sciences, the importance of safety and security as well as the role for international collaboration.*

24. In her essay, Esther Ng started by saying that *The exponential growth of biomedical technology has brought about unimaginable advances in healthcare, accompanied by unprecedented threats to biosecurity. The maintenance of a safe environment is the shared responsibility of scientists, government officials and members of the public. This essay aims to outline ways in which young scientists can contribute effectively to this cause.* She then explored a number of examples and concluded by saying that *I believe that biological security is a shared responsibility with important roles even for who are not working within the field of microbiology or genomics. As scientists, we should all be aware of the dual-use*

dilemma and help to generate ideas on how security can be improved while minimising the hindrance on research. It is also important to be vigilant for irregular activity which may indicate potential misuse of biological agents. As junior researchers who spend a great deal of time in the laboratories, we are particularly aptly positioned for this role.

25. To conclude, rapid advances in the life sciences have brought about countless benefits, but have also raised threats. Biological security is a shared responsibility, with specific roles for junior scientists. This essay has outlined a few of them, but it is up to each of us to consider how we can best use our knowledge or skills to further this cause.

## **General Debate**

26. The meeting then moved on into the General Debate. It was notable that the screen in the hall displayed a quotation from Goethe under a heading of *Ambitious Realism*:

### *Ambitious Realism*

*Knowing is not enough, we must apply  
Willing is not enough, we must do.  
Goethe*

The President noted that there were currently 37 names on the list of those wishing to make a statement.

27. Ambassador Rodolfo Benítez Versón of Cuba then spoke on behalf of the **Non-Aligned Movement and Other States** saying that at the XVI NAM Ministerial Conference held in Bali in May 2011, the NAM Ministers had considered the BTWC and had reaffirmed that:

*“The possibility of any use of bacteriological (biological) agents and toxins as weapons should be completely excluded, and ... such use would be repugnant to the conscience of humankind. They recognized the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol and universal adherence to the Convention. They reiterated their call to promote international cooperation for peaceful purposes, including scientific-technical exchange, and to adopt concrete actions in this regard such as those contained in the Plan of Action to implement the Article X submitted by the NAM States Parties at the Sixth Review Conference, and the additional NAM States Parties' proposal on a mechanism for the full implementation of Article X of the Convention presented more recently. They...highlighted that the Convention on Biological and Toxin Weapons forms a whole and that, although it is possible to consider certain aspects separately, it is critical to deal with all of the issues interrelated to this Convention in a balanced and comprehensive manner.”*

28. He then went on to say that the NAM feels that there is a great necessity and urgency for the States Parties of the BWC to work towards strengthening and improving the effectiveness and implementation of this Convention so that together we can fully address this concern. He followed this by saying that:

*The Group stresses the particular importance of all States Parties pursuing the objectives that were set forth by the Fourth Review Conference in 1996, as we*

*strongly believe that the only sustainable method of strengthening the Convention is through multilateral negotiations aimed at concluding a non-discriminatory, legally binding agreement, dealing with all the Articles of the Convention in a balanced and comprehensive manner. In this context, the Group recalls that the Ad Hoc Group met between 1995 and 2001 to “consider appropriate measures, including possible verification measures and draft proposals to strengthen the Convention, to be included, as appropriate, in a legally binding instrument”. However, in 2001 one delegation rejected the entire approach underlying the Protocol which regrettably stalled the negotiation exercise that had reached an advanced stage.*

29. He then said that *the universality of the Convention is of high importance, and the foremost priority should be towards the non-signatory States who have yet to display the basic political will to adhere to the Convention.* In regard to the NAM’s expectations for the Seventh Review Conference he said that the NAM’s view is that *the general thrust of the Review Conference should be the review of the operation and implementation of all the Articles of the Convention and its preamble, including consideration of the work of the meetings held during the inter-sessional period.* He went on to stress the importance of Article X and to say that the NAM has submitted a working paper on a mechanism to implement Article X and said that *a mechanism under Article X should provide an opportunity for States Parties to BWC to submit offers of assistance and requests for assistance in different areas under the scope of Article X through the establishment of a database to be administered by the ISU and detailed procedures to deal with the settlement of disputes arising from the lack of implementation of Article X.* He went on to reiterate the importance of verification and compliance saying that:

*15. Verification and Compliance: A central element of the operation of any multilateral treaty is compliance by all State parties with their obligations. It is critically important for States parties to be collectively reassured that the provisions of the Convention are being realized. The BWC was established with the main objective of the total elimination of bacteriological and toxin weapons but it has yet to ascertain the achievement of this goal. This is an issue that we must revisit.*

*16. We understand that the BWC forms a composite whole. We believe we should deal with all the inter-linked elements of the Convention – whether they relate to regulation, compliance or promotion. That is why, Mr. President, the NAM and Other States Parties advocate that only a multilaterally agreed mechanism for verification of compliance can provide the assurance of compliance with treaty obligations and deter against non-compliance. The Final Declaration of this Review Conference should, hence, underscore the importance of negotiations of a legally binding mechanism to comprehensively strengthen the implementation of the Convention, including verification provisions. This is essential to strengthen the Convention and addressing compliance concerns.*

30. He then went on to make remarks about the CBMs, about the Intersessional Programme (ISP), about scientific and technological (S & T) developments and about the ISU on which he said that *The Group considers that any decision on the future of the ISU as well as its structure, size and budget, should be commensurate with the tasks assigned to it by this Review Conference.*

[INF.1 shows that Cuba submitted its CBM each year between 2006 and 2011. In addition,

Cuba made a submission in regard to compliance [INF.2] but not in regard to S & T developments [INF.3] or on Article X [INF.8]]

31. Although at previous Review Conferences and the annual Meetings of States Parties, a group statement made by the EU country then in the Presidency on behalf of the **European Union** (and the Candidate Countries Turkey, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Iceland, the Countries of the Stabilisation and Association Process and potential candidates Albania, Serbia as well as Ukraine, and the Republic of Moldova) would have been made as one of the opening group statements in the General Debate, this did not happen at the Seventh Review Conference. Instead of Poland (which was in the Presidency of the EU in December 2011) making a statement, the EU chose instead to make a statement as an international organization **after** all the States Parties and indeed Signatory States had spoken. This is a retrograde step as it **significantly reduces** the impact of the EU statement.

32. The next statement was made by Kairat Umarov, the Deputy Foreign Minister of **Kazakhstan**. He stressed the importance of universalization of the Convention. He then went on to say that *Kazakhstan recognizes the necessity to supplement BTWC regime with means of international control, to implement effective measures of verification and transparency, probably, within the framework of the United Nations. There remains another burning issue that of the international verification of the microbiological industries of various countries of the world to make sure that they have not been retooled for military production. Setting up of an effective verification mechanism would help strengthen mutual trust and security.* He went on to mention the importance of the right of every state to develop its biotechnologies for peaceful purposes. He noted the importance of UN SCR 1540 in regard to export controls and said that Kazakhstan had applied to join the Australia Group. He concluded by outlining various national measures in regard to biological security and urging all States Parties to submit their CBM declarations,

[Although Kazakhstan became a State Party in 2007, INF.1 shows that it submitted its CBM in 2008 and 2011. In addition, Kazakhstan made a submission in regard to compliance [INF.2] but not in regard to S & T developments [INF.3] or on Article X [INF.8]]

33. Ambassador Mikhail Khvostov of Belarus, then spoke on behalf of the member States of the **Collective Security Treaty Organization (CSTO)** namely Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russian Federation, Tajikistan and Uzbekistan. He said that the Foreign Ministers of the CSTO States Parties had adopted a special statement for the Seventh Review Conference (which was circulated as BWC/CONF.VII/INF.9). In this they reaffirmed their *commitment to full compliance with all the obligations under the BTWC*. It went on to say that *We express hope that in the course of the Seventh Review Conference ... we can elaborate effective steps to increase the effectiveness of the Convention's regime and agree on a set of concrete measures to implement it.* In addition, the statement said:

*We are confident that it is necessary to analyze in objective and comprehensive manner accumulated problems in the area of biosecurity. At the present time development of biological science and related threats and risks provide all increasing grounds for elaboration of workable measures aiming at verification of the Convention. We therefore come from understanding that elaboration of the legally binding mechanism for verification of compliance of the BTWC is the most effective way to strengthen the regime of prohibition of biological and toxin weapons and to raise confidence in the BTWC compliance among all the states-parties. We deem it*

*important to continue discussion of this issue in the course of the next intersessional period of 2012-2015.*

34. The statement also welcomed the *convening of annual intersessional meetings with the participation of expert community, constitutes solid basis for adoption of balanced and substantive final document of the Conference.* Universalization of the BTWC is identified as a priority task. The importance of the submission of CBMs, of national implementation measures and the advances of science and technology are all noted together with the desirability of considering *possible measures to improve the mechanisms of Article V (consultations) and Article VI (investigations).*

[INF.1 shows that Belarus submitted its CBM each year between 2006 and 2011. However, Belarus did not make submissions in regard to compliance [INF.2], to S & T developments [INF.3] or on Article X [INF.8]]

35. The next statement was made by Ambassador Pierre Claver Ndayiragije of **Burundi** which had just become in October 2011 the newest State Party to the Convention. He said that from the international point of view, the Review Conference was a crucial twenty-first century forum because it promoted international peace and security. He noted that biological weapons could be used to destroy livestock and the economic consequences of this could be terrible. Since biological weapons could be acquired by non-state actors, it was essential that the international community work together on this issue. The Convention was critical and could protect human beings and agriculture, it was also very important for the promotion of health. He said that Burundi would welcome a regional workshop which would contribute to raising awareness regionally of all these issues. He closed by thanking the States Parties that had supported Burundi in their ratification, in particular the United Kingdom.

[Not surprisingly, Burundi as the newest State Party had not contributed to the CBMs [INF.1], to compliance [INF.2], to S & T developments [INF.3] or on Article X [INF.8]]

36. The next statement was made by Elias Jaime Zimba of **Mozambique** which had acceded to the Convention in March 2011. He recalled the statement of the President at the Preparatory Committee that he is *committed to working closely with all States Parties in a transparent, inclusive and constructive manner in order to secure a positive outcome to the Review Conference.* and went on to say that *the task before us is enormous and complex. It requires from all of us a spirit of openness, frankness and of compromise.* He then outlined the importance of the Convention to Mozambique and what needed to be done to counter the risks. He said that *we strongly believe success in the operation of the Convention rests to large extent on the effective compliance, and verification, and on comprehensive and effective universalisation.* The statement went on to acknowledge the value of the ISU and the importance of the implementation of Article X.

[Not surprisingly, Mozambique as a new State Party had not contributed to the CBMs [INF.1], to compliance [INF.2], to S & T developments [INF.3] or on Article X [INF.8]]

37. Ambassador Eric Danon of **France** then spoke saying that France fully supported *the declaration which will be made on behalf of the EU tomorrow.* He then went on to say that *previous Review Conferences and intersessional meetings have helped to increase the awareness of the States Parties to the issues of the Convention and to clarify its concepts and terms. It is now time to move on to the next phase; to that of tangible and realistic decisions.*

*The fact that ten years ago we were unable to achieve a consensus on a verification protocol should not stop us from working to preserve the authority and effectiveness of the Convention.* He then went on to emphasise the following priorities:

*1/Firstly, learn lessons from successful experiences in other areas or in certain countries to enhance the effectiveness of national-level implementation measures.*

*2/France's second priority is to support initiatives to build confidence between States Parties.*

*3/Third priority: between Review Conferences, we should intensify our work while showing flexibility.*

*4/France's fourth priority is to combine multilateral and bilateral actions to allow the BTWC to become fully universal.*

38. He then went on to say that it is essential that *the final document we shall adopt at the end of this Conference be as tangible as possible.* In regard to the ISU he said that *renewing the ISU and widening the scope of its mandate are vital for the effectiveness of our work.* He then concluded by referring to the 1925 Geneva Protocol saying that *France encourages all States to accede to this Protocol and withdraw their reservations.* He added that in regard to the Secretary-General's mechanism in case of alleged use of biological or chemical weapons, France attaches great importance to maintaining this mechanism.

[INF.1 shows that France submitted its CBM each year between 2006 and 2011. In addition, France made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]]

39. Ambassador Rolf Nickel of **Germany** then spoke saying that Germany associated itself with the common position adopted by the EU on 18 July 2011. He then went on to say *We believe that the Seventh Review Conference will help to build consensus on the need for States Parties to engage in an even broader range of activities if they are to prohibit and prevent illegitimate purposes for modern biology.* and that *This Conference will emphasize the need to further develop the BTWC into a more robust regime.* He said that *effective national implementation of the Convention is crucial for the global success of the BTWC.* In regard to CBMs he said that *We strongly encourage all States Parties who have not done so to participate in the annual exchange of CBMs. We support the idea of taking a fresh look, during this Conference, into ways to enhance the CBM process, above all to review the format of the CBMs.* He then went on to say that *We are aware that, currently, there is no consensus on the issue of verification. However, we consider this issue to be a central element of a complete and effective disarmament and non-proliferation regime. Nevertheless, we are ready to work toward options that could achieve common goals.* He noted that one of the key issues being addressed was *the question of how confidence building measures relate to compliance. .... Providing information under the Confidence Building Measures on national implementation will make a State Party's activities transparent and contribute to building confidence. Confidence Building Measures, on the other hand, do not provide tools to address compliance concerns.* He then concluded with some remarks on Article X saying that *Our activities range from university projects of cooperation in the field of biotechnology through to establishing close relations between the major German federal funded research organizations and national Academies of Science in several countries.* He

added that *Germany does not interpret the requirements as set out in Article X in a narrow sense but understands cooperation and assistance in the wider perspective of Official Development Assistance (ODA), as defined by the Organisation for Economic Co-operation and Development (OECD).*

[INF.1 shows that Germany submitted its CBM each year between 2006 and 2011. In addition, Germany made submissions in regard to compliance [INF.2], S & T developments [INF.3] and on Article X [INF.8]]

40. Ambassador Sujata Mehta of **India** then spoke saying that India associated itself with the statement made by Cuba on behalf of the Non-Aligned Movement. He said *India is committed to improving the effectiveness of the BTWC and strengthening its implementation. We also support efforts for universalization. Since 1994, strengthening the Convention and its effective implementation has been the overriding imperative for States Parties.* He then went on to say that *the Review Conference should underline that a central element of the operation of the Convention is compliance by all States Parties with their obligations under the Convention. ... Verification of compliance is critically important for States Parties to be collectively reassured that all the provisions of the Convention are being realized. In this context, India would like to reiterate its support for the objective of a multilaterally agreed mechanism for the verification of compliance that can provide the assurance of observance of their legal obligations by States Parties and act as a deterrent against non-compliance.*

41. He then addressed *some issues that merit greater attention of States Parties at this Review Conference.* He said that *the full and effective implementation of Article X of the Convention continues to be of great importance for India.* He added that *Whilst legitimate peaceful uses should not be hampered, India is not in favour of unregulated transfers. We believe that strengthened implementation of Article III would ensure that the cooperation envisaged under Article X is not hampered. .... India is committed to maintaining effective export controls matching the highest international standards. We also support assistance for States Parties seeking such support in strengthening their respective national systems for biosafety and biosecurity.* He then went on to address CBMs and said that *CBMs are an important transparency measure to enhance trust in the implementation of the Convention. India will support initiatives to that would encourage participation of States Parties in the CBMs. ... CBMs are not an alternative to an effective mechanism for the verification of compliance.* Then looking ahead, he said that *A balanced and coherent treatment of issues under the responsibility and clear oversight of the States Parties would be essential for the success of the future inter-sessional process. We believe that the Convention vests decision making powers in the Review Conference.* He concluded by noting that *There is considerable convergence of views among the States Parties on the need for focused and continuous review of S & T developments that have implications for the Convention. Progress on this issue could represent significant value addition at this Conference.*

[INF.1 shows that India submitted its CBM each year between 2006 and 2011 apart from 2008. In addition, India made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]]

42. Alistair Burt, Parliamentary Under Secretary of State at the Foreign and Commonwealth Office of the **United Kingdom** then spoke saying *the United Kingdom wishes to align itself with the statement to be made by the European Union and its three over-arching priorities for reviewing the BTWC.* He then went on to say that *As States Parties, we have much to be*

*proud of since we last came together in 2006. The agreed intersessional work programme has served several purposes including promoting oversight, education, and awareness-raising among our national experts, including scientists. ... But now is a moment to move beyond what we have achieved already and see how we can do even better.... We must act now to ensure that the Convention remains up to the task, not only to confront effectively the threats but also to multiply the opportunities. We must, for example, ensure we can all reap the benefits of the peaceful uses of micro-organisms, and ensure advances in the life sciences are used but not abused. He then went on in regard to universality to call on all States that have not already done so, to accede to or ratify the Convention without further delay. He then said that *During this Review Conference, the UK sees several opportunities to set the Convention on a much stronger footing. Our three key aims are:**

- *First, a new substantive programme of annual intersessional meetings;*
- *Second, an appropriate level of intersessional decision-making;*
- *Third, a regular review process for scientific and technological developments .*

43. He then said *A word about verification. The UK was a leading player during the Protocol negotiations that took place in this building and worked hard with other States Parties to secure a successful outcome. As we all know, that was not to be. We should of course discuss issues which many States Parties care about. But let us keep this in proportion and focus on the achievable. He concluded by urging all delegations to focus on the pragmatic and achievable and avoid fighting old battles. We believe firmly there is much common ground amongst the delegations from all regions – the opportunity is there for an outcome that goes beyond what we achieved in 2002 and 2006. Let us be bold and seize that opportunity.*

[INF.1 shows that the UK submitted its CBM each year between 2006 and 2011. In addition, the UK made submissions in regard to compliance [INF.2], on S & T developments [INF.3] and on Article X [INF.8]]

44. Mr. Olexandr Aleksandrovych of the Ministry of Foreign Affairs of the **Ukraine** then spoke. In the circulated statement this said that the Ukraine fully supported the statement delivered by Poland on behalf of the European Union although the EU statement was actually given after the statements by States Parties had been made later in the session of the General Debate when observers such as the EU could make statements. He said that *During the Review Conference we have an important task to sum up the past five-year period of operation of the Convention, with a view to ensure the steadfast implementation of all of its provisions. It is important to assess the latest scientific and technological developments related to the Convention, to take joint efforts aimed at raising awareness amongst scientists concerning the BTWC regime and possible risks that may appear from lack of knowledge. He went on to say that Ukraine shares the idea that the Seventh Review Conference provides a unique opportunity for us to give serious consideration and adopt vital decisions on the following aspects:*

- *improvement of the format of the existing Confidence-Building measures (CBMs) in order to increase number and quality of submissions by reducing their complexity and removing ambiguity from CNMs forms;*
- *defining concrete steps on universalization of the Convention;*
- *establishing a well-balanced format for 2012-2016 intersessional process;*

- *monitoring and analysis of the latest advances of biological sciences and technologies of common interest;*
- *establishing Action Plan on national implementation of BTWC under Article IV of the Convention;*
- *further development of international cooperation and technical assistance in the context of the implementation of Article X of the BTWC;*
- *strengthening the potential of the BTWC Implementation Support Unit.*

[INF.1 shows that Ukraine submitted its CBM each year between 2006 and 2011 apart from 2009. In addition, Ukraine made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]]

45. Ambassador Datuk Othman Hashim of **Malaysia** then spoke saying that Malaysia fully associated itself with the statement made by Cuba on behalf of the NAM. He went on to say that *Malaysia supports the efforts by the international community to press for universal adherence to the BWC and compliance with its provisions. Nonetheless, regardless of the high possibility for misuse of these beneficial sciences, the establishment of verification mechanism for the Convention is idled. We believe much more could be done to strengthen the effective implementation of the Convention, and Malaysia upholds the view that the only way to strengthen the Convention is through multilateral negotiations for a legally binding Protocol and universal adherence to the Convention. Let's put back together what we have stalled in 2001 and take concrete steps in this regard.* He went on to say that Malaysia is currently finalizing the Biological Weapons Bill to ensure effective implementation of the Convention in Malaysia. Furthermore, *Malaysia undertakes to facilitate and will participate in the fullest possible exchange of equipment, materials and scientific and technological information for the use of biological agents and toxins for peaceful purposes as provided for under Article X of the Convention. On CBMs, Malaysia hopes that this Review Conference will be able to come out with new ideas to increase submission of CBMs by States Parties. We support proposals to amend CBMs in ensuring its practicality while at the same time increase its simplicity to ease the reporting burden on States Parties.* He then went on to say that *the future intersessional work should pay close attention to the development of science and technology and encompass of annual and systematic review on this issue for the benefit of our community.* He concluded in regard to the ISU that *Malaysia recognizes the important role played by the ISU and supports its continued existence to support to the work of the Convention. Nevertheless, in expanding the mandate of the ISU, Malaysia believes that the ISU needs to be provided with the necessary resources in proportion to its mandated workload.*

[INF.1 shows that Malaysia submitted its CBM in 2010 and 2011. However, Malaysia did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

46. Ambassador H E Yafei of **China** then spoke saying that *The effectiveness of the Convention needs to be improved and the non-traditional security threats such as bio-terrorism, biosafety and security are increasingly prominent.* He went on to say that at the Seventh Review Conference, *China hopes that States Parties will, in a pragmatic and cooperative spirit, promote the Conference to adopt practical and feasible measures to strengthen the effectiveness of the Convention and achieve a work programme fully reflecting the views of all parties.* In regard to promoting the purposes and objectives of the Convention in a comprehensive manner, China considered that *adopting national*

*implementation measures constitutes basic obligations for States Parties and also an important means to strengthen the effectiveness of the Convention comprehensively. In recent years ... about 70 States Parties established national points of contact. China believes that States Parties should continue to improve national implementation measures, taking into account their domestic situation. In regard to CBMs, The low rate of submission is the most pressing challenge to CBM mechanism. ... China will engage in discussions on how to improve CBMs in an open and constructive manner. On science and technology, China supports efforts to enhance the monitoring and assessment of the advances of biotechnology under the framework of the Convention, with a view to preventing the hostile use of biotechnology and making it better serve the mankind. On international cooperation and assistance, China supports efforts to adopt practical measures and increase input so as to enable States Parties, especially developing countries, to truly benefit from international cooperation. In regard to the ISU, China supports the ISU to continue to play an active role in promoting universality of the Convention and international cooperation, as well as enhancing communications and trust among States Parties. He then concluded by reaffirming China's support to Convention and outlining the steps that China had taken to effectively implement the Convention.*

[INF.1 shows that China submitted its CBM each year between 2006 and 2011. In addition, China made submissions in regard to compliance [INF.2], on S & T developments [INF.3] and on Article X [INF.8]]

47. The President then closed the morning session and the Secretary-General made an announcement that there would be a side event at lunch-time hosted by Switzerland and the UK when at a glass sculpture exhibition a prize would be awarded to the winner of the Young Scientist Essay Contest.

#### **Resumption of the General Debate: Monday 5 December 2011 afternoon**

48. The General Debate resumed at 3 pm when Ambassador Oğuz Demiralp of **Turkey** said *we are looking forward to positive outcomes in the Seventh Review Conference, notably, in the areas of universalization, Intersessional process, the advances in Science and Technology, Compliance and Verification, the continuation and strengthening of the ISU and cooperation and assistance. He then went on to summarize the view of Turkey on several items saying that the Geographical position of Turkey makes the issue of universality an important consideration. He went on to say that This Conference should take into account any new scientific and technological development relevant to the Convention. Awareness of the innovations in the life sciences as well as their implications for the BWC are necessary to address the complex challenges in this area. In regard to Article X, he said that Enhanced implementation of this Article will not only contribute to the development of capacities to prevent and contain epidemics, but also build confidence. On CBMs he said CBM reports are valuable tools for mutual understandings and transparency. In this regard, Turkey has been submitting its reports regularly and this year made the CBM data publicly available on the website of the BWC Implementation Support Unit. We encourage all the States Parties to do so. He went on to say However, the Convention lacks a verification regime, which for Turkey, is a useful mechanism like the Chemical Weapons Convention. We believe a similar mechanism in the BWC will enable to strengthen the Convention's effectiveness.*

[INF.1 shows that Turkey submitted its CBM each year from 2007 to 2011 but not in 2006. However, Turkey did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

49. Ambassador Ms. Branka Latinovic of the Ministry of Foreign Affairs of **Serbia** then spoke. The circulated statement says that *Serbia has aligned itself with the Statement made by Poland on behalf of the European Union.* although the EU statement was actually given after the statements by States Parties had been made later in the session of the General Debate when observers such as the EU could make statements. She then went on to speak about the Regional Workshop for South-East Europe for the Seventh Review Conference held in Belgrade on 1-2 November 2011. Representatives from Albania, Bulgaria, Bosnia and Herzegovina, Greece, Croatia, Hungary, Montenegro, Former Yugoslav Republic of Macedonia, Slovenia and Serbia participated. In the discussions, *particular attention was given to the issues of strengthening of national implementation activities of the Convention, future enhancing of CBMs, strengthening of national capacities for elaboration of laws and regulations to implement BWC, supporting the BWC through UN Security Council 1540, role and assistance of Implementation Support Unit/ISU.* She then went on to outline various steps that had been taken by Serbia including the adoption by the Parliament of Serbia of the law on the withdrawal of the reservation to the 1925 Geneva Protocol. She noted that *Serbia continues to submit regularly the annual Declaration on CBM. We are aware that we should improve our system and instruments on CBM Declaration.* She went on to say that *An adequate attention is being given to raising the awareness of the BWC, particularly to the issue of the threat of bioterrorism. Namely, the lectures on this issue are part of the education program of the Military Academy. The intention is to include this issue in the educational programs of other academic institutions on different levels.*

[INF.1 shows that Serbia submitted its CBM each year between 2006 and 2011 apart from 2008. However, Serbia did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

50. Ambassador D. Javier Gil Catalina of **Spain** then said that transparency and mutual confidence between States Parties was essential for an effective Biological and Toxin Weapons Convention. The Convention was critical in building an effective non-proliferation regime and for the application of applied sciences to improving health and education. Further exploration of ways to strengthen Confidence Building Measures were necessary as these measures provided a basis for transparency. An effective verification mechanism for the Convention was critical and Spain hoped there would be sufficient political will to move this mechanism forward. International cooperation and synergies in terms of the prevention of diseases and bio-security were necessary to improve safety at both the international and national levels. Spain commended the work of the Implementation Support Unit, whose efforts had strengthened the capacity of States Parties. He went on to say that universalization of the Convention should incorporate the ratification of States Parties that had not yet done so. The main challenge of the Convention was to ensure the fulfillment of States Parties' commitments and Spain noted the importance of a protocol for verification in the long term and the use of Confidence Building Mechanisms in the short term. It was important to develop new avenues to improve the quality of provision while not burdening States Parties further.

[INF.1 shows that Spain submitted its CBM each year between 2006 and 2011. However, Spain did not make submissions in regard to compliance [INF.2], on S & T developments

[INF.3] or on Article X [INF.8] although Spain made a contribution to the EU paper on Article X [INF.10]]

51. Gennady Gatilov, Deputy Minister of Foreign Affairs of the **Russian Federation** then said that *Russia promotes international cooperation in the field of peaceful biology. We regularly – on the annual basis – provide information for building confidence in the biological sphere. For this Review Conference, the Russian Federation submitted two reports – on compliance with the Convention as a whole and on implementation of its Article X. We are convinced of the need to further strengthen the regime of complete prohibition of biological and toxin weapons.* He then went on to say that efforts needed to be focused on three areas:

*First, Universalization of the BTWC. .... However, we are concerned that thirty countries still remain outside the BTWC. .... This implies that on the territory of thirty States the production and development of biological weapons could go unpunished. We believe this situation is extremely dangerous. To make the Convention universal is our common priority.* He went on to add that *It is of concern that some States Parties to the BTWC still maintain reservations to the Geneva Protocol. ... We urge all countries maintaining reservations to the Protocol to withdraw them as soon as possible.*

*Second, Implementation of the BTWC. ... We regret that there are still many States Parties where laws to implement the Convention have not been put into effect or exist at all. We expect that the Review Conference will help eliminate this serious backlog.*

*Third, Effective international control and verification. The possibility to verify compliance by all the States with their BTWC obligations is a guarantee that the provisions of the Convention are not violated and the regime of prohibition of biological and toxin weapons is functioning effectively. It is impossible to ensure this confidence through transparency measures, no matter how important and useful they are. That is why we strongly believe that a legally binding BTWC verification mechanism should be developed. Although different approaches to this issue do not allow us to find a solution today, it is important to make maximum use of the intersessional work format to explore every way to achieve this important goal.*

52. He then went on to speak about scientific and technological developments, saying that *As part of the intersessional process, it is necessary to examine and analyze what specific spheres at this moment need increased attention.* Then in regard to the CBMs, he said *We attach great importance to confidence-building within the BTWC. Unfortunately, we have to note once again that more than a half of the States Parties to the Convention still fail to comply with their obligation to annually submit information on their biological facilities and biological activities. The lack of information concerning biological activities of any country inevitably makes us question whether the Convention is being implemented in good faith.... In the context of confidence-building we urge each and every State to provide information on its biological activities.* On the intersessional process, he said *The next intersessional period could be focused on the discussion of such issues as verification of compliance with the BTWC, improvement of confidence-building measures, and analysis of scientific and technological advances in the field of biology.* Finally, in regard to the ISU he said *We highly appreciate the five-year activity of the ISU ... We are convinced that its mandate should be extended for another five years.*

[INF.1 shows that the Russian Federation submitted its CBM each year between 2006 and 2011. In addition, the Russian Federation made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]]

53. Ambassador Gancho Ganev of **Bulgaria** then spoke saying Bulgaria gives *its full support to the objectives, priorities and concrete proposals contained in the EU common position for the Seventh Review Conference*. He went on to say that Bulgaria was *looking forward to productive deliberations on the review of the BTWC operations and exploration of options to strengthen it further through building confidence in compliance, supporting national implementation and supporting universalisation*. He added that *We believe confidence in compliance can be enhanced by means of information exchange and greater transparency through declarations, consultations and on-site activities, including making better use of the intersessional process for exchanges and review and of tools as is the ISU. I join previous speakers, who have stated that there is currently no consensus on verification, which remains a central element of a complete and effective disarmament regime, we could work towards pragmatic approaches, identifying options that could achieve similar goals*. In regard to the intersessional process, he said that this could be strengthened *through setting up dedicated working groups to address, in particular, national implementation; universalization; further work on CBMs; assistance and cooperation under Articles VII and X; developments in science and technology*. In regard to the ISU, he said *We see practical value and support the strengthening of the capacity of the ISU as a helpful tool to mitigate the deficit of an institutional structure*.

[INF.1 shows that Bulgaria submitted its CBM each year between 2006 and 2011. In addition, Bulgaria made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]]

54. Ambassador Elissa Golberg of Canada then spoke on behalf of the **JACKSNNZ** countries (Japan, Australia, Canada, Republic of Korea, Switzerland, Norway and New Zealand). [This statement would normally have been made at the start of the General Debate with the other group statements but this was not possible because the Ambassador of Canada was not available in the morning.] She said that *The JACKSNNZ countries have identified seven topics that we believe require action in this conference. ...:*

*First, Confidence-Building Measures remain an essential element of transparency under the BWC. That said, there are opportunities to strengthen the current system. The JACKSNNZ believe that we must increase participation, refine the content of CBM forms and improve the CBM submission process. She also added that We would also like to note with appreciation ... that a number of JACKSNNZ members have been submitting their CBMs on the ISU's public website.*

*Second, International Cooperation under Article X. ... the JACKSNNZ countries have undertaken a wide range of international cooperation activities over the past five years, including building capacity in disease surveillance, detection, diagnosis, containment, and treatment, as well as biosafety, biosecurity, and CBRNE response training ... It is essential that these efforts are coordinated, so as to avoid duplication of work and to help identify potential partner countries. In this context, JACKSNNZ support the proposal that the ISU should be available to States Parties to help facilitate their international cooperation ...*

*Third, ... biological sciences are advancing rapidly.... The JACKSNNZ believes that regular and more systematic review should replace the clearly insufficient five-yearly review. ... Another use of concern is the dual-use nature of biotechnology. We note the proposal ... on behalf of JACKSNNZ ... that dual-use education should be an essential component of BWC implementation. Furthermore the JACKSNNZ support stronger ties between the BWC and civil society, especially academic and industry which both play an important role in BWC implementation. ... Accordingly, the JACKSNNZ would welcome a collective assessment and discussion on the role of civil society....*

*Fourth, ... compliance and verification, including enhancement of States Parties' compliance with the BWC. She went on to mention the Australian-Japanese-New Zealand proposal for the establishment of a working group ... to discuss and develop common understandings on BWC compliance. and also the joint Canadian-Switzerland proposal on compliance assessment, which suggests a system of showing compliance through transparent demonstration of a States Party's implementation program.*

*Fifth, ... the Intersessional Process.... The JACKSNNZ consider that the arrangement can be improved and would be more adaptable to our changing world with Working Groups, which would meet annually and work intersessionally. .... The JACKSNNZ also consider that the current arrangement could be strengthened by providing the Meeting of States Parties decision-making powers on specific issues in a clearly-defined manner.*

*Sixth, ... the Implementation Support Unit.... The JACKSNNZ believe the ISU mandate must be renewed, given the valuable support role it plays in helping States Parties implement all articles of the Convention. We would see merit in a measured enhancement of the ISU so that it can undertake the activities mandated to it by States Parties at this Review Conference in a full and effective manner.*

*Seventh and lastly, ... BWC universality.... Further and more systematic work is needed to increase membership in the Convention.*

[INF.1 shows that Canada submitted its CBM each year between 2006 and 2011. In addition, Canada made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]]

55. Ambassador Alexandre Fasel of **Switzerland** then spoke saying that Switzerland aligned itself with the JACKSNNZ statement. He went on to say that *Switzerland is pleased to note that the Biological Weapons Convention (BWC) is in rather good shape. Over the course of the last four years, States Parties have worked together in a collegial and constructive manner and have reached much common ground. This conference can now build on what has been achieved. We should seize this opportunity and take various decisions to further strengthen the BWC's norms, their implementation and the institutional framework in which we continue our work.* He went on to say that *there are a number of issues where we consider progress to be crucial.*

*Achieving universal adherence to the Convention must remain a key priority. ... At a minimum we should aim to bring into the Convention all those states that still remain*

*outside of the BWC but are parties to the Chemical Weapons Convention. Switzerland hopes that the Review Conference can decide to strengthen and recalibrate universalization efforts, including the adoption of an action plan on universality.*

*Switzerland welcomes the achievements made by the past two Intersessional Processes. ... Having said that, we consider that the existing set up was not ideal to ensure “effective action” could in fact be taken ... We believe that this process could be significantly improved in a way to make the BWC more action-oriented. In this sense, we support the creation of open-ended working groups and the restructuring of the annual Meeting of States Parties, in order to make it more flexible while ensuring topical continuity. We further suggest that the issue of providing the Meeting of States Parties with the authority to take decisions on specific, clearly-defined issues should also be addressed.*

*As to international cooperation, .... we fully endorse proposals that aim at creating concrete mechanisms that could foster international cooperation in an efficient way.*

*Switzerland attaches great importance to the Confidence Building Measures (CBMs). ,, We believe that pragmatic changes ... could contribute to higher participation in and greater relevance of this instrument. .... a working group in the intersessional process could be dedicated to the consideration of issues regarding CBMs.*

56. He then went on to say that *Switzerland strongly supports the renewal and strengthening of the BWC Implementation Support Unit’s (ISU) mandate. .... We believe that a measured enhancement of the ISU’s range of activities is a desirable and realistic goal.*

[INF.1 shows that Switzerland submitted its CBM each year between 2006 and 2011. In addition, Switzerland made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]]

57. Ambassador Abdul Samad Minty of **South Africa** then spoke saying that South Africa associated itself with the statement made on behalf of the NAM and other States Parties. He went on to say that *South Africa shares the view that a legally binding instrument is necessary to strengthen the Convention and improve its implementation, and that such an instrument should remain a goal. However, South Africa does not believe that the only route to obtain such a goal is through full time negotiations. South Africa is also open to other means of strengthening the Convention, and believes that these mechanisms should not be ignored when such negotiations are not practically possible. In this regard, South Africa will make a number of proposals aimed at achieving our shared objective of strengthening the Convention and its implementation. He went on to say in regard to the intersessional process that South Africa is of the view that the utilisation of the intersessional period is crucial for the future strengthening of the Convention; therefore, this Review Conference will have to take some bold, but realistic steps. ... my delegation believes that the time is ripe for the improvement of the process in order to further strengthen the Convention and its implementation. He added that South Africa believes that the time has come for this Review Conference to establish a structured system of meetings with different levels of decision making. In regard to international cooperation and assistance he said that South Africa believes that as we continue our endeavours to strengthen the BTWC regime, it is vital that*

*we should also focus on the developmental and co-operation features of the Convention.* He noted that South Africa has submitted a working paper setting out a proposed mechanism.

[INF.1 shows that South Africa submitted its CBM each year between 2006 and 2011. In addition, South Africa made submissions in regard to compliance [INF.2] and on S & T developments [INF.3] but not on Article X [INF.8]]

58. Ambassador Steffen Kongstad of **Norway** then spoke saying that *Norway has aligned itself with the JACKSNNZ statement presented by Canada. I would like, however, to highlight a few issues of particular importance to Norway.* He went on to say that *We need to agree on a new intersessional programme that allows States Parties to address both existing and emerging challenges in the coming years. In that regard, we should also look at how the intersessional format could possibly be improved and strengthened. We must clearly make greater efforts to universalise the BTWC, and we hope that the forthcoming Conference in Finland on establishing a zone free of weapons of mass destruction in the Middle East will encourage more countries in the region to join the Convention. We also need to look at how the confidence-building measures can be refined and utilized to better reflect current needs.* He went on to say that *In addition, there is a need to take a closer look at how we can ensure that the Convention keeps pace with the rapid developments in science and technology by strengthening the practical collaboration between the scientific and disarmament communities.* He then added that *Health remains a key priority .... Norway therefore underlines the importance of the full implementation of Article X of the BTWC. At the same time we must recognise that efforts in promoting international cooperation and assistance in human, animal and plant health are carried out by other institutions, such as the World Health Organization, the World Organization for Animal Health and the FAO.* He then concluded by saying that *The ISU and its mandate need to be confirmed and, if possible, strengthened at the forthcoming Review Conference.*

[INF.1 shows that Norway submitted its CBM each year between 2006 and 2011. In addition, Norway made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]]

59. Ambassador Juan José Gómez Camacho of **Mexico** then said that he reiterated Mexico's commitment to the implementation of the Biological Weapons Convention. Universalization of the Convention would strengthen the regime. Progress of science and technology in our time had increased access to products that until recently were only in the hands of a few. Thus the Convention had to be strengthened and new approaches had to be explored. It was a multidimensional issue and Mexico regretted the lack of binding legal provisions in the Convention and verification mechanisms. The intersessional period had been very fruitful and expert meetings were very useful as well; these meetings should continue. Mexico was very open to looking at proposals to strengthen the Implementation Support Unit working on the implementation of the Convention. Detection, preparation and response were areas that needed to be better known and dealt with. Notification and Response were tasks that the World Health Organization was working on; and there had been a workshop on the issue. Training was provided on early detection. The International Health Regulations were crucial and Mexico had realized this during the H1N1 epidemics in 2009. Thus, regional and multilateral cooperation was crucial in the preparation and prevention of crises and exchange of information as well as transparency were key instruments of this.

[INF.1 shows that Mexico submitted its CBM each year between 2006 and 2011 apart from 2006. However, Mexico had not made submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

60. Ambassador Mari Amano of **Japan** then spoke saying that *Japan associates itself with the statement made by Canada on behalf of the JACKSNNZ group. He went on to say I would like to highlight a number of points that are of interest to my country. He said that In order to strengthen the BWC, Japan has been especially active in the following three areas. The first is enhancing national implementation of the BWC. For national legislation it is important for each country to introduce domestic legislation and establish system in order to safely and appropriately control high-risk pathogens. .... As part of our efforts in this area, Japan has submitted a working paper ... on awareness-raising among life scientists. .... The second area is the strengthening of intersessional activities. Japan recognizes that in light of progress in life sciences it has become necessary to review annually the developments relevant to the BWC. ... We consider it desirable to establish three open-ended working groups by reorganizing the existing Meeting of Experts. We believe that the creation of three open-ended working groups ... will allow for the continual discussion of important issues such as confidence building, international cooperation and assistance, and the review of science and technology. .... The third is confidence building measures (CBMs). Japan regards CBMs as important for transparency ... we are considering to further enhance transparency by ... also making it available to the public. Taking into account that the CBM format has not been modified since 1991, we believe that it is now high time to revise it.*

[INF.1 shows that Japan submitted its CBM each year between 2006 and 2011 In addition, Japan made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]]

61. Ambassador Peter Woolcott of **Australia** then spoke saying that *During the last intersessional period, States Parties have continued to collaborate on advancing effective national implementation on a practical level, with strong support from the Implementation Support Unit. There has also been much valuable direct collaboration on health-security capacity-building. As an example, Australia has been working with partners in our region to help build capacity in disease surveillance systems. .... The health and security benefits of such collaborations are clear. He went on to say our Convention continues to face significant challenges. Ten States have joined the BWC since the last Review Conference – and we welcome them to our community of BWC States Parties – but thirty-one States still remain outside. Rapid advances in life sciences and the increasing globalisation of biotechnology, which promise many benefits to humankind and to the BWC’s implementation, are also changing the nature of the possible threats the BWC is required to address. Are we as States Parties keeping up with these advances in our national implementation of the Convention? In regard to this Review Conference, Australia believed that this Conference should:*

- *refine the intersessional process so that it provides for greater flexibility and continuity in the way in which States Parties address important implementation-related issues;*
- *mandate a conceptual discussion among States Parties to develop common understandings on compliance through the establishment of an open-ended intersessional working group on confidence building and compliance issues;*

- *mandate more frequent reviews by States Parties of relevant advances in science and technology through the establishment of an open-ended intersessional working group on science and technology and on education and awareness-raising within the scientific community; and*
- *assist in focusing States Parties' international cooperation and assistance efforts through the establishment of an open-ended intersessional working group on cooperation and assistance.*

*Beyond these proposals, Australia recognises a range of other decisions this Conference should take, including on:*

- *greater coordination in promoting BWC universalisation and national implementation as means to raise barriers to biological weapons proliferation (including bioterrorism) and to promote the peaceful uses of biology;*
- *strengthening the CBM process so that it encourages greater participation, offers greater transparency and is more effective in building confidence in compliance with the Convention; and*
- *renewing the Implementation Support Unit in a manner which preserves and consolidates its efficient, effective and professional operations in support of States Parties.*

[INF.1 shows that Australia submitted its CBM each year between 2006 and 2011 In addition, Australia made submissions in regard to compliance [INF.2], on S & T developments [INF.3] and on Article X [INF.8]]

62. Ambassador Dell Higginson of **New Zealand** then spoke saying that she associated her delegation with the statement delivered by Canada on behalf of the JACKSNNZ group. She went on to say *In the absence of a formal compliance regime, the confidence building measures mechanism has become an important tool to promote implementation of the Convention and to share experiences and best practice in this regard. We support all efforts to increase participation in the confidence building measures process, including improvements to the reporting forms to make them more user-friendly and relevant. She went on to say that The good work that has been undertaken in the past intersessional process has demonstrated the value of regular, targeted meetings to ensure the good health of the Convention and its implementation. There is potential for the intersessional process to better serve implementation of the Convention and we would see merit in a targeted intersessional approach – perhaps adopting a working group or standing committee mechanism – to take forward the Convention's objectives and to ensure that it remains up to date with current developments. In regard to the ISU she said that New Zealand supports a measured enhancement of the ISU to ensure that it can undertake the activities mandated by States Parties in a full and effective manner.*

[INF.1 shows that New Zealand submitted its CBM each year between 2006 and 2011. In addition, New Zealand made submissions in regard to compliance [INF.2], and on Article X [INF.8] but not on S & T developments [INF.3]]

63. Ambassador Mrs. Maria Ciobanu of **Romania** then spoke saying that *Romania associates itself with the statement which will be delivered by the European Union later in the conference.* She went on to say *There is **no alternative** to this regime, but it is the one most in need of being **strengthened**, in order to prevent the misuse of science for purposes prohibited by the Convention.* [Emphasis in original]. She said that *The 7th Review Conference is an **important and timely opportunity** to revisit the Convention, after the last complete review in 2006.* and added that *Romania continues to attach high priority to the **strengthening of the Convention** as the basis of our common efforts to prevent the proliferation of biological and toxin weapons. I would like to underline that we strongly support further strengthening the **universality of the BWC membership.** But BWC universalization is not sufficient without an improvement of the process of its **implementation on regional and national levels.** .... Romania considers that the BWC **next intersessional period**, should provide States Parties with a **new opportunity** to continue the dialogue **as an essential point** for the success of the BWC.* She then said that *Romania remains convinced that **confidence building measures** have an **important role** to play in enhancing transparency with respect to States Parties' compliance with the Convention. .... We are committed to working with other States Parties on **measures of strengthening the CBMs mechanism.** She added that *We must continue to develop **preventive measures such as codes of conduct** for those involved with the life sciences.* She then concluded by saying that *we do support **the prolongation of the ISU's mandate** for five year duration. In this context, we are open to any suggestions to improve the mandate and format of the ISU in the next intersessional period.* [Emphasis in original].*

[INF.1 shows that Romania submitted its CBM each year between 2006 and 2011. However, Romania did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

64. Ambassador Dian Triansyah Djani of **Indonesia** then spoke saying that *Indonesia would like to associate itself with the statement delivered by ... Cuba on behalf of the Group of the Non-Aligned Movement (NAM) and Other States Parties.* He went on to say *It is our strong belief that all States Parties to the Convention should work together in achieving general and complete disarmament under strict and effective international control.* He then said *we underscore the paramount importance of international cooperation, assistance and partnership. We perceive the merit of establishing a framework for cooperation in order to narrow the gap between States Parties pertaining their resources, development and national capacity. Such framework may consist of an integrated approach to cooperation through, inter alia, the establishment of an offer/request for assistance mechanism, a venue to sustainably and transparently discuss cooperation to enhance common understanding and avoid suspicions, as well as a database to keep track the ongoing and past cooperation to provide a lesson learned and best practices for States Parties.* He went on to add that *We also believe in the need for a compliance and verification mechanism, which constitutes a challenge to the Convention, to ensure and verify States Parties adherence to the Convention. We understand the difficulty in arriving at an agreement to establish the mechanism. Therefore we are of the view that continuous discussions on the topic in the intersessional process are pertinent in order to forge common understanding.* He also said that *However, such mechanism should not be confused with Confidence Building Measures (CBMs) which serve as a tool to provide transparency and build trust among States Parties in the implementation of the Convention. We share the view on the need to increase States' participation in CBMs submission and to review the CBMs form in order to provide clarity and useful information needed to enhance transparency and eliminate suspicions.*

[INF.1 shows that Indonesia submitted its CBM each year between 2006 and 2011 apart from 2006 and 2007. However, Indonesia did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

65. Norman Antonio Lizano Ortiz of **Costa Rica** then spoke saying that Costa Rica highlighted the topic of universality and welcomed the new members. In addition, Costa Rica was glad to see that most countries in its region, Latin America and the Caribbean, had understood the necessity to adhere to the Biological Weapons Convention. Despite the limited resources, there had been positive results in the past few years thanks to the Implementation Support Unit. Costa Rica would like to see this Unit strengthened and hoped that this Conference would manage to reach that result. About science and technology, Articles VII and X really needed to be respected and implemented; exchanging experience was crucial along with the transfer of technology and education about the issue. Costa Rica had had contacts with countries in its region and a workshop had been organized in Peru at Lima on these issues.

[INF.1 shows that Costa Rica had not submitted a CBM between 2006 and 2011. In addition, Costa Rica had not made submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

66. Jesus S. Domingo of the **Philippines** then spoke saying that *the Philippines associates itself with the statement of the Non-Aligned Movement (NAM)*. He went on to say that *The Philippines wishes to express its appreciation for the progress we have made since the 6th RevCon, including, inter alia, the useful and constructive intersessional process, the activation of the ISU, advances in biological science and technology, developments in universalization and national implementation, and regional and bilateral cooperation*. He went on to mention the East Asia-Pacific Conference Week held in Manila earlier in 2011. He then said that *The Ministers of the ASEAN Regional Forum, in their 2011 Meeting, reaffirmed their commitment to the BWC and called on States Parties to work constructively towards strengthening the regime at the RevCon*. He then said that *the Philippines is of the view that regional and sub-regional cooperation is a vital element and dynamic for the advancement of the goals and objectives of the BWC, and should be accorded due attention in our deliberations during our RevCon*. He concluded by saying that *We would also like to take this opportunity to call for sustained and enhanced support to our national implementation efforts, and to encourage further South-South and Triangular cooperation*.

[INF.1 shows that the Philippines had submitted a CBM in 2010. However, the Philippines had not made submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

67. Adam Ravnkilde of the Ministry of Foreign Affairs of **Denmark** then spoke saying that *I would like to align myself with the statement to be delivered by the European Union*. He went on to say that *Denmark considers building confidence in compliance, supporting national implementation and promoting universalization of the BTWC as overall priorities for this Review Conference*. *Denmark calls upon all States not party to the BTWC to adhere to it without further delay*. He then said *we should use this Review Conference as a momentum to reaffirm the BTWC as one of the fundamental pillars of the international community's efforts to counter weapons of mass destruction and further strengthen it in this regard*. He went on to say that *An essential focus of this Conference should be ensuring that*

*the BTWC is continuously up to date with new technological developments, so that it can effectively contribute to the challenge of reducing the threat from biological weapons. In regard to Article X, he said that Denmark is fully committed to the implementation of Article X, and shares the view that States Parties to work towards the exchange of equipment, material, scientific and technological information for the use of biological material for peaceful purposes. .... However, taking into account the dual-use problem of certain biological materials and know-how, Denmark is also of the opinion that biosecurity is an essential element that should be considered whenever biological material, know-how and technology is transferred among States. He went on to say that The Confidence Building Measures under the BTWC and the mandatory data to be reported to the UN under Security Council Resolution 1540 are in many ways closely related. Denmark considers that it is necessary to coordinate information reported to the 1540 Committee and the CBMs under BTWC.*

[INF.1 shows that Denmark submitted its CBM each year between 2006 and 2011. In addition, Denmark made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]]

68. Neil Giovanni Paíva Benevides of **Brazil** then spoke saying *Brazil believes that the effective contribution of the Convention to international and regional peace and security would be enhanced through universal adherence to the Convention. He went on to say The present Conference constitutes a crucial opportunity for States Parties to send a clear signal to international community that it is possible to strengthen international security regimes through multilateral negotiations. He then said that Brazil also supports reviewing and enhancing confidence-building measures (CBMs) in the BWC. By updating and simplifying CBMs, countries may find it easier to submit them annually. We believe that they should increasingly become a mechanism for transparency and trust. However, CBMs should not be used as a proxy-verification mechanism, nor should they become compulsory. In regard to Article X he said Brazil firmly believes that the full, effective and non discriminatory implementation of Article X is essential for the realization of the objectives and purpose of this Convention. He went on to say Brazil endorses the work carried out by the Implementation Support Unit during the intersessional period. .... This expertise ought not to be wasted. ...my country supports the renewal of its mandate until the VIII Review Conference in 2016. We also support the idea that has been put forward by some delegations of granting the ISU a coordinating role in matters of international cooperation, making it similar to a “clearing house”. Brazil believes an “enhanced ISU” can only be considered after we decide on the structure and future activities for the next intersessional period. Furthermore, we would need to better understand the implications in terms of costs for an expanded ISU. In regard to the intersessional process, he said that Brazil would favor proposals for creating ‘open-ended groups’ with a substantive mandate and for a fixed time-frame. These groups could discuss the improvement of practices and mechanism for implementing the BWC. We believe their recommendations could be taken for perusal at the annual Meeting of States Parties, for a final decision at the five-yearly Review Conference. He concluded by saying A key element of the operation of any multilateral treaty is compliance by all State Parties with their obligations. It is critically important for States parties to be collectively reassured that the provisions of the Convention are being realized. Brazil and other like-minded countries are willing to pursue the debate and negotiations towards the adoption of a verification protocol, but we understand that this must be a consensual decision taken by the States Parties to the BWC.*

[INF.1 shows that Brazil submitted its CBM each year between 2006 and 2011 apart from 2008 and 2009. In addition, Brazil made a submission in regard to compliance [INF.2] but not on S & T developments [INF.3] or on Article X [INF.8]]

69. Giancarlo Leon Collazos of **Peru** then spoke saying that this was the time to highlight the commitment of Peru to the complete disarmament of weapons of mass destruction, including of biological weapons. In the light of the importance Peru attached to this Convention, Peru had organized a workshop on the Convention for its region. Most countries as well as civil society representatives had contributed to the debate. It had allowed the participants to deal with the key features of the Convention from a regional perspective. Yet Peru was interested in developing its biological industry and thus Peru found it very important to see a more active cooperation and technology exchange. Strict compliance with the Convention was necessary and the intersessional process was very helpful to reach this better compliance. Peru had a few proposals such as on Article X. Peru supported all initiatives that would strengthen that article through technological and scientific exchanges for peaceful purposes.

[INF.1 shows that Peru did not submit any CBMs between 2006 and 2011. In addition, Peru did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

70. The President then closed the afternoon session and the Secretary-General made an announcement that there would be a side event on Tuesday morning at 9.00 am entitled *Germ Gambits: Lessons for BWC Compliance Drawn from the UNSCOM Inspections in Iraq*. He also reminded all participants that there would be a Poster session on Thursday afternoon on the mezzanine floor.

### **Resumption of the General Debate: Tuesday 6 December 2011 morning**

71. The General Debate resumed at 10 am on Tuesday 6 December 2011 when Ambassador Ambassador Idriss Jazaïry of **Algeria** said Algeria associated itself with the statement made by Cuba on behalf of the Non-Aligned Movement. He went on to say that the Biological Weapons Convention constituted a fundamental element for international peace and security. Although it was not perfect, it still provided a multilateral normative framework that could prevent the proliferation of biological weapons and eliminate them. Algeria had adhered to the Convention in 2001. It was a party to all instruments of disarmament and non-proliferation of weapons of mass destruction. It had a national system that corresponded to international norms of biological safety and security. Algeria had never produced, transferred or used such weapons. Biology, microbiology and their applications in various activities developed rapidly. The dual use of the material and equipment produced by this progress gave way to more possibilities of proliferation. A lack of a verification regime meant that there could be misuse of these materials. A global review was necessary. Algeria like many countries belonging to the Non-Aligned Movement believed that a multilateral, binding instrument would be the most efficient tool to make this regime efficient. In the meantime, an agreement must be reached on a minimal package. Algeria recommended a dual approach: first of all universal adherence – all States needed to be convinced, and Burundi and Mozambique were congratulated for acceding to the Convention. The creation of a zone free of weapons of mass destruction in the Middle East was crucial. To be credible and pertinent, this instrument needed to achieve total and transparent implementation. However, the national implementation measures should not serve as a pretext to introduce new forms of

discrimination reducing the extent of international cooperation planned by Article X of the Convention. The Convention should not only be seen as a disarmament tool. It was also a tool for cooperation for socio-economic development. The Convention should work on security aspects, whether they were related to the military, nutrition or sanitation. The discussions held during the intersession had shown the inequalities between States Parties in matters of implementation. The Conference had to take measures in order to reinforce the provisions of Article X. Algeria supported the initiative to continue discussions during the intersessional period.

[INF.1 shows that Algeria did not submit any CBMs between 2006 and 2011. In addition, Algeria did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

72. Ambassador Jüri Seilenthal of **Estonia** then spoke saying *Estonia fully associates itself with the statement which will be delivered by the European Union later during the Conference.* He went on to say that *The Seventh Review Conference provides us with an opportunity to modernize and further strengthen the Convention in order to better address the changing nature of biological weapons. In this respect, Estonia is dedicated to achieve progress especially in the following areas. First, we expect the Seventh Review Conference to renew and further enhance the intersessional process. .... Estonia believes the next intersessional work programme should be more action oriented and responsive to our changing world. We are therefore ready to support the creation of more flexible meeting formats and thematic working groups...* He went on to say *The prolongation of the mandate of the Implementation Support Unit is another priority. ... We pledge our full support to renewing the ISU's mandate for a further five years and a modest expanding of the ISU, if the Review Conference will decide to extend its activities.* In regard to CBMs he said *We believe that it is high time to modernize this format. We therefore fully support the idea to discuss the improvement and further development of the Confidence-Building Measures' format.* He then went on to say that *National implementation of the Convention is a pivotal point for the success of the BTWC. In this regard, I would like to reaffirm that Estonia has fully implemented all obligations resulting from the BTWC into Estonian national law.*

[INF.1 shows that Estonia submitted its CBM each year between 2006 and 2011. However, Estonia did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

73. Héctor Raúl Peláez of **Argentina** then spoke saying that Argentina saw the universalization of adherence to the Convention and the implementation of the Convention at the national level as key aspects. The discussions during the intersessional period had been very useful. The Conference should identify ways to develop the Confidence Building Measures. Argentina believed that the different themes identified during the preparatory meetings would be helpful to guide the Conference's work. Argentina hoped that the States that were not parties would see the importance of adhering to the Convention. Argentina welcomed the last two countries that had joined the Convention. Argentina was ready to discuss possible ways to improve transparency. Adhering to the Convention also meant that there were some obligations, such as those in Article X. Argentina supported the idea of creating a database in which there were requests and responses in the field of cooperation. Argentina would support any means to strengthen cooperation; it was crucial to this Convention. The possibility of use of biological weapons required a rapid and efficient response of States. This was only possible if States were ready for such a use, and this meant

that States had to cooperate fully. Argentina hoped to see this Review Conference focus on the following fields for the next few weeks: compliance, cooperation and assistance, science and technology. Many changes had occurred since the Sixth Review Conference, and the Seventh Review Conference constituted a new opportunity in order to consolidate the basis of the future agreements that would strengthen the cornerstone of the international regime for the non-proliferation of weapons of mass destruction.

[INF.1 shows that Argentina submitted its CBM each year between 2006 and 2011. In addition, Argentina made a submission in regard to compliance [INF.2] but not on S & T developments [INF.3] or on Article X [INF.8]]

74. Ambassador Željko Jerkić of **Bosnia and Herzegovina** then spoke saying that *The number of issues to be discussed will certainly contribute to a better understanding of the scope and implications of the full implementation of the Convention ... Each element connected with the compliance with the BTWC, cooperation and assistance as stipulated in the Convention, further enhancement of the confidence building measures and intensification of the so called intersessional process deserves our full attention.* He went on to say *we need to reaffirm the value of the Convention on Biological Weapons as an instrument for multilateral and also regional cooperation; let me reiterate this concept which is key in a multilateral system; cooperation.* He added that *We therefore firmly believe that the VII RC by bringing together representatives of government, individual experts, academia, as well as NGOs presents an exceptional opportunity to further streamline our activities which certainly goes beyond the community on disarmament.* He then outlined a number of actions being taken by Bosnia and Herzegovina. He went on to say that *Smaller countries, with limited resources, skills and expertise, are even more compelled to rely on each other and to establish the closest possible cooperation and coordination mechanisms.* He concluded by saying *Allow me to express our confidence that the VII RC will result in very practical follow-up steps aimed at increasing overall security and making our planet safe place for us but also for future generations.*

[INF.1 shows that Bosnia and Herzegovina did not submit any CBMs between 2006 and 2011. In addition, Bosnia and Herzegovina did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

75. Ambassador Md. Abdul Hannan of **Bangladesh** then spoke saying that Bangladesh associated itself with the statement made by Cuba on behalf of the Non-Aligned Movement. He then went on to say that *The additional understandings reached in several review conferences have further strengthened the effectiveness of the Convention.* In regard to universality, he said *Bangladesh supports a concerted campaign, over the next couple of years, towards making the Convention universal. .... We call upon all the states that are yet to sign or ratify the Convention to consider being a party to it.* He went on to say that *the Implementation Support Unit (ISU) has been doing a commendable job by providing administrative support to the States Parties for implementation of the provisions of the Convention. .... I believe that the States Parties will continue their funding for the ISU during the next intersessional period.* He then said *The success of the Convention depends on compliance by all States Parties to it with their obligations. In order to ensure this, we must develop an effective verification mechanism capable of responding to the challenges posed by new scientific and technological developments in production, use and stockpiling of biological weapons. Our ultimate goal is to ensure full and effective implementation of the Convention. Pending this goal, Bangladesh considers the Confidence Building Measures*

*(CBMs) as important tools for ensuring transparency, and building trust and confidence among the States Parties. .... CBMs reporting format should be updated during the intersessional period. In regard to Article X, he said Bangladesh particularly underscores the importance of effective implementation of Article X of the BTWC. .... We call for enhanced international cooperation in this area, particularly in technology transfer. He then added that Bangladesh stresses on the need for capacity building in the fields of disease surveillance, detection and diagnosis, and containment of infectious diseases.*

[INF.1 shows that Bangladesh submitted its CBM each year between 2006 and 2011 apart from 2006, 2008 and 2011. However, Bangladesh did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

76. Ambassador Haeryong Kwon of the **Republic of Korea** then spoke saying *my delegation attaches particular importance to this Review Conference. Following the success of the 6th Review Conference in 2006, this year's Review Conference provides us with a unique and excellent opportunity not only to assess how the Convention in its entirety has been operating for the last five years, but also to generate the political will necessary to strengthen the Convention. Through a comprehensive Article by Article review of the Convention, we should reaffirm and further elaborate upon our current understanding of the provisions of the Convention in light of new scientific and technological developments. He went on to say that my delegation associates with the JACKSNNZ's statement presented by the Canadian delegation. He then said First, the Republic of Korea places high priority on national implementation of the Convention.... Penal legislation, tightened national export controls and regulations on bio-safety and bio-security are essential elements for enhancing national implementation mechanisms. He then said that biological science and technology is advancing rapidly .... the five-yearly review seems to be insufficient to meet the challenge. He went on to say Third, the intersessional process has created a positive momentum that can and should be carried forward. .... Indeed, it would be even more constructive for the intersessional work to be conducted on a more regular, formal and systematic basis. Proceeding in this way would ensure greater continuity and coherence between the Review Conferences. He concluded by saying that the Korean delegation shares the opinion that the establishment of the ISU (Implementation Support Unit) is one of the success stories of the 6th Review Conference. .... In this context, we favour a measured enhancement of its mandate.*

[INF.1 shows that the Republic of Korea submitted its CBM each year between 2006 and 2011. However, the Republic of Korea did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

77. Ambassador Pedro Oyarce of **Chile** then spoke saying that said that Chile associated itself with the statement made by Cuba on behalf of the Non-Aligned Movement. He went on to say that this Review Conference was the conclusion of five years of work undertaken during the intersessional programme. Efforts should focus on universal adherence to the Convention which was a key priority. Global biological security could only be reached through this universal adherence. It was a joint priority and a global responsibility. Implementation was also a key priority. National implementation efforts had to be effective. Chile had specialized staff for the implementation of the Convention and for research and scientific projects. Also, transparency could not be emphasized enough. Confidence Building Measures had to be increased and improved as well. Cooperation and assistance were an additional avenue for the successful implementation of the Convention. The intersessional

work should be optimized. Chile was interested in the Japanese proposal to create three groups in order to analyze the ways to increase mutual confidence and improve cooperation and assistance. The work of the Implementation Support Unit had proved itself to be essential in order to articulate the intersessional dialogue. The strengthening of its mandate was essential and Chile wanted to emphasize that the Implementation Support Unit should be a focal point in matters of cooperation.

[INF.1 shows that Chile submitted its CBM each year between 2006 and 2011. However, Chile did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

78. Ambassador Zamir Akram of **Pakistan** then spoke saying that *Pakistan aligns itself with the statement delivered by Cuba, on behalf of the NAM and Other States Parties to the BTWC*. He went on to outline the national regulatory framework in Pakistan and said that *we have drafted BTWC legislation which will shortly be tabled in our parliament*. He then went on to say that *The Seventh Review Conference provides an opportunity to further strengthen all aspects of the Convention*. *In our view, this can be done in two ways. Firstly, by expanding the membership of the Convention, thereby, ensuring universalization of obligations provided by the BTWC; and Secondly, by enhancing implementation of all articles of the BTWC, in an inclusive, balanced, non-discriminatory and comprehensive manner*. He then said he would like to *highlight key aspects of our national approach towards various issues under consideration of this Review Conference*:

- *We believe in renewing and intensifying our efforts towards Universalization of the BWC as only 9 additional states have joined the Convention in the past five years.*
- *As a member of NAM and being a developing country, we accord special importance to full and effective implementation of Article X of the Convention.*
- *Pakistan believes that only a multilaterally agreed verification mechanism can provide the assurance of compliance with treaty obligations. The final declaration of this Review Conference should underscore this element.*
- *The BWC inter-sessional process has proven its utility. We should look at ways of improving it further in a manner that ensures balanced consideration of all important issues and that its scope and authority do not transgress into the domain of the Review Conference itself.*
- *CBMs enhance transparency and trust among States Parties. However, they cannot be a substitute for compliance measures. Proposed amendments to the CBM forms should encourage submissions by reducing the reporting burden on States Parties.*
- *Pakistan believes in the importance and benefits of regularly reviewing developments in science and technology related to the Convention.*
- *... the BWC ISU ... should continue assisting States Parties, according to the mandate given by the Review Conference. The mandate given to the ISU should also determine its future composition, which, if expanded, should be rooted in principles of equitable geographical distribution.*

[INF.1 shows that Pakistan did not submit any CBMs between 2006 and 2011. However, Pakistan did make a submission in regard to compliance [INF.2] but not on S & T developments [INF.3] or on Article X [INF.8]]

79. Ambassador Omar Hilale of **Morocco** then spoke saying that his delegation aligned itself with the statement made by Cuba on behalf of the Non-Aligned Movement. He then said that

that the Biological Weapons Convention was one of the three pillars of the international regime for the non-proliferation of weapons of mass destruction. The Seventh Review Conference was being held in an international context of major political changes and a deep financial and economic crisis, two ingredients that favoured the exacerbation of terrorism. Also, biological and scientific advances were multiplying the risks of double use. Thus the work of this Review Conference had to be considered with particular attention. The implementation of Article X remained the best way to promote accession to the Convention. At the moment, the implementation of Article X suffered from a lack of transparency, selectivity and the mismatch between the offers and requests of cooperation means. A system of publication of offers and requests for cooperation on the website of the Implementation Support Unit, in addition to a working group on article X, would be able to fill the gaps. The introduction of this system and the establishment of a specific group on specific questions such as science and technology and public health would be very useful. This would be an additional charge of work for the Implementation Support Unit. Thus it would require additional funds. However, being part of an international instrument gave rights but also entailed obligations, such as providing additional funds when needed. Also, there was an urgent need for all States Parties to report regularly on their activities. Morocco had put in place in 2005 a National Committee of Bio-security in charge of implementing the Cartagena Protocol on biodiversity and the control of genetically modified organisms at the national level.

[INF.1 shows that Morocco submitted its CBM each year between 2006 and 2011. However, Morocco did not make any submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

80. Jafar Huseynzade of the Ministry of Foreign Affairs of **Azerbaijan** then spoke saying that *CBMs ... plays the crucial role in the success of the BTWC itself. In this regard, we stand ready to join the discussions on the improvement of the methods of submission of CBMs with the view of facilitation on time submission, taking into account current technical capabilities.* He went on to say that *Secondly in our view, ensuring the full implementation of BTWC can not be achieved in light of existing protracted conflicts which have created grey zones in uncontrolled and occupied territories.* He concluded by saying *Let me express our hope that this Review Conference will not only revisit the measures have been taken in implementing the provision of the Convention, but also will discuss measures to strengthen and improve its implementation.*

[INF.1 shows that Azerbaijan submitted its CBM each year between 2006 and 2011 apart from 2006 and 2007. However, Azerbaijan had not made any submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

81. Col. Hasan Al-Nesf of the National Committee for the Prohibition of Weapons of **Qatar** then spoke saying there were still many countries outside of the Biological Weapons Convention and this constituted an international risk. Universalization of the Convention was crucial for international security. A permanent commission had been created in Qatar in order to better implement the Convention. Qatar respected its obligations under the Convention and it did not research, produce or develop such weapons. Qatar did not store any biological or toxin agents either. The national commission for the prohibition of weapons held workshops and targeted issues concerning the armed forces as well as other sectors. The national commission was also setting up a database and training human resources on the topic. The national commission had completed a draft law to issue permits for controlled biological

agents that were on the list of the Australia Group. The draft law was one of the measures taken in compliance with Security Council Resolution 1540. Qatar also implemented health regulations and had a system of notification from doctors as soon as there were signs of epidemics. Qatar was ready to fully participate in this Review Conference. Qatar also welcomed the holding of a Conference in 2012 in Finland on the topic of the elimination of weapons of mass destruction in the Middle East.

[INF.1 shows that Qatar submitted its CBM each year between 2006 and 2011 apart from 2006 and 2007. However, Qatar had not made any submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

82. Mme. Harifera Elisa Rabemananjara of **Madagascar** then spoke saying the Implementation Support Unit had done excellent work since 2006 to promote the universalization of the Biological Weapons Convention. Madagascar had adhered to the Convention in 2008 and was in the process of ensuring that its national legislation was in line with that of the Convention. Madagascar was committed to the Confidence Building Mechanisms as provided for in Article V. During this month a technical capacity mission from the European Union would assist the country to provide its first Confidence Building Measures submission. The Government of Madagascar was concerned about the risks of pandemics because the country lacked sufficient capacity and facilities for surveillance of pathological micro-organisms and had not been able to follow the recommendations as stipulated in the Convention regarding biological weapons. Madagascar would strive to develop these capacities and strengthen its biological security despite its lack of resources. Madagascar supported the proposal by the Non-Aligned Movement for international assistance as provided for in Articles VII and X in the Convention.

[Although Madagascar became a State Party in 2008, INF.1 shows that Madagascar had not submitted a CBM between 2009 and 2011. In addition, Madagascar had not made any submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

83. Mohamed Al Sharaa of the Ministry of Sciences and Technology of **Iraq** then spoke saying the Biological Weapons Convention was crucial to international peace and security. New measures for the future should be taken during this Review Conference. However great the challenges may be, progress could be made as well. This Conference reaffirmed the joint commitment of the States parties to make the Convention as efficient as possible. Disarmament was a priority for Iraq. Thus Iraq was working on this in the Middle East as it had a stabilizing role. The national constitution stipulated that Iraq shall respect its commitment to the non-proliferation of weapons of mass destruction and biological weapons. Iraq welcomed Security Council Resolution 1540; it was a useful tool in the international realm. Since the Sixth Review Conference, Iraq had created a body that made sure that all decisions taken by the Conference were being implemented. This body also created a national system to honour the international obligations of the Convention. It also governed all transfers to the Implementation Support Unit. Iraq reaffirmed the importance of the Support Unit and how crucial its role was. Iraq had received financial help from several donors for the implementation of the Convention and was very grateful for this. Article X had extreme importance for all Member States and especially for developing nations. Strengthening capacities of developing nations would be beneficial to the international community as a whole. Early warning and identification of risks were important for everyone. Iraq called for increased multilateral cooperation in the name of international peace and security.

[INF.1 shows that Iraq submitted its CBM each year between 2006 and 2011 apart from 2006 and 2007. However, Iraq had not made any submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

84. Ambassador Luis Gallego of **Ecuador** then spoke saying it had been difficult to fill the important gap of a verification mechanism in the Convention. Some States had championed a binding verification mechanism but to date no solution had been found. New discoveries in biotechnology had led to greater risks for the world and this required a strengthening of the Convention and its mechanisms. It was important to realize that Confidence Building Measures could not be turned into a verification mechanism because they were not binding and depended on the goodwill of each State party. Ecuador supported the proposals made for annual meetings during the intersessional process. It was vital to strengthen the Implementation Support Unit by increasing both its capacity and budget. The fundamental mission of the Implementation Support Unit should be to provide technical capacity as many States Parties had not been able to fully implement the Convention due to their own lack of technical capacity. Ecuador also noted that a transnational working group for training and cooperation would benefit all States parties in the implementation process.

[INF.1 shows that Ecuador had submitted its CBMs in 2007 and 2008 but not in the other years between 2006 and 2011. However, Ecuador had not made any submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

85. The General Debate then moved on to hear a statement by a Signatory State, Egypt. Mohamed Hatem El-Atawy of **Egypt** then spoke saying that *Egypt would also like to associate itself with the statement delivered by Cuba on behalf of the Non Aligned Movement and Others parties to the BWC*. He then said Egypt looked forward to the conference to be held in Finland in 2012 and hoped that it would lead to *the establishment of the desired Middle East zone free of nuclear and all other weapons of mass destruction*. He then said that *Egypt welcomes efforts to promote the universalization of the Biological Weapons Convention provided that such efforts would be directed towards the non-signatory states ...* He went on to say that *Egypt supports the calls to promote **international cooperation, assistance and exchange in the field of biological sciences and technology for peaceful purposes in accordance with Article X of the Convention**. We encourage the consideration of specific mechanisms or other approaches that would enable greater international cooperation and assistance and in the implementation of Article X*. [Emphasis in the original]. In regard to the rapid advances in science and technology, he said *it will be pertinent for the Review Conference to consider measures that could further strengthen the effectiveness of the implementation of the Convention*. He then said that *We believe that the role played by the ISU ... should continue* and added that *We believe that the next intersessional period should also include the consideration of further topics of relevance to the Convention in order to exchange experiences and encourage information sharing that would be beneficial to all states*.

[As Egypt is a Signatory State, it is not invited to submit CBMs or to contribute to INF.2, INF.3 or INF.8]

86. The General Debate then moved on to hear statements from International Organizations. The first such statement was made by Ambassador Mariangela Zappia on behalf of the **European Union** and the Candidate Countries Turkey, Croatia, the former Yugoslav

Republic of Macedonia, Montenegro and Iceland, the Countries of the Stabilisation and Association Process and potential candidates Albania, Serbia as well as Ukraine and the Republic of Moldova. She said that *The EU has arrived at this Conference with a strong common position. ... The EU's objectives are realistic and ambitious at the same time: together with all State Parties, we want to review the operations of the BTWC and to explore concrete options to strengthen it further. The EU has identified three priorities for reviewing the BTWC: **building confidence in compliance, supporting national implementation, and promoting universalisation.*** [Emphasis in the original]. In regard to compliance she said that *State Parties should be able to demonstrate compliance by means of information exchange and enhanced transparency about their implementation activities and intentions towards compliance. This can be achieved by means of declarations, consultations and on-site activities, representing increasing levels of transparency and scrutiny, but also by information exchange and review during the intersessional process. While recognising that there is currently no consensus on the issue of verification, which remains a central element of a complete and effective disarmament and non proliferation regime, we are willing to work towards identifying options that could achieve similar goals.* Then in regard to CBMs, she said that *Confidence Building Measures are crucial tools with regard to creating confidence in compliance. The CBMs are the politically agreed regular national declaration tool on implementation and compliance. They should be modified in order to try to increase participation in CBMs submissions.*

87. She then added that *Also with regard to compliance the EU is also in favour of strengthening the UN Secretary-General's mechanism for investigation of alleged use of biological and toxin weapons. Further action could be considered and decisions taken on the provision of assistance and coordination in the context of Article VII of the BTWC with relevant organisations upon request by any State Party in the case of alleged use of biological and toxin weapons, including improving national capabilities for disease surveillance, detection and diagnosis and public health systems.* In regard to national implementation she said *On national implementation our common aim should be supporting and strengthening, where necessary, national enforcement measures, including criminal legislation, biosafety and biosecurity measures in life science institutions, control over pathogenic micro-organisms and toxins, export control for dual-use agents and technologies, the appointment of a national contact point for the BTWC, and regional and international cooperation, ...* She then said *We need to strive for universal adherence of all States to the BTWC, .... the EU ... therefore recommends the adoption of an action plan on universalisation evaluated during dedicated sessions during the intersessional process, and, if necessary, modified at each State Parties' Meeting.*

88. She added in regard to Article X, *The European Union will continue to support the concrete implementation of Article X of the BTWC .... In this regard, we would favour integrating information related to assistance in the CBMs by revising Form D or creating a new form, and mandating the ISU to compile Article X of the BTWC related information into an online database,* She then concluded by saying *The European Union is also convinced that a process of more frequent assessments of relevant scientific and technological developments, which may have implications for the BTWC, such as in the rapidly developing fields of synthetic biology and nanotechnology and the increasing convergence of chemistry and biology is of the utmost importance. The ISU's mandate, whose prolongation for another five years should be guaranteed, should also include the establishment of a communication and information platform on policy, scientific and other activities relevant to the BTWC. A working group could be established for S and T assessments during the intersessional*

*process. Furthermore, science and technology items could be included on the agenda of Meetings of State Parties.*

89. This was then followed by a statement made by Grace Asirwatham, the Deputy Director General of the **Organization for the Prohibition of Chemical Weapons**. She noted that *the BWC and the CWC have mutually reinforcing complementarities*. She went on to note four areas of common interest:

*The first of these is full and effective national implementation, which is a clear prerequisite for the good functioning of both treaties. .... A robust domestic regime conveys a strong message to those who may harbour malicious intent. .... However, more than 50 percent of States Parties of the CWC still need to take action to ensure that their legislation covers all key areas of the Convention. .... Over the next year we will launch new initiatives beginning with e-learning modules for National Authorities and a cooperation and assistance activities database to facilitate information sharing between States Parties.*

*The second area of common interest is the impact of advances in science and technology. Both the BWC and CWC are disarmament treaties tied closely to science, and the dynamic nature of science has a direct impact on our own work. ... A topic of direct relevance to both the BWC and CWC is the growing convergence between chemistry and biology, ... the Director-General recently requested the Scientific Advisory Board to study this issue and report back to him. The SAB therefore established a temporary working group on this subject,...*

*The third area of common interest relates to assistance and protection in the case of use of chemical or biological weapons. ....the expectations of our States Parties emerged clearly in favour of a more pro-active OPCW role in matters of both assistance and protection as well as safety and security against chemical weapons and toxic chemicals.*

*The fourth and final area of common interest between our two treaties is international cooperation in the peaceful uses of science. .... Further, just last week, the Conference of States Parties adopted an agreed framework for the full implementation of Article XI [of the CWC], which will provide a new impetus to our international cooperation activities and the necessary guidance to make them more effective.*

91. She then went on to say *Among a number of emerging issues on the OPCW's agenda, there are two which I believe are of relevance to both the BWC and CWC and, with regard to which, I think the OPCW can benefit from the experience of BWC States Parties*. She then said *The first concerns issues of chemical safety and security. A broader approach to security underlines the need to focus on such issues. A related area concerns the exchange of information and sharing of best practices regarding safety and security management, and the potential role of industry standards*. She then added that *The second area concerns education and outreach. ... More concretely, future generations must be made fully aware of their responsibilities as scientists and engineers when dealing with materials that could present a danger to humankind*.

92. The President then closed the morning session of the General Debate noting that the

afternoon session would include the informal session in which NGOs would make statements. He also said that the session on the morning of Wednesday 7 December 2011 would start promptly as there would be statements in the General Debate by the Foreign Minister of the Netherlands and by the Secretary of State for the United States. Later on Wednesday morning, the Committee of the Whole would start its work on the Article by Article *Final Declaration* and then on the Wednesday afternoon, the President proposed to hold informal plenaries to consider cross-cutting issues – he envisaged starting by considering science and technology and then the intersessional process.

93. The Secretary-General then announced side events at lunchtime with a joint event by the Global Network of Science Academies - *Report of the Workshop on Trends in Science and Technology Relevant to the BWC* and the University of Bradford - *Key Points for the Review Conference*. A second side event would be by the Netherlands Institute of International Relations Clingendael - *The Future of Biological Weapons Revisited*.

### **Resumption of the General Debate: Tuesday 6 December 2011 afternoon**

94. The General Debate resumed on the afternoon of Tuesday 6 December 2011 with a statement by Zeyad Almasha'n of **Kuwait**. He said that the Review Conference was taking place at a time of considerable changes in the Middle East. The Biological Weapons Convention was key to international peace and security and hopefully the Review Conference would be successful in its efforts. The promotion of Confidence Building Measures was one of the crucial issues of the Review Conference during the next three weeks and Kuwait supported this. Kuwait also supported continuing the intersessional meetings and discussions. Kuwait would like to call upon all States that had not yet joined the Convention to do so soon. Kuwait had never tried to acquire biological weapons and never would.

[INF.1 shows that Kuwait had not submitted any CBMs between 2006 and 2011. In addition, Kuwait had not made any submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

95. Ambassador Gerard Corr of **Ireland** then spoke saying *Ireland fully associates itself with the Common Position adopted by the European Union on 18 July .... Ireland also fully associates itself with the statement to be delivered on behalf of the EU*. He then said *We are committed to working to identify and strengthen existing mechanisms so as to build confidence in compliance with the BTWC. We believe there is great merit in more frequent assessments of ongoing scientific and technological developments and to working to ensure that the Convention can keep pace with these rapid developments. ... We are also committed to the implementation of Article X ... we will continue to support initiatives and projects aimed at capacity building in the areas of disease detection, surveillance, diagnosis and infectious disease containment*. On universality, he said *Ireland is also committed to promoting the universality of the Convention...* He then said *Ireland is also committed to supporting effective international implementation* and went on to outline the new legislation – the Biological Weapons Act 2011 – Ireland had adopted earlier in 2011.

[INF.1 shows that Ireland submitted its CBM each year between 2006 and 2011. In addition, Ireland had made a submission in regard to compliance [INF.2] but not on S & T developments [INF.3] or on Article X [INF.8]. However, Ireland had contributed to the EU paper on Article X [INF.10]]

96. The General Debate then continued with two statements from international organizations before hearing a further statement by a State Party, Colombia. Keith Hamilton of the **World Organization for Animal Health (OIE)** spoke saying *Animal diseases including zoonoses continue to have a significant impact on public health, animal health, food safety, food security, the environment and economies.... Biotechnological advances mean that these agents can be readily engineered to be more dangerous than they are in their natural state. OIE believes that day to day preparedness against ordinary disease outbreaks offers the best protection against unusual, deliberate and accidental releases ...* He went on to note that in 2011 the world had been declared free from rinderpest and the OIE and FAO were moving forward in implementing post-rinderpest eradication activities. He then added that *2011 also saw the development of OIE's strategy on global bio-threat reduction; strengthening global biosecurity. The OIE's strategy focuses on strengthening, enhancing, and developing cross-links in existing health systems. It focuses on close collaboration with OIE's international partners, including the WHO, the BWC and the Global Partnership.*

97. Peter Herby of the **International Committee of the Red Cross** then spoke saying the ICRC has for nearly a decade promoted a broad-based approach to preventing the hostile uses of biology, an approach we have often referred to as a “web of prevention”. He then went on to say that *There are three areas the ICRC would like to highlight where decisions of this Review Conference can strengthen the Convention and contribute to building an effective “web of prevention” against the hostile use of biological agents and toxins.*

*Firstly, the Convention needs an **improved means to review scientific and technological developments.** .... The Convention needs to establish a mechanism to ensure regular and structured review and to assess developments in science and technology so that the benefits to the Convention can be maximized and the risks minimized. This Review Conference provides an opportunity that must be seized to agree on such a mechanism.*

*Secondly, there is a need for States Parties to **increase their efforts to educate life scientists.** .... There is, therefore, a clear need to ensure that all universities offering curricula in the life sciences include at least one mandatory session that covers the risks, the rules of national and international law and the responsibilities of scientists. This Review Conference could call for the establishment of such a requirement by all States Parties at national level.*

*Thirdly, this Review Conference presents an opportunity to re-focus attention on the core issue of **monitoring and assessing compliance with the Convention,** which has not been discussed as part of the annual meetings. .... This Review Conference should agree on an agenda for a future process of annual meetings through which the States Parties will address monitoring and compliance challenges and strengthen the scope and implementation of the Convention's confidence building measures.*

98. He concluded by saying **In conclusion,** it is important to recall the ultimate objective of the Convention stated in its preamble, namely to “exclude completely the possibility of biological agents and toxins being used in weapons.” A centerpiece of this Review Conference should therefore be an unambiguous reaffirmation in the final declaration of the obligation of States Parties to respect, and ensure respect for, the absolute prohibition of biological weapons. [Emphasis in original].

99. Lennin Hernandez Alarcon of the Ministry of Foreign Affairs of **Colombia** then spoke saying that Colombia was committed to disarmament and the elimination of weapons of mass destruction. This Review Conference was an excellent opportunity of improving the Biological Weapons Convention. Colombia signalled the importance of the universalization of the Convention and of the implementation of the Convention at the national level. International cooperation was also key and Colombia wanted to reiterate its strong interest in contributing to this Conference.

[INF.1 shows that Colombia had not submitted any CBMs between 2006 and 2011. In addition, Colombia had not made any submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

100. Jacek Bylica of the **North Atlantic Treaty Organization** then spoke saying that *The 29 Nations of the NATO-Russia Council confirm the high value of the Biological and Toxin Weapons Convention (BTWC) and the work of the BTWC Seventh Review Conference, and their intention to work to strengthen the implementation of the Convention and its universalization.*

101. The President then suspended the formal session of the General Debate and immediately resumed in informal session, inviting the representatives of 19 NGOs to make their statements.

#### **Informal Session of the General Debate, Tuesday 6 December 2011 afternoon**

102. Graham Pearson of the Division of Peace Studies of the **University of Bradford** in the UK then spoke saying *There is justifiably a great sense of optimism that under your leadership realistic ambitions will be achieved that will effectively strengthen the regime totally prohibiting biological and toxin weapons so addressing the international concern, anxiety and awareness of the dangers of the use of deliberate disease as a weapon of war or for terrorist purposes. Certainly no Review Conference has been as well prepared as this one with the series of workshops around the world at Wilton Park, Beijing, Montreux, Berlin, Manila and Clingendael, with the material available in the Think Zone, and the advance copies of documents for this Review Conference. He said that There are five realistic outcomes – which are entirely attainable – that we would urge the Seventh Review Conference to achieve. First, ... we urge that a standing working group be established to consider the application and implications of scientific and technological developments in specific areas for all the Articles of the Convention. Second, .... This Review Conference should set a target towards universality of 190 States Parties by the time of the Eighth Review Conference. Third, the effectiveness of the Convention depends on the steps taken to achieve national implementation by the States Parties. This Review Conference should demonstrate its commitment to an effective Convention by agreeing an Action Plan to ensure that all States Parties have adopted national legislation, including penal legislation. Fourth, the States Parties should agree a further intersessional programme between 2011 and 2016/in 2012 to 2105 of annual Meetings of States Parties prepared by standing working groups addressing the following three separate and distinct topics:*

- *The advances in science and technology in specific areas relevant to the Convention*
- *An improved Confidence-Building Measures regime*
- *Confidence in compliance*

*Fifth, .... For the further effective strengthening of the Convention it is essential that the ISU is enlarged so that it can indeed carry out its mandate agreed by this Review Conference. [Emphasis in original]*

103. Nicholas Sims of the **London School of Economics and Political Science** in the UK then spoke saying *In this statement we have chosen five areas in which to encourage you to reach agreement. 1. **Implementation Support Unit** .... States Parties need to be realistic about the tasks you allocate and the resources required for the effective fulfilment of those tasks. .... we recommend a considerably larger ISU, one whose resources will match the expanded role of implementation support which we hope this Conference will approve. 2. **Intersessional work programme: reshaping the intersessional process** .... We hope the Conference will decide on an annual Meeting of States Parties supported by meetings of working groups or standing expert groups, to push ahead work on several topics in parallel. Some groups may need more time than others. Allocation of time among groups is one of the types of decision that the Conference should specifically authorise the Meeting of States Parties to take by consensus, each year, in the interests of flexibility. 3. **Confidence-building measures** .... To develop a clearer, collective vision of their purpose and longer-term evolution, a CBM working group should be established by this Conference. It should enquire whether the existing CBMs provide the transparency needed for reassurance, or whether additional categories of information or different questions would be more useful. 4. **Science and technology** We share the view that scientific and technological developments of relevance to the Convention need ongoing collective assessment, and new structures designed to provide this. We hope the Conference will ensure that such assessment takes place in a working group or other forum comprising scientific advisers from academia, industry and government, with input from a wide range of sources including national academies of science and NGOs.... 5. **Compliance and the future** We encourage you to raise your sights, in the spirit of ambitious realism: look ahead to the Eighth Review Conference and identify the steps that will need to be taken before 2016 if the Convention is to emerge strengthened in operation and recognised as the cornerstone of biological disarmament. These steps will include States Parties demonstrating their compliance to one another, as treaty partners should, in an acceptable framework of accountability, and using agreed procedures to clarify and resolve any compliance concerns that may arise. [Emphasis in original]*

104. Kathryn Nixdorff, of the **International Network of Engineers and Scientists for Global Responsibility (INES)** said that *As scientists and engineers, we must continue to express our concerns about the need to deal more effectively with advances in science and technology in order to minimize the potential risks that they pose to the BWC. She went on to say that INES strongly supports these calls for a new annual S&T assessment mechanism within a continuing, improved yearly intersessional process. She said that In addition, INES recognises that all life scientists have an obligation to act responsibly in their work to help minimize the associated risks. .... It is our view that States Parties need to take steps nationally to ensure the education and awareness of all those engaged in the life sciences. Furthermore, States Parties should provide annual reports on the steps they have taken nationally to improve education and outreach as a part of their submissions under CBM E. She then concluded by saying that INES proposes that the States Parties to the Seventh Review Conference of the BWC agree to the establishment of a Working Group composed of government experts, scientists from civil society institutions and representatives of industry to carry out a structured, analytical and systematic review of S&T developments of relevance to the Convention within the framework of a new intersessional process 2012-2015.*

105. Andrzej Gorski of the **Bio-security Working Group of the Inter-Academy Panel on International Issues: the Global Network of Science Academies** then spoke saying that he wished to highlight two activities of IAP *that are particularly relevant to the deliberations of the 7th Review Conference: first, advances in science and technology (S & T), and second, education and awareness-raising.* He noted that a workshop *Trends in Science and Technology relevant to the BTWC* had been held in Beijing, China in November 2010 and that the executive summary of the report of this meeting had been included in the ISU background paper INF.3. He said that *three major themes had emerged from the workshop:*

- *The rapid pace of change in the life sciences and related fields;*
- *The increasing diffusion of life sciences research capacity and its applications, both internationally and beyond traditional research institutions;*
- *The extent to which additional scientific and technical disciplines beyond biology are increasingly involved in life sciences research.*

*The report also underscores the relevance of S & T to every major Article of the Convention and the challenges and opportunities that the advances present for implementation.* He then spoke about a workshop held in November 2009 *to develop recommendations for the most effective approaches to educating life scientists internationally on dual use issues.*

106. Masamichi Minehata of the **National Defense Medical College of Japan** in a joint statement with the **University of Bradford** said *It is now widely recognised that very few of those engaged in the life sciences have any knowledge of the Biological and Toxin Weapons Convention or of their responsibilities and obligations under the Convention.* He added that *It is recommended that the States Parties in their consideration of Article IV at this Review Conference address how best to ensure that those engaged in the life sciences within all States Parties are aware of their obligations and responsibilities under the Convention. Consideration needs to be given to what actions might be taken by the States Parties nationally and collectively to ensure that all those engaged in the life sciences whether in government, industry or academia are aware of the Convention.* After outlining a number of initiatives, he concluded by saying that *We believe that there is much that civil society and the life science community can do to help raise the level of awareness and education of all those engaged in the life sciences, and thereby to strengthen the implementation of the Convention through the establishment of a culture of responsibility in all those engaged in the life sciences, whether in government, industry or academia. We urge that States Parties address this issue during the Review Conference and show leadership in taking effective action to ensure that the implementation of Article IV is urgently advanced amongst all those engaged in the life sciences.*

107. Scott Spence of **Verification Research, Training and Information Centre (VERTIC)** then spoke saying that *VERTIC has been highly engaged in the work of the BWC for many years, and we have accelerated our contribution to the most recent intersessional process through our National Implementation Measures Programme.* He then went on to say in regard to national implementation, that *VERTIC calls on the Review Conference to take a strong decision on national implementation, to encourage all BWC member states to enact comprehensive legislative frameworks during the period leading up to the Eighth Review Conference in 2016 and to regularly discuss state practice, assistance needs and progress made during the next intersessional process.* In regard to universality he said *VERTIC calls on the Review Conference to take a strong decision on universality of the Convention, with clear steps towards substantial expansion of its membership in time for the Eighth Review*

*Conference in 2016 and regular reviews of progress during the next intersessional process. On international cooperation and assistance, he said VERTIC advocates international co-operation and assistance under the auspices of the BWC, as an independent, international co-operation and assistance entity. Then on compliance and verification, he added that VERTIC calls on the Review Conference to take a strong decision to enhance transparency and confidence-building concerning national implementation through the next intersessional process and urges states parties to continue discussions on any other necessary mechanisms for ascertaining compliance. He concluded by saying that VERTIC calls on the Review Conference to take a strong decision in support of the Article I general purpose criterion and its role in preventing any misuse of biological agents developed using the latest advances in the life sciences and to engage in regular reviews of developments in science and technology during the next intersessional process.*

108. Kai Ilchmann of the **Harvard Sussex Program on Chemical and Biological Weapons** said that he would *concentrate on one area we feel that States Parties should agree: to increase their efforts to stay informed about trends in the life sciences and related areas of technology.* He went on to say that understanding the implications of new developments in the life sciences and related areas of technology was an essential task for States Parties. The prevention of the development, acquisition and use of biological and toxin weapons required a thorough understanding of the nature of disease and of the properties of the biological agents and toxins that caused it. The consideration of science and technology potentially relevant for the Convention should be explored using a holistic framework. He went on to *note, in particular, the continued convergence between the life sciences and chemistry and the implications that this is having for both the Chemical Weapons Convention and the Biological Weapons Convention. We are fully supportive of the suggestions made by the Advisory Panel on Future OPCW Priorities that “exchanges of experience and joint technical reviews could be helpful to understand how [convergence] affects the implementation of [the Chemical Weapons Convention and Biological Weapons Convention] at the interface between chemistry and biology” and that the “Technical Secretariat should establish a liaison (i.e. point of contact) with the BWC implementation process.” We hope that the States Parties to the BWC will give these suggestions due consideration during their discussions at the Seventh Review Conference and, as the Organisation for the Prohibition of Chemical Weapons is doing, examine what the convergence of chemistry and biology means in practical terms for their work.* He concluded by saying *We support the idea of more frequent examination of the new developments in science and technology.*

109. Tim Trevan of the **International Council for the Life Sciences** said that *The mission of the ICLS was to help promote and advance global public health, safety and security. To this end, we seek to safeguard opportunities to conduct research and apply advances in the life sciences for the practical benefit of society by promoting best practices, standards and codes of conduct, so ensuring the responsible pursuit of science.* He went on to say that *Networks can be effective in mitigating biological risks where there was a convergence of interests because they can:*

- *provide access to expertise and reference data that would otherwise not be available*
- *be very cost efficient by being virtual and thereby removing overhead costs*
- *respond directly to local challenges*

He noted *There are particular areas where civic networks may be able to act more effectively than governments, such as for multidisciplinary issues, international coordination and cooperation, and for issues where normal structures had reached their limits, such as when governmental infrastructure had failed due to civil war.*

110. Iris Hunger speaking on behalf of the **Stockholm International Peace Research Institute** said in regard to advances in science and technology that *It is nevertheless vital to review the main relevant trends and methods or approaches that may be employed in order to understand the implications of such activity for biological arms control.* In regard to CBMs she said *With respect to CBMs, this conference may wish to consider the desirability of revising the information-exchange format agreed by the Second and Third Review Conferences, including whether and how they could to be modified to serve as a basis for achieving capacity-building objectives on a practical and technical level, such as for the improvement of the operation of life sciences laboratories.* In regard to Article X, she said *With respect to Article X, the parties may wish to consider further the desirability and modalities for (a) exchanging operationally focused, time- limited proposals, and (b) requests or offers that support and strengthen relevant economic development and cooperation.* Then in regard to compliance and verification she said *The capacity of the BTWC regime to strengthen compliance and verification can be improved partly through consultation on S&T assessments and the sharing of best practices on S&T evaluation methodologies.*

111. Gunnar Jeremias of the **Research Group for Biological Arms Control** at the **University of Hamburg** said that *We have come here with great expectations. We would like to see the BWC coming out of this important conference a stronger, more reliable treaty, having been set on a steady path towards comprehensiveness and modernization.* He went on to say that *we believe that the BWC most urgently needs a mechanism to assess compliance. And again, almost everyone in this room agrees. Verification of compliance with the BWC is, however, more complicated than for other arms control and disarmament treaties.* He added that *three elements are essential in a compliance assessment mechanism for the BWC. First, the most important element of such a mechanism would be the continuous reaffirmation through information monitoring that existing capabilities and capacities are not being used to develop biological weapons.* He went on to say that *Second, the BWC is in need of a reliable challenge investigation mechanism to address serious allegations of biological weapons use and development. It would be highly desirable to better connect the UN Secretary-General's mechanism for the investigation of CBW use with the BWC. A third indispensable component of a verification mechanism for the BWC is a 'mid-level element', something between the politically charged challenge investigations and day-to-day information monitoring activities.* He concluded by saying that *We are in the fortunate position that the initial components of all three verification elements are already in existence. If they are further developed and used judiciously in a modular approach, the BWC would become much more robust in the years to come.*

112. Mark Johnson of **MJ Lawrence Consulting** then spoke saying that *Many States Parties lack medical countermeasures (MCMs) for responding to a bioterrorist attack. It is now widely recognized that terrorists could resort to using biological weapons. However, whilst the level of probability that such an attack will actually happen remains low, the MCMs required to respond to such an incident are expensive to develop and involve a lengthy process till they can be ready for use. If States Parties are to be prepared, they need to engage in a dialogue with industry on how to ensure that preparedness is improved and how this work can be financed.* He went on to say that *It is recommended that the States Parties should encourage the establishment of an open dialogue within States Parties between governments and industry so that bioterrorism preparedness can be improved. There is a real danger that in the absence of such dialogue, governments will rely solely on past experience gained from pandemic influenza vaccine and antibiotic preparedness. While there are some*

similarities to bioterrorist preparedness which can be relevant, there are also significant differences. He concluded by saying that *When you consider Article VII at this Review Conference, I recommend that you include in your Final Declaration language that recognizes the importance of States Parties engaging in dialogue with industry so as to ensure that the appropriate medical countermeasures (MCMs) are indeed available when they are required to counter an outbreak of disease, whether natural, accidental or deliberate.*

113. Christine Rohde of the **Global Biological Resource Centre Network (GBRCN)** spoke saying that *We especially endorse the outcome of the Meeting of States Parties in 2008 when you recognized that “biosafety and biosecurity measures contribute to preventing the development, acquisition or use of biological and toxin weapons and are an appropriate means of implementing the Convention.” In order to take such measures, it is necessary to enhance awareness and create a biosecurity-conscious culture.* She went on to say that *As we recognize the present and future value of the effective national implementation of the BTWC with its high global relevance, and recognizing the rapid scientific and biotechnological developments, we would like to express to the States Parties that the Code of Conduct (CoC) presented here will add value to the objectives of the BTWC. The aim of the CoC is to prevent microbial resource centres from directly or indirectly contributing to malicious misuse of biological agents and toxins, including the development or production of biological weapons and shall promote a basic ethical understanding of science compliant with the BTWC. We also consider that such a generally applicable type of a Code can substantially help all States Parties because awareness raising is absolutely crucial in the scientific world.* In conclusion she said *our message and recommendation to the Seventh Review Conference is that States Parties should, as part of their consideration of improving the national implementation of the Convention, agree to adopt a comparable Code of Conduct for their national microbial resource collections and other institutions in the life sciences because of the awareness raising focus on biosecurity that it provides.*

114. Kathryn McLaughlin speaking on behalf of the **Institute for Security Studies in South Africa** said *Africa, perhaps more than any other continent, experiences the impact of naturally occurring diseases almost daily, particularly on vulnerable populations in states where health care facilities are seldom equipped to deal effectively and efficiently with disease outbreaks. Africa is also the region where more could, and should, be done with regard to improving scientific research and diagnostic facilities and where biosafety measures remain insufficient and under-resourced.* She went on to say that *As of November 2011, 37 African countries are States Parties. African States that have signed the BTWC but have not yet ratified are: Central African Republic, Cote d'Ivoire, Egypt, Liberia, Malawi, Somalia and United Republic of Tanzania. .... We believe that universalisation in Africa is essential to strengthening the convention .... It is, however, evident that a more sustained and concentrated effort is needed by States Parties with respect to Africa. It is also important to recognise that any discussion about universalisation needs to address issues of assistance to states that may require it.* She concluded by saying that *This 7th Review Conference provides an important opportunity to strengthen the Convention. **By garnering** greater political support to place the BTWC into a developmental context and highlighting the socio-economic benefits of universalisation and full implementation, it is an opportunity that should not be missed.*

115. Janet Phelan of **ITHACA**, a human rights agency, then spoke saying she wished to *submit concerns to this Convention that the United States of America is engaged in an offensive biological weapons program. .... these weapons may be stockpiled at Sierra Army Depot, which is a military base in Northern California, as well as possibly at other locations.* She went on to say that *In 2001... the United States passed a piece of legislation which in itself constitutes a violation of Articles I, II and IV of the BWC. This piece of legislation, Section 817 of the US PATRIOT Act, The Expansion of the Biological Weapons Statute, gives the United States a “blank check” to stockpile biological weapons and toxins and de facto removes the U.S. from the stipulations contained in the BWC. This is accomplished by the addition of a final caveat to 817, stating that “the prohibition contained in this section shall not apply to any duly authorized United States governmental activity.”* She concluded by saying that *all of these signals ... point to a future attack within the borders of the U.S. facilitated by the United States government.*

116. Brad Goble of the **International Federation of Bio-safety Associations (IFBA)** then spoke saying that *The IFBA’s mission statement (“safe, secure and responsible work with biological materials”) highlights the need to protect and promote global health and security, and lays the foundation for the implementation of strategies to minimize the serious dangers that can arise from the failure to implement sound biosafety and biosecurity practices.* He went on to add that *Looking to the future, the IFBA and more than 50 of its members recognize the unique opportunity we have in strengthening our engagement and collaboration with BWC stakeholders as an important partner in achieving our complementary goals across the world. Our task is to help ensure that all states have the biosafety, biosecurity and biological non-proliferation knowledge and tools they require. Collaboration with international, regional and national biosafety associations provides a direct channel with those who actually run the facilities that conduct biological research.* He concluded by saying that *The biosafety community should work with states parties to build biosafety and biosecurity capacity in developing countries—with a particular focus on raising awareness among biosafety professionals about the convention and dual-use issues. The biosafety community can also act as a useful bridge between governments and the private sector, and become an influential partner in generating greater buy-in and encouraging closer engagement within the framework of the convention.*

117. Graham Pearson of the **Steering Committee of the Pugwash CBW Study Group** then spoke saying that *The points that we outline ... represent our view of what are realistically achievable at the Seventh Review Conference. 1. Universalization of the Convention. .... We recommend that the States Parties at the Seventh Review Conference should take steps to provide high level leadership and a sustained committed attention to universalization throughout the period to the Eighth Review Conference. .... 2. The Intersessional Process. .... We recommend that the States Parties at the Seventh Review Conference should agree that there should be annual Meetings of States Parties during the intersessional period that are prepared for by standing working groups and meetings of experts. These annual meetings should take decisions where appropriate on the basis of consensus. 3. National Implementation together with Education and Outreach. We recommend that the States Parties at the Seventh Review Conference should adopt an Action Plan with an interim target that two thirds of the States Parties to the Convention shall have adopted effective national implementation legislation by the time of the Eighth Review Conference. 4. Confidence-Building Measures Regime.... We recommend that the States Parties at the Seventh Review Conference should agree some modifications to the existing CBM regime at the Seventh*

*Review Conference. And equally importantly, a standing working group should be set up to consider in the intersessional period after the Seventh Review Conference how the effectiveness of, and the participation in, the CBM regime might be further enhanced as well as to review its concept and purpose within the overall efforts to strengthen the Convention.*

*5. Advances in Science and Technology. ... we recommend that the States Parties at the Seventh Review Conference should agree to set up a standing working group of scientific and technical ... and to report on the implications for all Articles of the Convention, with a view to the strengthening of the Convention...*

*6. International Cooperation and Assistance. We ... recommend that the States Parties ... should agree that the Implementation Support Unit should ... operate a clearing house mechanism on international cooperation and assistance ...*

*7. Compliance and demonstration of compliance. .... We recommend that the States Parties ... should agree to set up a standing working group to consider a conceptual discussion of what measures would demonstrate compliance, and how clarification might be obtained in respect of any queries regarding compliance.....*

*8. The Implementation Support Unit.... We recommend that the States Parties ... should agree to the continuation of the ISU and give it an appropriate mandate and resources ....*

118. Ali Akbar Mohammadi of the **Ferdous International Foundation (FIF) and Global Health and Security Consultants (GHSC)** then spoke saying that *dangerous pathogens may cause risk to public health through:*

- *Natural outbreaks;*
- *Poor laboratory and clinical conditions*
- *Careless handling of infectious materials containing dangerous pathogens and conditions;*
- *Deliberate misuse of such materials*

He went on to say that *FIF and GHSC have given their first and foremost priority in assisting these countries to strengthen their national capacity to adequately prevent and respond to the threats caused by biological risks through implementation of a **National Biological Risk Management Programme (NBM)** which he then outlined. He went on to say that implementation of such programme in particular in the absence of a universally agreed instrument, will to a large extent facilitate the implementation of the BTWC. Moreover, we know that 194 member states of WHO are committed to implement the International Health Regulations (IHR) by 2016 the latest. Therefore implementation of such programme will also be in the line with several articles of IHR in strengthening national capacity to prevent and respond to public health event of international concern (PHEIC).* He concluded by saying that *We strongly believe it is the responsibility of all member states in particular those with financial resources as well as funding agencies to help the low resource and developing countries in implementation of such programme towards establishment of national capacity to prevent and respond adequately and effectively to biological risks.*

119. Amy Smithson of the **James Martin Center for Nonproliferation Studies** then spoke saying that *Conventional wisdom that predates the Biological and Toxin Weapons Convention (BWC) holds that verifying compliance with this treaty's prohibitions is not possible.* She then went on to outline what the UNSCOM inspections in Iraq had achieved. She pointed out that *On closer examination, the inspection activities that enabled UNSCOM inspectors to detect Iraq's bioweapons program bear quite some resemblance to the routine inspection procedures of well-known accords such as the Chemical Weapons Convention and the Nuclear Nonproliferation Treaty.* She went on to say that *Therefore, a strong collective interest in strengthening the compliance provisions of the BWC should resonate at this Review Conference. The public worldwide is depending on the States Parties of the BWC to spare no effort in making sure that the norm against biological weapons is policed and upheld. On behalf of the inspectors who did what many think is impossible, we sincerely hope that you act on that responsibility.* She added that *A way must be found, however, for BWC*

*States Parties to restart a dialogue about verification, to learn from applicable historical experience, and to explore options feasible in the 21st century to strengthen the compliance provisions of the BWC. A reasonable start would be the establishment a working group to consider these matters, ...*

120. Trevor Griffiths of **Pax Christi International** then spoke saying that *Pax Christi would like to remind the international community gathered here today that it has the “responsibility to protect” (R2P) the security of all people.* He then went on to urge the States Parties to take into account the following recommendations: **Universality.** *All States should sign and ratify the BTWC, prohibiting the possession or development of biological and toxin weapons. ...* **The Intersessional Process** *... Pax Christi International supports continuation of annual meetings of experts and of States Parties. Proposals to install standing thematic expert groups should also be implemented. ... Annual Meetings of States Parties should be authorised to make decisions on the basis of consensus and as appropriate.* **Confidence-Building Measures** *Pax Christi International urges all States Parties who have not done so to submit CBMs for 2011 and all States Parties to continue submitting CBMs in the future. Pax Christi International also recommends that States Parties agree to amend the CBMs at the Seventh Review Conference ...* **Science and technology** *Pax Christi supports the moves to establish a body of scientists and policy makers entrusted with continuous monitoring of relevant scientific and technological progress.* **The Implementation Support Unit** *The mandate of the Implementation Support Unit (ISU) ... should be renewed and extended .... Its strength should be increased appropriately.* **International cooperation and assistance** *Pax Christi International welcomes initiatives for international cooperation and assistance that contribute to saving lives and minimising suffering. ...* **Compliance and verification** *The States Parties to this Convention should agree on a mechanism to provide increased confidence in compliance. ... During the Seventh Review Conference, a reasonable ambition is to make progress towards an effective compliance regime. The international community will lose credibility if it fails to do so, as it needs to be seen to be addressing its responsibility for ensuring that global life sciences are not misused. [Emphasis in original].*

121. The President then closed the informal session and resumed the formal General Debate. He said that the General Debate would continue on Wednesday morning at 10.00 am with statements from the Netherlands and the USA. The Review Conference would then move on to a meeting of the Committee of the Whole with an Informal Plenary meeting in the afternoon. The Secretary-General then reminded participants that the General Debate would start promptly at 10.00am and that there would be a side event at 09.00 am when the Harvard-Sussex Program would make a presentation on *Results from examining the role of Science and Technology reviews in the Biological Weapons Convention.*

### **Resumption of the General Debate: Wednesday 7 December 2011 morning**

122. The General Debate resumed at 10.00 on Wednesday 7 December 2011 with a statement on behalf of the Netherlands. Uri Rosenthal, the Minister of Foreign Affairs of the **Netherlands** said that *In line with the priorities of the EU member states for this Review Conference, the Netherlands will provide its support towards • supporting national implementation; • enhancing compliance of the Convention and • promoting universality.* He then said *a lot of work remains to be done* and said *let me stress three points:*

*Firstly, national implementation. The level of national implementation, although generally improving remains patchy and inconsistent.... all States Parties to the*

*Convention should focus on supporting and strengthening national enforcement measures, like creating criminal legislation and appropriate biosafety and biosecurity measures.*

*Secondly, **improve** the Biological and Toxin Weapons Convention in order to enhance compliance. We do not have a binding verification protocol. .... I urge all States Parties to play their part in shaping the future of the BTWC and taking specific effective steps to reduce the risks posed to international security by biological weapons.*

*Thirdly, **universality of the BTWC**. We need to aim at the universal adherence to the Convention. .... With 165 treaty parties, we are still lagging behind most other multilateral disarmament treaties. [Emphasis in original].*

[INF.1 shows that the Netherlands submitted its CBM each year between 2006 and 2011. In addition, the Netherlands made submissions in regard to compliance [INF.2], on S & T developments [INF.3] as well as on Article X [INF.8]]

123. Hillary Clinton, the Secretary of State of the **United States of America** then spoke saying that *Two years ago, the Obama Administration released our national strategy for countering biological threats, which is a whole-of-government approach designed to protect the American people and improve our global capacity. We support our partners' efforts to meet new international standards in disease preparedness, detection, and response. She went on to say But there is still more to do, and I want to briefly mention three areas. First, we need to bolster international confidence that all countries are living up to our obligations under the Convention. It is not possible, in our opinion, to create a verification regime that will achieve this goal. But we must take other steps. To begin with, we should revise the Convention's annual reporting systems to ensure that each party is answering the right questions, such as what we are each all doing to guard against the misuse of biological materials. Countries should also take their own measures to demonstrate transparency. Under our new Bio-Transparency and Openness Initiative, we will host an international forum on health and security to exchange views on biological threats and discuss the evolution of U.S. bioresearch programs. ... In short, we are intending and are meeting our obligations to the full letter and spirit of the treaty, and we wish to work with other nations to do so as well. She then said that Second, we must strengthen each country's ability to detect and respond to outbreaks and improve international coordination. As President Obama said earlier this year at the UN, "We must come together to prevent and detect and fight every kind of biological danger, whether it's a pandemic like H1N1, or a terrorist threat, or a terrible disease." She continued by saying Finally, we need thoughtful international dialogue about the ways to maximize the benefits of scientific research and minimize the risks. .... So how do we balance the need for scientific freedom and innovation with the necessity of guarding against such risks? There is no easy answer, but it begins with open conversations among governments, the scientific community, and other stakeholders, in this forum and elsewhere. .... Ambassador Kennedy and the U.S. team look forward to working with all of you for a strong set of recommendations. She then concluded by saying that we know the biological threats we face today are new, but our commitment to face threats together is not. .... So in that same spirit, let us move forward to address the challenges we face together in the 21st century.*

[INF.1 shows that the USA submitted its CBM each year between 2006 and 2011. In addition, the USA made submissions in regard to compliance [INF.2], on S & T developments [INF.3] as well as on Article X [INF.8]]

124. The President then suspended the General Debate for a few minutes before resuming with a statement made by Nigeria. Syndoph Paebi Endoni of **Nigeria** said that Nigeria wished to be associated with the statement made by Cuba on behalf of the Non-Aligned Movement. He then went on to say that Nigeria hoped that at this Review Conference, *we are able to review the operations of the Convention, review relevant scientific and technological developments and their impact on society and consider the very pertinent issue of international cooperation in the field of peaceful use of biological agents and toxins, in addition to the review for another term the mandate of the ISU.* In regard to Article X, he went on to say that *Nigeria would urge this Review Conference to give this issue some bite so as to encourage its full and effective implementation.* He then went on to outline some actions that had been taken by Nigeria including a national sensitization workshop on the BWC to be held in 2012.

[INF.1 shows that Nigeria submitted its CBM between 2006 and 2011 in 2007 and 2008. However, Nigeria did not make submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

125. Ambassador Seyed Mohammed Reza Sajjadi of the **Islamic Republic of Iran** then spoke saying that Iran associated itself with the statement made by Cuba on behalf of the Non-Aligned Movement and other States Parties. He then said that *We believe that the only sustainable way for regime building in the BWC is through the legally binding instrument to comprehensively strengthen the Convention therefore the multilateral negotiations should be resumed on a legally binding instrument to comprehensively strengthen the Convention including in the area of international cooperation for peaceful purposes. Piecemeal solutions or fragmented proposals are not an appropriate option.* He went on to say that *The Universality of the Convention is of high importance to Islamic Republic of Iran. ... We support the adoption of an action plan with targeted timelines for ensuring the universality of the Convention.* He then said *The full, effective and non-discriminatory implementation of Article X, as one of the main pillars of the Convention, is essential to achieve the object and purpose of the Convention. ... We believe that there is an urgent need for the establishment of a mechanism on Article X. The Islamic Republic of Iran supports NAM and other states' proposal on the establishment of a solid mechanism for the implementation of Article X. In this vein, we also request 7th Review Conference to adopt specific measures for submission of cases of transfer denials by States Parties to ISU.* He went on in regard to the Intersessional Process to say that *We believe that we should keep continuity in the next intersessional process and not alter it radically. .... Furthermore, the decision making is the prerogative of the Review Conference and should not be delegated to the Intersessional Process. The Intersessional Process shall be directed towards the strengthening of the Convention in its entirety.... We believe that the overlooked Articles of the Convention like Articles X and Article VII shall be the core issues on this process.* Then in regard to CBMs, he said *The CBMs as a voluntary measure would lead to enhance the confidence among States Parties. .... However, we do share the view that CBMs shall not constitute a mechanism for verification of compliance. ... Consideration of a new CBM form on the implementation of Article X needs to be addressed by this Conference.* He then concluded by saying *Any decision with regard to the continuation of the ISU and its possible mandate should be commensurate with the specific decisions that we take in this Conference for*

*strengthening the Convention.*

[INF.1 shows that the Islamic Republic of Iran submitted its CBM each year between 2006 and 2011 apart from 2011. In addition, the Islamic Republic of Iran made submissions in regard to compliance [INF.2] and on Article X [INF.8] but not on S & T developments [INF.3]]

126. The President then suspended the General Debate saying that the Committee of the Whole would commence in a few minutes with Ambassador Desra Percaya in the Chair.

127. The General Debate was subsequently resumed later during the Review Conference to enable statements to be made by one more State Party, Afghanistan, and by three international organizations: INTERPOL, UNICRI and the WHO. On the morning of Friday 9 December 2011 contributions were made by INTERPOL and UNICRI.

128. Ali Rached of the **International Criminal Police Organization (INTERPOL)** spoke saying that *recent biological scientific advancements, especially within the field of synthetic biology, provide a new spectrum of dual-use technology that could be misused to serve terrorist or criminal intentions.* He then went on to *a new comprehensive approach addressing not only the bioterrorism threat, but also the Chemical, Radiological, Nuclear terrorism and the explosives (e) threat (referred to as CBRNe).* He then described the *Bioterrorism prevention unit which has started to develop a substantial intelligence analysis capability, with the aim of gathering comprehensive data on biological incidents, analyzing the threat and providing all INTERPOL member countries a robust analytical support helping them to prevent and address all types of Biothreat.* He concluded by saying that *Bioterrorism is a multidimensional global threat that requires coordinated and harmonized international dedicated efforts. .... The development of partnerships involving other relevant disciplines, such as public health and the scientific community, (on the local, national, regional, and international scale) is in our view, essential for a more efficient prevention and response effort.*

129. Kristina Kangaspunta of **UNICRI** (United Nations Interregional Crime and Justice Research Institute) spoke saying that *This conference is also a welcomed occasion to update ourselves with the roles of different organizations, engage with one another, create synergies to avoid the duplication of efforts and orient ourselves so as to head in the most appropriate direction for addressing the bio-threat.* She went on to outline *UNICRI's contribution to the common endeavour of the international community to address the threat posed by hazardous biological material and bio-weapons. .... One of the major roles that UNICRI has been playing is to enhance the capabilities of Member States to fulfil their obligations under various Conventions including the Biological Weapons Convention through the "CBRN Centres of Excellence" initiative.* She added that *The initiative foresees, from the beginning of 2012, the implementation of projects on:*

*first, 'Knowledge development and transfer of best practice on biosafety/biosecurity and bio-risk management';*

*second, 'Knowledge development and transfer of best practice on biological waste management';*

*third, 'Guidelines, procedures and standardization on bio-safety/bio-security';*

*fourth, 'Sharing experience between EU and South East Asian countries on the reinforcement of legislations and regulations in the field of bio-safety and bio-*

*security*’;  
*fifth, ‘Strengthening laboratory bio-safety and bio-security’;*  
*and sixth, the establishment of an ‘International Network of Universities and Institutes for raising awareness on dual-use concerns in bio-technology’.*

She went on to say that *in our enthusiasm to seek enhanced implementation of the Convention we must be cautious and well coordinated so as not to lose the momentum we have gained. This can be ensured only by preventing overlaps and through enhanced cooperation.*

130. The final contributions to the General Debate were made on the morning of Tuesday 13 December 2011 by Afghanistan and the WHO. First, Mohammed Qasim Hashemzai, Deputy Minister of the Ministry of Justice of **Afghanistan** spoke saying that Afghanistan aligned itself with the statement made by Cuba on behalf of the Non-Aligned Movement. He went on to review what Afghanistan had done in regard to several international treaties. He then said that *the Legislative Department of the Ministry of Justice is currently finalizing draft legislations aimed at helping the country meet its obligations under the BWC.* He went on to add that *We, therefore, attach great importance to the full, effective, and non-discriminatory implementation of Article X which significantly contributes to the economic and technological development of States Parties to the Convention. .... as we encourage that the needs and capabilities of the States Parties from developing countries be heeded, we also highlight that particular consideration be accorded to the peculiarities and special needs of the LDCs [Least Developed Countries] as the most marginalized and disadvantaged segment of the human family, for example in the areas of building infrastructure, development of human resources and national capacity building.* He then said that *Universalization of the Convention is very dear to Afghanistan. .... We encourage all those states that have not yet done so to accede to the Convention..... Nonetheless, for those countries who are States Parties to the Convention, we strongly favor the establishment of a multilateral verification mechanism.* He concluded by saying in regard to the ISU *We welcome the continuation of the ISU and its mandate renewed. However, we share the views ... that structural changes/expansion of the ISU, if any, should be guided by striking a balance between equitable geographic representation and maintaining the technical and professional capacity to carry out the functions as mandated to it by the Conference.*

[INF.1 shows that Afghanistan has not submitted a CBM between 2006 and 2011. In addition, Afghanistan has not made submissions in regard to compliance [INF.2], on S & T developments [INF.3] or on Article X [INF.8]]

131. Isabelle Nutall, Director Global Capacities, Alert and Response, of the **World Health Organisation (WHO)** then spoke saying that *The WHO has been working to strengthen global and national capacities to counter these risks. The Seventh Review Conference provides an opportunity to inform you of some of our activities of the past five years, and also to let you know about our perspective on the challenges on the horizon and how we intend to prepare for them.* She went on to say that *WHO has a commitment through its resolutions WHA 54.14 and WHA 55.16 to help Member States strengthen their preparedness against biological risks focusing on national and global public health systems. ... WHO’s primary role in responding to the natural, accidental or intentional release of a biological agent would be to support affected Member States in detecting the occurrence of disease, to manage public health consequences, and to communicate to other Member States real-time public health risk assessments and recommendations.* She then went on to outline many

*developments ... that may be pertinent to your discussions. She noted that The centerpiece of Health Security is the International Health Regulations (IHR). .... The IHR (2005) are legally binding and designed to support the attainment of this goal through the development of core capacities at the national level. She went on to say that In 2011, a Memorandum of Understanding was signed between the WHO and the UN Office for Disarmament Affairs to formalize WHO's operational and technical support to the UN Secretary General during investigations of alleged use of biological weapons. The Memorandum of Understanding outlines targets for harmonizing procedures as well as joint training activities as well as the provision of equipment and expertise.*

This completed the General Debate.

### **Committee of the Whole**

132. The Committee of the Whole commenced on the morning of Wednesday 7 December 2011 following the General Debate with Ambassador Desra Percaya of Indonesia as the Chairman and Piers Millett as the Secretary. Ambassador Percaya started by saying that he had received requests from NGO colleagues to observe the work of the Committee of the Whole. He went on to note that according to the understandings agreed in connection with the Rules of Procedure adopted on Monday, in line with discussions at the Preparatory Committee, *Committees may decide to hold certain meetings in public*. Ambassador Percaya proposed that the work of the Committee of the Whole would open in a public session which could be reverted into a private session as it became appropriate. It was agreed that the Committee of the Whole would hold its first session in public.

133. Ambassador Desra Percaya then made some opening remarks saying that he intended to work in a transparent manner and that he saw himself as the facilitator of the Committee. The aim was to produce a text for the *Final Declaration* and he sought a robust consensus text similar to that which had been agreed at the Sixth Review Conference in 2006. He noted that the President would be holding Informal Plenaries that would address cross-cutting issues that would lead to *Part III: Decisions and Recommendations*. The Committee of the Whole would be carrying out the Article by Article review. The two processes would work in tandem as there would be issues that arose in both processes – such as CBMs which would be a cross-cutting issue and would also be considered under Article V.

134. He proposed to look at each Article in turn and then to consider the Preamble. His aim would be to carry out a first reading of all the Articles and then to carry out a second reading of each and every Article. Some Articles would require more time than others. He also noted that for each Article there were a number of sources to be drawn upon: the text of the Convention, the *Final Declarations* of past Review Conferences (set out in the background Information Document BWC/CONF.VII/INF.5) and the common understandings agreed at the Meetings of States Parties during the Intersessional Process (and set out in background Information Document BWC/CONF.VII/INF.6). He also noted that other material was contained in the Working Papers as well as in the statements made in the General Debate.

135. Before moving on to look at Article I, Ambassador Percaya raised the question of how the outcome of the intersessional meetings should be reflected in the *Final Declaration*. He noted that the Sixth Review Conference decided that the Seventh Review Conference would consider the work and outcome of these meetings and decide on any further action. It was necessary to now take action on this point. He noted that the work undertaken during the

intersessional process could be comfortably related to one, or multiple articles of the Convention and he proposed that as much of it as possible should be covered during the work of the Committee of the Whole. He also recognized that there would be overlap with the work of the informal plenaries and that there might well be opportunities to decide upon further action based upon the work of the 2007 – 2010 meetings.

136. He said that there were three broad ways in which the work of the intersessional process might be reflected:

- All the common understandings reached at Meetings of States Parties could be reflected wholesale in the *Final Declaration*.
- Some of the common understandings, perhaps where they expanded upon text from previous Review Conferences, could be identified and just these reflected in the *Final Declaration*.
- A reference could be included that simply endorsed the outputs of the annual Meetings of States Parties (perhaps similar in format to the approach used at the Sixth Review Conference)

Ambassador Percaya then invited views from the Committee of the Whole as to how this issue should be approached.

137. In the subsequent discussion, a number of States Parties – Algeria, Norway, United States and France – spoke saying that it was up to delegations to submit paragraphs for inclusion in the *Final Declaration*. The view was expressed that the third option was the simplest and the others would be very time-consuming. Ambassador Percaya said that the third option would be followed to adopt a similar approach to that at the Sixth Review Conference with delegations being free to submit proposals for the individual Articles that could contain paragraphs from the common understandings.

[It is evident from BWC/CONF.VII/5 Annex I that Algeria and Norway both submitted proposals for two Articles, the United States for eight Articles and France submitted no proposals.]

138. The Committee of the Whole then considered each Article of the Convention in turn. The Wednesday morning, 7 December 2011, session saw consideration of Articles I, II and III. The Committee of the Whole continued on the Wednesday afternoon with some further consideration of Article III and then moved to on to consider Article IV. It then concluded to enable an Informal Plenary to be held and noted that the Committee of the Whole would resume on Thursday morning by considering Article V.

139. The Committee of the Whole resumed on the morning of Thursday 8 December 2011 following an informal session in which the President chaired a panel of representatives of industry, made up of Gary Burns (AstraZeneca), Patrick Scannon (XOMA LLC) and Huanming Yang (BGI). The Committee of the Whole then followed when consideration was given to Articles V and VI, together with a further consideration of some Article IV issues.

140. The Committee of the Whole then continued on the morning of Friday 9 December 2011 with consideration being given to Articles VII to X. Later the same day, the Chairman

of the Committee of the Whole circulated BWC/CONF.VII/COW/INF.1 dated 9 December 2011 which was entitled *Proposals made to the Committee of the Whole (as at 15.00, 9 December 2011)*. This collated the proposals for the text of the *Final Declaration* of the Seventh Review Conference submitted during the first week of the Committee of the Whole. It had two parts:

*(a) Part I contains text from the Final Declaration of the Sixth Review Conference corresponding to the articles considered by the 2011 Committee of the Whole until 13.00 on 9 December. A number of paragraphs in this text have been highlighted in **bold** to indicate that proposals have been made to alter this paragraph. The individual proposed amendments are not detailed in this document.*

*(b) Part II contains all the textual proposals submitted to the Secretariat by 15.00 on 9 December.*

Addenda were subsequently issued to BWC/CONF.VII/COW/INF.1 as follows: Add. 1 *Proposals made to the Committee of the Whole (as at 15.00, 12 December 2011)*; Add. 2 *Proposals made to the Committee of the Whole (as at 13.00, 14 December 2011)*; and Add. 3 *Proposals made to the Committee of the Whole (as at 13.00, 16 December 2011)*.

141. The Committee of the Whole then resumed on the morning of Monday 12 December 2011 with consideration of the remaining Articles of the Convention: Articles XI to XV.

142. On the morning of Tuesday 13 December 2011, the Committee of the Whole gave consideration to the ‘Solemn Declaration’ which covers the preambular paragraphs of the Convention and which immediately precedes the Article by Article *Final Declaration*.

143. The following day, Wednesday 14 December 2011, the Committee of the Whole started on its second consideration of all the Articles of the Convention. A further compilation of the proposals submitted to the Chairman was circulated as BWC/CONF.VII/COW/INF.2 dated 14 December 2011 which was entitled *Combined proposals made to the Committee of the Whole (as at 00.00, 14 December 2011)*. This stated that:

*This document combines the proposals made during the Committee of the Whole prior to 15.00 on Monday 13 December 2011. These proposals were drawn from interventions made during meetings of the Committee as well as written proposals received by the Secretariat as contained in BWC/CONF.VII/COW/INF.1 and its addenda.*

*Text highlighted in **bold** corresponds to proposals for new text, amendments to text found in the Final Declaration of the Sixth Review Conference, or text from the Final Declaration of the Sixth Review Conference for which there are proposals pending. Normal text is drawn directly from the Final Declaration of the Sixth Review Conference as contained in BWC/CONF.VI/6.*

144. In his opening remarks, Ambassador Desra Percaya, the Chairman, said that he hoped that sufficient progress would be made to enable him to produce a draft report overnight, based on the Chair’s best judgement of where consensus lay, in order to be able to transmit a formal report of the Committee, including the draft Article by Article *Final Declaration*, back to the Review Conference. As it became evident that there were differing views on some

of the paragraphs, the Chair requested the assistance of Syndoph Endoni of Nigeria and of Reto Wollenmann of Switzerland to act in an informal capacity to consult with the delegations that had expressed divergent views on particular paragraphs in order to try to reach consensus on those paragraphs. At the end of the day, a first draft of the procedural section of the report of the Committee of the Whole was circulated as BWC/CONF.VII/COW/CRP. 1 dated 14 December 2011.

145. On Thursday 15 December 2011, the Committee of the Whole continued its consideration of BWC/CONF.VII/COW/INF.2 by considering each Article in turn rather than each paragraph in turn enabling better progress to be made. Even with this accelerated procedure, it was evident that the Committee of the Whole was falling behind schedule and would not reach the handover point until after the date envisaged in the indicative programme (BWC/CONF.VII/2) which showed the Committee of the Whole considering its report on the afternoon of Wednesday 14 December 2011.

146. The following day, Friday 16 December 2011, Ambassador Percaya presented the Committee of the Whole with a draft of the Article by Article *Final Declaration* in BWC/CONF.VII/COW/CRP. 2 dated 16 December 2011 entitled *Outline of the Draft Final Declaration of the Seventh Review Conference*. In presenting this document, Ambassador Percaya said that this was his best estimate of what would constitute a consensus text for the *Final Declaration*. Where it had been hard to identify where the consensus lay, the text from the *Final Declaration* of the Sixth Review Conference had been inserted as this was language which had been agreed by consensus. The Committee of the Whole then went on to adopt its report, which subsequently was issued as BWC/CONF.VII/5 dated 21 December 2011 entitled *Report of the Committee of the Whole*. This records that:

*5. Based on these discussions, the Chairman of the Committee produced, under his own responsibility, an outline of the draft final declaration of the Conference, which is attached to this report as Annex II. The Committee noted that the language in this outcome was not agreed, had not been fully discussed, and had been included without prejudice to the position of any delegation. The Committee decided to transmit the outline to the plenary of the Conference for further discussion and negotiation, as appropriate, with a view to reaching consensus on a final document as soon as possible.*

The report included two Annexes – Annex I comprising *Proposed language submitted to the Committee of the Whole* and Annex II comprising *Outline of the Draft Final Declaration of the Seventh Review Conference Prepared by the Chair of the Committee of the Whole*. Annex II did not include any language for the Solemn Declaration and a facilitator was appointed later that day to help finalize the Solemn Declaration. Immediately after the Committee of the Whole had adopted its report on Friday, 16 December 2011, the President of the Review Conference resumed a plenary session in order to take note of the report of the Committee of the Whole.

### **Informal Plenaries**

147. In parallel with the meetings of the Committee of the Whole there were Informal Plenaries chaired by the President of the Review Conference, Ambassador Paul van den IJssel. The first Informal Plenary took place on the afternoon of Wednesday 7 December 2011. As this was an informal session, NGOs were present as observers throughout. The

President said that the topic for the first Informal Plenary was to have a first discussion on Science and Technology. This had been chosen because the Committee of the Whole had been having a discussion on Article I of the Convention – an Article in which developments in science and technology were of particular importance. In addition, the President noted that the Sixth Review Conference in its *Final Declaration* on Article XII had decided that *the Seventh Review Conference should review the operation of the Convention, taking into account, inter alia: (i) new scientific and technological developments relevant to the Convention;*

148. The President recalled that in consultations in the previous month there was general agreement that there was a need to keep a better track of developments in science and technology and the implications for the Convention. He also noted that there had been several Working Papers – WP. 3 from India, WP. 13 from Australia, Japan and New Zealand as well as several Working Papers on the Intersessional Process which also touched on science and technology. He invited delegations to present their proposals, and then any additional thoughts, so that consideration could be given to how to bring the ideas together into a consolidated proposal.

149. The second Informal Plenary on the afternoon of Thursday 8 December 2011 considered the topic of the Intersessional Process and whether its structure and organization should be different from that between the Sixth and Seventh Review Conferences. Several working papers were of direct relevance to this: those by the UK (WP. 1, WP. 2, WP. 10), Australia, Japan and New Zealand (WP. 11), Australia and Japan (WP. 12), South Africa (WP. 18) and the USA (WP. 23). As with the Informal Plenary on Wednesday, there was a lively discussion.

150. The third Informal Plenary on the afternoon of Friday 9 December 2011 considered the topics of the Confidence-Building Measures regime and of Cooperation and Assistance. In regard to the CBM regime consideration was given both to whether amendments should be agreed at the Seventh Review Conference to the existing CBMs and also to whether there should be discussion of the CBM regime during the Intersessional Process. Several working papers were of direct relevance to this: those by Belgium (WP.6), Germany, Norway and Switzerland (WP.9), Germany (WP.14), South Africa (WP.19), Norway, Switzerland and New Zealand (WP. 21) and Canada (WP.25). A start was also made on the discussion of Cooperation and Assistance which continued on the Monday afternoon. Working papers of relevance to Cooperation and Assistance were those by Cuba for the NAM (WP.26) and South Africa (WP.16). Reference was also made to the EU information paper (BWC/CONF.VII/INF.10) which contained examples of cooperation and assistance from the EU and its Member States.

151. The fourth Informal Plenary on the afternoon of Monday 12 December 2011 continued the discussion of Cooperation and Assistance and then went on to consider Compliance and subsequently Universality. The working papers of direct relevance to Compliance were the working papers by Australia, Japan and New Zealand (WP.11) and Germany (WP.14). Reference was also made to a joint working paper by Canada and Switzerland (an advance copy available on [unog.ch/bwc](http://unog.ch/bwc)), and the US paper on the intersessional process (WP.23). In addition, the working paper by France (WP. 28) was clearly intended to assist the consideration of compliance. There were no Working Papers on Universality.

152. The fifth Informal Plenary was on the afternoon of Tuesday 13 December 2011 when the topics were the Implementation Support Unit and ‘Any Other Issues.’ The working papers of direct relevance to the ISU were those by Germany (WP.15), South Africa (WP.17) and Japan (WP.22). Under ‘Any Other Issues’ one topic was raised by Switzerland on dual-use education and awareness: a non-paper dated 8 December 2011 was circulated providing *Suggested language on education and awareness-raising* which was based on the JACKSNNZ and Kenya, Sweden, Ukraine, the United Kingdom and the United States of America Working Paper 20/Rev.1.

153. Following the completion of the Committee of the Whole on Friday 16 December 2011, the President conducted a series of informal consultations, and was assisted in his work by Facilitators in the following areas:

Solemn Declaration: Ambassador Alexandre Fasel (Switzerland)  
Articles I-XV: Ms. Judit Körömi (Hungary) and Mr. Daniel Simanjuntak (Indonesia)  
Science and technology: Mr. Zahid Rastam (Malaysia)  
Assistance and cooperation: Mr. Jesus Domingo (Philippines)  
Confidence-building measures (CBMs): Mr. Paul Wilson (Australia)  
Intersessional programme: Ambassador Jo Adamson (United Kingdom) and Mr. Ben Steyn (South Africa)

In addition, on Friday 16 December 2011, the President circulated BWC/CONF.VII/CRP.1 entitled *Elements for the draft final document*. This provided language for the following:

- A. *Outcome of the 2007–2010 intersessional programme*
- B. *Intersessional programme 2012–2015*
  - 1. *Meetings*
  - 2. *Sponsorship and fellowship programmes*
- C. *Science and technology*
- D. *Mechanism to promote cooperation and assistance*
  - 1. *Database system to facilitate assistance requests and offers*
  - 2. *Open-ended working group on cooperation and assistance*
- E. *Strengthening national implementation*
- F. *Confidence-building measures*
- G. *Promotion of universalization*
- H. *Implementation Support Unit*
- I. *Finances*

## **The Final Stages**

154. The following week commencing on Monday 19 December 2011 saw the Review Conference entering its final phase. As at the Sixth Review Conference in 2006, the Drafting Committee did not meet and as recorded in the Final Document *The Chairman and Vice-Chairmen of the Committee met, and decided to assist the President with his informal consultations*. The President had earlier made it clear to the States Parties that the deadline of 6pm on Thursday 22 December 2011 could not be extended as the United Nations in Geneva were shutting down then for the Christmas break. A proposal was tabled on the first day of the final week on Monday 19 December 2011 by China, India, Iran, Pakistan and Russia entitled *Draft Proposal on Structure of ISP*. This put forward two standing items – developments in science and technology and implementation of Article X – and four annual

topics of which one was *c*). *Consideration of multilateral verification measures that would ensure compliance with the Convention (to be considered in 2014)*. It also proposed a one week duration for the Meeting of States Parties that would be preceded by a one week Meeting of Experts.

155. A further proposal was then tabled on the afternoon of Tuesday 20 December 2011 by the JACKSNNZ group (Japan, Australia, Canada, Republic of Korea, Switzerland, Norway, New Zealand) entitled *Draft proposal on the intersessional programme 2012-2015*. This put forward three standing topics: national implementation, international cooperation and assistance and developments in science and technology. Later that afternoon, the President circulated a paper entitled *Possible topics for standing agenda items*. This put forward three standing agenda items – science and technology developments, international cooperation and assistance, and national implementation.

156. The afternoon of Tuesday 20 December 2011 also saw consideration being given to the President's text in BWC/CONF.VII/CRP.1 regarding the Implementation Support Unit. Richard Lennane, the head of the ISU, introduced the annual report of the ISU (BWC/CONF.VII/3 dated 23 November 2011) and noted how much had been achieved with limited human and financial resources. The report stated that *The main cause of restrictions on the ISU's activities has been lack of human and financial resources: 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*. There was universal support for the activities of the ISU although there was discussion as to its size and budget. Consideration was also given to the fact that hitherto the ISU had been funded through the budget for the annual meetings of the BTWC intersessional process. Although this was a convenient arrangement, it did mean that only those States Parties which participated in the meetings in a given year paid a share of the cost of the ISU for that year.

157. Financial issues were considered further in an Informal Plenary on the morning of the penultimate day, Wednesday 21 December 2011. A paper (BWC/CONF.VII/4 dated 21 December 2011) entitled *Estimated costs of the intersessional programme of the Convention to be held from 2012–2015* was circulated which included a slightly enlarged ISU of 5 instead of 3. The estimated costs of the intersessional programme, including conference servicing and non-conference-servicing elements, amounted to US \$1,943,400 in each of the years 2012, 2013, 2014 and 2015. In addition, the Secretariat circulated a paper entitled *Budget comparison* dated 21 December 2011 which included as an Annex the assessed contribution for 2012 for each State Party to the BTWC. This showed that the contribution for some States Parties such as Bhutan or Burundi would be US \$ 19 in 2012 whilst that for Portugal would be US \$ 9,989 and that for Spain US \$ 62,110 and those for the Russian Federation would be US \$ 31,308, for the United Kingdom US \$ 129,100 and for the United States US \$ 430,074.

158. It became evident that the estimated costs for the Intersessional Programme 2012 – 2015 in BWC/CONF.VII/4 could not be agreed and a revised estimate with no increase in the staff or the budget of the ISU was circulated as BWC/CONF.VII/4/Rev. 1 dated 22 December 2011 in which the estimated costs of this intersessional programme, including conference servicing and non-conference-servicing elements, amounted to **US\$1,387,200** in each of the years 2012, 2013, 2014 and 2015.

159. The President on the afternoon of the final day, Thursday 22 December 2011, circulated a draft of the Final Document (BWC/CONF.VII/CRP. 2 dated 22 December 2011) entitled *Draft Final Document of the Seventh Review Conference*. This comprised a six page report of the work of the Conference to which was attached an eleven page Article by Article *Final Declaration* and a seven page *Part III: Decisions and Recommendations*. A 15 page Annex I entitled *Revised forms for the submission of the Confidence Building Measures* was attached. This Final Document was eventually agreed after an amendment was made to the language in section *I. Finances* of *Part III: Decisions and Recommendations* to add the words *noting that these estimated costs were prepared on exactly the same basis as the estimated costs for the 2007–2010 intersessional programme, and therefore represent zero real growth, with any nominal increase due solely to currency and inflation factors*. This amendment was necessary to meet the concerns of Portugal and Spain who could not accept any increase in the costs of the BTWC. The Review Conference successfully adopted the Final Document (BWC/CONF.VII/7) shortly after 5 pm in the afternoon within an hour of the UN closing for the Christmas break. There were then brief remarks by the President, Ambassador Paul van den IJssel, and by Ambassador Idriss Jazaïry of Algeria, who had been chosen to chair the intersessional meetings in 2012, and then by Cuba (for the NAM and other states group), Nigeria, Australia (for the Western group), Romania (for the Eastern Europe group), Greece, United States of America, Japan, China, Mexico, Islamic Republic of Iran, Republic of Korea, Russian Federation, France, United Kingdom, India, United Arab Emirates and Pakistan.

160. The outcome of the Seventh Review Conference is analysed in some detail in the subsequent chapters:

III. Commentary on the comparison of the Article by Article *Final Declaration* of the Seventh Review Conference with the Article by Article *Final Declaration* of the Sixth Review Conference in 2006.

IV. Analysis of the Committee of the Whole contributions to the Article by Article *Final Declaration* of the Seventh Review Conference.

V. Commentary on the comparison of *Part III: Decisions and Recommendations* of the Seventh Review Conference with that of the Sixth Review Conference.

VI. Analysis of the amendments agreed to the Confidence-Building Measures (CBMs)

VII. Overall Appraisal of the Seventh Review Conference: **A Modest Outcome.**

### III. COMMENTARY ON THE COMPARISON OF THE ARTICLE BY ARTICLE *FINAL DECLARATION OF THE SEVENTH REVIEW CONFERENCE WITH THE ARTICLE BY ARTICLE FINAL DECLARATION OF THE SIXTH REVIEW CONFERENCE IN 2006.*

In this chapter, the text of the Article by Article *Final Declaration* of the Seventh Review Conference is compared to that of the Article by Article *Final Declaration* of the Sixth Review Conference in 2006. Language that is new in 2011 is shown in **bold** and text that is deleted from that of 2006 is shown ~~thus~~. This is done first for the *Solemn Declaration* and then for each *Article* in turn. For the *Solemn Declaration* and each *Article* an indented commentary is provided and identifies what changes have been made. This commentary also identifies whether the draft for the *Final Declaration* in Annex II to the Report of the Committee of the Whole (COW) (BWC/CONF.VII/5) included such changes or other textual proposals not found in the adopted 2011 *Final Declaration*.

#### **Solemn Declaration**

The States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, which met in Geneva from **5 December to 22 December 2011** ~~20 November to 8 December 2006~~ to review the operation of the Convention, solemnly declare:

- (i) Their conviction that the Convention is essential for international peace and security;
- (ii) Their determination also to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control including the prohibition and elimination of all weapons of mass destruction and their conviction that the **prohibitions of the Convention** ~~prohibition of the development, production and stockpiling of bacteriological (biological) weapons and their elimination,~~ will facilitate the achievement of this goal;
- (iii) Their reaffirmation **of their understanding that the Convention forms a composite whole, as well as** of their firm commitment to the purposes of the Preamble and all the provisions of the Convention;
- (iv) Their determination to comply with all their obligations undertaken pursuant to the Convention and their recognition that States Parties not in compliance with their Convention obligations pose fundamental challenges to the Convention's viability, as would **the use of bacteriological (biological) and toxin** weapons by anyone at any time;
- (v) Their continued determination, for the sake of humankind, to exclude completely the possibility of the use of bacteriological (biological) **and toxin** weapons, and their conviction that such use would be repugnant to the conscience of humankind;
- (vi) Their reaffirmation that under any circumstances the use, development, production and stockpiling of bacteriological (biological) and toxin weapons is effectively prohibited under Article I of the Convention;
- (vii) Their conviction that terrorism in all its forms and manifestations and whatever its motivation, is abhorrent and unacceptable to the international community, and that terrorists must be prevented from developing, producing, stockpiling, or otherwise acquiring or retaining, and using under any circumstances, biological agents and

toxins, equipment, or means of delivery of agents or toxins, for non-peaceful purposes, and their recognition of the contribution of **the full and effective implementation of United Nations Security Council Resolution 1540, United Nations General Assembly Resolution 60/288, and other relevant United Nations resolutions**; ~~by all states to assist in achieving the objectives of this Convention;~~

~~(viii) Their conviction that the full implementation of all the provisions of the Convention should facilitate economic and technological development and international cooperation in the field of peaceful biological activities;~~

(viii) Their reiteration that the effective contribution of the Convention to international peace and security will be enhanced through universal adherence to the Convention, and their call on signatories to ratify and other States, not party, to accede to the Convention without **further** delay;

(ix) Their recognition that achieving the objectives of the Convention will be more effectively realized through greater public awareness of its contribution, and through collaboration with relevant regional and international organizations, in keeping within their respective mandates, and their commitment to promote this;

(x) Their recognition of their consideration of the issues identified in reviewing the operation of the Convention as provided for in Article XII, as well as their consensus on the follow-up actions contained herein.

**Commentary:** The addition in (iii) of **their understanding that the Convention forms a composite whole** is a welcome useful addition.

The extension in (vii) to add other UN resolutions has the effect of reducing the helpful emphasis of SCR 1540 and opens the way to other UNGA resolutions perhaps not adopted by consensus being cited – although any such citations would be unlikely to attract consensus at a future Review Conference.

Deletion of previous (viii) which stated *(viii) Their conviction that the full implementation of all the provisions of the Convention should facilitate economic and technological development and international cooperation in the field of peaceful biological activities;* is surprising as it weakens one of the selling points of the Convention to States not party.

Addition of **further** in new (viii) is useful additional emphasis.

No text for Solemn Declaration in the Report of the COW (BWC/CONF.VII/5 dated 21 December 2011).

## Article I

1. The Conference reaffirms the importance of Article I, as it defines the scope of the Convention. The Conference declares that the Convention is comprehensive in its scope and that all naturally or artificially created or altered microbial and other biological agents and toxins, as well as their components, regardless of their origin and method of production and whether they affect humans, animals or plants, of types and in quantities that have no

justification for prophylactic, protective or other peaceful purposes, are unequivocally covered by Article I.

2. The Conference reaffirms that Article I applies to all scientific and technological developments in the life sciences and in other fields of science relevant to the Convention **and notes that the Conference has decided to include in the 2012-2015 intersessional programme a standing agenda item on review of developments in the field of science and technology related to the Convention.**

3. The Conference reaffirms that the use by the States Parties, in any way and under any circumstances of microbial or other biological agents or toxins, that is not consistent with prophylactic, protective or other peaceful purposes, is effectively a violation of Article I. The Conference reaffirms the undertaking in Article I never in any circumstances to develop, produce, stockpile or otherwise acquire or retain weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict in order to exclude completely and forever the possibility of their use. The Conference affirms the determination of States Parties to condemn any use of biological agents or toxins other than **for** peaceful purposes, by anyone at any time.

4. The Conference notes that experimentation involving open air release of pathogens or toxins harmful to humans, animals and plants that have no justification for prophylactic, protective or other peaceful purposes is inconsistent with the undertakings contained in Article I.

**Commentary:** The extension of paragraph 2 to include **notes that the Conference has decided to include in the 2012-2015 intersessional programme a standing agenda item on review of developments in the field of science and technology related to the Convention.** is welcomed.

The last line of paragraph 3 misses an opportunity in that it has failed to reaffirm the determination of States Parties to condemn any use of biological agents or toxins other than **for** peaceful purposes, by anyone at any time.

Text for Article I in the Report of the COW (BWC/CONF.VII/5 dated 21 December 2011) is essentially as adopted apart from the deletion of the first sentence of paragraph 4 in BWC/CONF.VII/5:

*The Conference reemphasizes the vital importance of full compliance by all States Parties with all provisions of the Convention.*

## **Article II**

5. The Conference reaffirms for any state ratifying or acceding to the Convention, the destruction or diversion to peaceful purposes specified in Article II would be completed upon accession to, or upon ratification of, the Convention.

6. The Conference emphasises that states must take all necessary safety and security **measures provisions** to protect **human** populations and the environment, **including animals and plants**, when carrying out such destruction and/or diversion. The Conference also stresses that these States Parties should provide appropriate information to all States Parties via the exchange of information (confidence-building measures form F).

7. The Conference welcomes statements made by States Parties, and newly acceding and ratifying States Parties, that they do not possess agents, toxins, weapons, equipment or means of delivery as prohibited by Article I of the Convention.

**Commentary:** The extension of paragraph 6. to include **animals and plants** is welcomed.

Text for Article II in the Report of the COW (BWC/CONF.VII/5 dated 21 December 2011) is as in the *Final Declaration* of the Sixth Review Conference.

### Article III

8. The Conference reaffirms that Article III is sufficiently comprehensive to cover any recipient whatsoever at the international, national or sub-national levels.

9. The Conference calls for appropriate measures, including effective national export controls, by all States Parties to implement this Article, 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.

~~9. The Conference calls for appropriate measures by all States Parties to ensure that biological agents and toxins relevant to the Convention are protected and safeguarded, including through measures to control access to and handling of such agents and toxins;~~

10. The Conference reiterates that States Parties should not use the provisions of this Article to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials under Article X.

**Commentary:** Deletion of previous paragraph 9 is unfortunate as it removes a useful incentive for States Parties to take appropriate measures under Article III to ensure that biological agents and toxins relevant to the Convention are protected and safeguarded, including through measures to control access to and handling of such agents and toxins – and therefore weakens the overall Convention regime. Although there is, as at the Sixth Review Conference, reference under Article IV in paragraph 11 c. to necessary national measures to

*(c) ensure the safety and security of microbial or other biological agents or toxins in laboratories, facilities, and during transportation, to prevent unauthorized access to and removal of such agents or toxins.*

the removal from the section on Article III is regretted.

The failure to mention United Nations Security Council Resolution 1540 (2004) in regard to Article III is another missed opportunity.

Text for Article III in the Report of the COW (BWC/CONF.VII/5 dated 21 December 2011) included the previous paragraph 9 element mentioned above that was deleted in the adopted *Final Declaration* of the Seventh Review Conference. There were also additional elements in the Report of the COW after the deleted element which stated:

*The Conference reaffirms the need to nationally manage, coordinate, enforce and regularly review the operation of these measures to ensure their effectiveness. The Conference also recognises the value of such measures being updated in light of developments in science and technology and including an effective system for controlling imports.*

There was also a deleted element after paragraph 10 of the COW proposed *Final Declaration* and an additional paragraph which was deleted.

*The Conference notes that strengthened implementation of Article III would help to facilitate the exchange of equipment, materials, and scientific and technological information in accordance with Article X.*

*11. The Conference underlines the importance of harmonizing approaches to transfers of biological items and technology for peaceful purposes in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions, and in order to improve international cooperation.*

Overall, the effect of deletions between the Report of the COW and the adopted *Final Declaration* was to weaken Article III, which now appeared less prominent in the cumulative process of building up extended understandings than had been the case in 2006 and indeed had been expected in the light of the Intersessional Process between 2006 and 2011 – and the ongoing international attention being paid to Security Council Resolution 1540 (2004).

#### **Article IV**

11. The Conference reaffirms the commitment of States Parties to take the necessary national measures under this Article. The Conference also reaffirms that the enactment and implementation of necessary national measures under this Article, **in accordance with their constitutional processes**, would strengthen the effectiveness of the Convention. In this context, the Conference calls upon States Parties to adopt, in accordance with their constitutional processes, legislative, administrative, judicial and other measures, including penal legislation, designed to:

(a) enhance domestic implementation of the Convention and ensure the prohibition and prevention of the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment ~~equipments~~ and means of delivery as specified in Article I of the Convention;

(b) apply within their territory, under their jurisdiction or under their control anywhere and apply, if constitutionally possible and in conformity with international law, to actions taken anywhere by natural or legal persons possessing their nationality;

(c) ensure the safety and security of microbial or other biological agents or toxins in laboratories, facilities, and during transportation, to prevent unauthorized access to and removal of such agents or toxins.

12. The Conference welcomes those measures taken by States Parties in this regard, and reiterates its call to any State Party that has not yet taken any necessary measures, to do so without delay. The Conference encourages States Parties to provide appropriate information on any such measures they have taken, as well as any other useful information on their

implementation to the Implementation Support Unit within the United Nations Office for Disarmament Affairs.

**13. The Conference notes the value of national implementation measures, as appropriate, in accordance with the constitutional process of each State Party, to:**

- (a) implement voluntary management standards on biosafety and biosecurity;**
- (b) encourage the consideration of development of appropriate arrangements to promote awareness among relevant professionals in the private and public sectors and throughout relevant scientific and administrative activities and;**
- (c) promote amongst those working in the biological sciences awareness of the obligations of States Parties under the Convention, as well as relevant national legislation and guidelines;**

~~15. The Conference encourages States Parties to take necessary measures to promote awareness amongst relevant professionals of the need to report activities conducted within their territory or under their jurisdiction or under their control that could constitute a violation of the Convention or related national criminal law. In this context, the Conference recognises the importance of codes of conduct and self-regulatory mechanisms in raising awareness, and calls upon States Parties to support and encourage their development, promulgation and adoption.~~

- ~~(d) promote the development of training and education programmes for those granted access to biological agents and toxins relevant to the Convention and for those with the knowledge or capacity to modify such agents and toxins; in order to raise awareness of the risks, as well as of the obligations of States Parties under the Convention.~~
- (e) encourage the promotion of a culture of responsibility amongst relevant national professionals and the voluntary development, adoption and promulgation of codes of conduct;**
- (f) strengthen methods and capacities for surveillance and detection of outbreaks of disease at the national, regional and international levels, noting that the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease;**

~~13. The Conference reaffirms the commitment of States Parties to take the necessary national measures to strengthen methods and capacities for surveillance and detection of outbreaks of disease at the national, regional and international levels.~~

- (g) prevent anyone from developing, producing, stockpiling, or otherwise acquiring or retaining, transporting or transferring and using under any circumstances, biological agents and toxins, equipment, or their means of delivery for non-peaceful purposes.**

~~14. The Conference urges the inclusion in medical, scientific and military educational materials and programmes of information on the Convention and the 1925 Geneva Protocol. [Part]~~

14. In this regard, the Conference welcomes assistance related to Article IV already provided and encourages those States Parties, in a position to do so, to provide assistance, upon request, to other States Parties.

~~16. The Conference urges States Parties with relevant experience in legal and administrative measures for the implementation of the provisions of the Convention, to provide assistance~~

~~on request to other States Parties. The Conference also encourages such initiatives on a regional basis.~~

15. The Conference **further** encourages States Parties, **that have not yet done so, in accordance with the recommendation of the Sixth Review Conference** to designate a national focal point for coordinating national implementation of the Convention and communicating with other States Parties and relevant international organizations.

16. The Conference reaffirms that under all circumstances the use of bacteriological (biological) and toxin weapons is effectively prohibited by the Convention.

17. The Conference recalls United Nations Security Council Resolution 1540 (2004) that places obligations on all states and is consistent with the provisions of the Convention. The Conference notes that Resolution 1540 affirms support for the multilateral treaties whose aim is to eliminate or prevent proliferation of nuclear, chemical or biological weapons and the importance for all States Parties to these treaties to implement them fully in order to promote international stability. The Conference also notes that information provided to the United Nations by states in accordance with Resolution 1540 may provide a useful resource for States Parties in fulfilling their obligations under this Article.

**Commentary:** The repetition in paragraph 11 of the clause *in accordance with their constitutional processes*, is unnecessary. However, the obligation on States Parties to **ensure the prohibition and prevention** is clearly stated.

Paragraph 13 (f) now effectively replaces paragraph 13 of the *Final Declaration* of the Sixth Review Conference; the addition of the reference to the International Health Regulations (2005) is a useful strengthening.

Paragraph 13 (d) now effectively replaces the second sentence of paragraph 14 of the *Final Declaration* of the Sixth Review Conference. However, the loss of the first sentence of paragraph 14 of the *Final Declaration* of the Sixth Review Conference stating that “*The Conference urges the inclusion in medical, scientific and military educational materials and programmes of information on the Convention and the 1925 Geneva Protocol.*” is a retrograde step in the light of the surveys of education that have shown the widespread absence of information on the Convention and the 1925 Geneva Protocol. It has become all too evident in recent years that there is an abysmal level of knowledge and awareness of the Convention and its obligations in those engaged in the life sciences. The failure to address this effectively under Article IV is a major omission.

Paragraph 13 (c) and 13 (e) now address awareness and codes of conduct using somewhat weaker language than that in paragraph 15 of the *Final Declaration* of the Sixth Review Conference. Stronger language to address awareness would have been expected than that used in 2006.

However, the introductory language to paragraph 13 which states that “The Conference **notes** the value of national implementation measures, as appropriate, in accordance with the constitutional process of each State Party, to:” [Emphasis added] is considerably weaker than the language used in the *Final Declaration* of the Sixth Review Conference which stated – paragraph 13 that “The Conference *reaffirms* the commitment”, paragraph 14 that “The Conference *urges* the inclusion” and “The

Conference *urges* States Parties”, and paragraph 15 “The Conference *encourages* States Parties” and “the Conference *recognizes* the importance”. [Emphases added]

Although it is noted that there are mentions of education and awareness included in the standing agenda item on science and technology, this inclusion as something to be discussed is **far** less significant than would have been its inclusion as a commitment carried forward from 2006 by the States Parties in the *Final Declaration*.

Text for Article IV in the Report of the COW (BWC/CONF.VII/5 dated 21 December 2011) included four paragraphs that addressed oversight, awareness of obligations, inclusion in educational programmes, and promoting awareness:

*21. The Conference recognises the value of adopting and further strengthen national measures, as appropriate, to oversee relevant people, materials, knowledge and information, in the private and public sectors and throughout relevant scientific and administrative activities. Recognising the need to ensure that such measures are proportional to risk, take into account national and local circumstances, do not cause unnecessary burdens, are practical and usable and do not unduly restrict permitted biological activities, the Conference affirm the importance of involving national stakeholders in all stages of the design and implementation of oversight frameworks. The Conference also notes the value of harmonizing, where possible and appropriate, national, regional and international oversight efforts.*

*22. The Conference recognizes the importance of those working in the biological sciences being aware of the obligations of States Parties under the Convention as well as relevant national legislation and guidelines, in order to avoid any potential misuse of biological agents and toxins by anyone at anytime.*

*23. The Conference urges the inclusion in medical, scientific and military educational materials and programmes of information on the Convention and the 1925 Geneva Protocol. The Conference urges States Parties to promote the development of training and education programmes for those granted access to biological agents and toxins relevant to the Convention and for those with the knowledge or capacity to modify such agents and toxins, taking into account the common understandings reached during the 2008 Meeting of States Parties. [Developed from paragraph 14 of the Sixth Review Conference]*

*24. The Conference also encourages States Parties to adopt and further strengthen necessary measures to promote awareness amongst relevant professionals, including policy makers, the scientific community, industry, academia, media and the public in general, of the need to report activities conducted within their territory or under their jurisdiction or under their control that could constitute a violation of the Convention or related national criminal law. In this context, the Conference recognizes the importance of codes of conduct and self-regulatory mechanisms, including peer-to-peer exchanges, in raising awareness. [Developed from paragraph 15 of the Sixth Review Conference]*

The effective loss of these paragraphs means that the Seventh Review Conference went **backwards** from what had been agreed at the Sixth Review Conference – and shows that despite the widespread recognition that education of those engaged in the life sciences needs to be strengthened to achieve effective implementation, the States Parties missed a quite realistic opportunity to make progress.

## Article V

18. The Conference reaffirms that:

- (a) this article provides an appropriate framework for States Parties to consult and cooperate with one another to resolve any problem and to make any request for clarification, which may have arisen in relation to the objective of, or in the application of, the provisions of the Convention;
- (b) any State Party which identifies such a problem should, as a rule, use this framework to address and resolve it;
- (c) States Parties should provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention.

19. The Conference reaffirms that the consultation procedures agreed at the Second and Third Review Conferences remain valid to be used by States Parties for consultation and cooperation pursuant to this Article. The Conference reaffirms that such consultation and cooperation may also be undertaken bilaterally and multilaterally, or through other appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

### **20. The Conference takes note of initiatives from States Parties to promote confidence-building under the Convention.**

21. The Conference stresses the need for all States Parties to deal effectively with compliance issues. In this connection, the States Parties ~~had~~ agreed to provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention. Such responses should be submitted in accordance with the procedures agreed upon by the Second Review Conference and further developed by the Third Review Conference. The Conference reiterates its request that information on such efforts be provided to the Review Conferences.

22. The Conference emphasises the importance of the exchange of information among States Parties through the confidence-building measures (CBMs) agreed at the Second and Third Review Conferences. The Conference welcomes the exchange of information carried out under these measures and notes that this has contributed to enhancing transparency and building confidence.

~~23. The Conference notes that only a limited number of States Parties make an annual CBM submission.~~ The Conference recognises the urgent need to increase the number of States Parties participating in CBMs **and calls upon all States Parties to participate annually. The Conference notes that since the Sixth Review Conference, there has only been a slight increase in the percentage of State Parties submitting their CBMs. The Conference emphasises the importance of increasing and continuing participation in the CBMs.**

24. The Conference recognises the technical difficulties experienced by some States Parties in completing full and timely submissions. ~~In this regard, the Conference also recognises the~~

~~technical difficulties experienced by some States Parties in completing full and timely declarations. In order to update the mechanism of transmission of information, the Conference has agreed on several measures. [See Part III: Decisions and Recommendations]~~ The Conference urges those States Parties, in a position to do so, to provide technical assistance and support, through training for instance, to those States Parties requesting it to assist them to complete their annual CBM submissions. The Conference notes the decision to update the CBM forms.

**25. The Conference notes the desirability of making the CBMs more user-friendly and stresses the need to ensure that they provide relevant and appropriate information to States Parties.**

**26. The Conference recalls that the Third Review Conference agreed, “that the exchange of information and data, using the revised forms, be sent to the United Nations Department for Disarmament Affairs no later than 15 April on an annual basis”. The Conference reaffirms that the data submitted in the framework of the annual exchange of information should be provided to the Implementation Support Unit within the United Nations Office for Disarmament Affairs and promptly made available electronically forwarded by it to all States Parties according to the updated existing modalities and forms in Annex I. The Conference recalls that information supplied by a State Party must not be further circulated or made available without the expressed permission of that State Party. The Conference notes the fact that certain States Parties made the information they provide publicly available.**

**Commentary:** The new paragraph 20 that **The Conference takes note of initiatives from States Parties to promote confidence-building under the Convention.** appears to be of little if any significance – it suggests an element of self-congratulation – as it does no more than *takes note*.

Paragraphs 23 to 26 indicate modest progress on CBMs. An analysis is provided separately in Chapter VI of this Review Conference Paper of Annex I to the Final Document which demonstrates that regrettably relatively few of the amendments extensively debated prior to the Seventh Review Conference were adopted.

A particular omission and missed opportunity in the *Final Declaration* and the Final Document overall is **any mention of** new forward looking or regime strengthening statements on **compliance** – such as an accountability framework or a Standing Agenda item on compliance and demonstration of compliance. [See also analysis in Chapter V of this Review Conference Paper of *Part III: Decisions and Recommendations*]

Text for Article V in the Report of the COW (BWC/CONF.VII/5 dated 21 December 2011) included:

*33. The Conference welcomes initiatives, including voluntary complimentary measures, from States Parties to demonstrate transparency and openness in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions, and in order to improve international cooperation.. The Conference requests the States Parties engaged in such initiatives to keep all States Parties updated about developments in that regard. The conference*

*encourages States Parties to promote such transparency and openness at the national, regional and international level.*

which was sharply reduced to:

**20. The Conference takes note of initiatives from States Parties to promote confidence-building under the Convention.**

in the adopted *Final Declaration* of the Seventh Review Conference.

A proposed paragraph in the Report of the COW to emphasise the importance of the CBMs:

*37. The Conference reaffirmed that States Parties are to implement the CBMs in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions, and in order to improve international cooperation. The Conference emphasized that the CBMs are not a tool to assess compliance.*

was deleted in the *Final Declaration* of the Seventh Review Conference – possibly because of the mention of *compliance*.

## **Article VI**

27. The Conference notes that the provisions of this Article have not been invoked.

28. The Conference emphasizes the provision of Article VI that such a complaint should include all possible evidence confirming its validity. It stresses that, as in the case of the implementation of all the provisions and procedures set forth in the Convention, the procedures foreseen in Article VI should be implemented in good faith within the scope of the Convention.

29. The Conference invites the Security Council:

(a) to consider immediately any complaint lodged under this Article and to initiate any measures it considers necessary for the investigation of the complaint in accordance with the Charter;

(b) to request, if it deems necessary and in accordance with its **Resolution 620** of 1988, the United Nations Secretary-General to investigate the allegation of use, using the technical guidelines and procedures contained in Annex I of United Nations Document A/44/561;

(c) to inform each State Party of the results of any investigation initiated under this Article and to consider promptly any appropriate further action which may be necessary.

30. The Conference reaffirms the agreement of States Parties to consult, at the request of any State Party, regarding allegations of use or threat of use of biological or toxin weapons. The Conference reaffirms the undertaking of each State Party to cooperate in carrying out any investigations which the Security Council initiates.

~~30. The Conference notes that the Secretary General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution 45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or~~

~~toxin weapons. The Conference notes in this regard General Assembly resolution 60/288 (2006).~~

31. The Conference notes that the procedure outlined in this Article is without prejudice to the prerogative of the States Parties to consider jointly cases of alleged non-compliance with the provisions of the Convention and to make appropriate decisions in accordance with the Charter of the United Nations and applicable rules of international law.

**Commentary:** The transfer of the previous paragraph 30 regarding the Secretary-General's investigation mechanism to appear under Article VIII appears to be a distancing of the Secretary-General's mechanism from Article VI of the Convention – and consequently, is a dilution and a negative step especially when there is nothing in the Article VI section of the *Final Declaration* that replaces this removal.

Text for Article VI in the Report of the COW (BWC/CONF.VII/5 dated 21 December 2011) is essentially identical to that adopted in the *Final Declaration* of the Seventh Review Conference.

## Article VII

32. The Conference notes with satisfaction that these provisions have not been invoked.

33. The Conference takes note of desires expressed that, should a request for assistance be made, it be promptly considered and an appropriate response provided. In this context, **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.

**34. The Conference recognises that States Parties bear the responsibility for providing assistance and coordinating with relevant organizations in the case of alleged use of biological or toxin weapons.** The Conference reaffirms the undertaking made by each State Party to provide or support assistance **in accordance with the Charter of the United Nations** to any State Party which so requests, if the Security Council decides that such State Party has been exposed to danger as a result of a violation of the Convention.

35. The Conference takes note of the willingness of States Parties, where appropriate, to provide or support assistance to any State Party, which so requests, when that State Party has been exposed to danger or damage as a result of the use of bacteriological (biological) agents and toxins as weapons by anyone. ~~other than a State Party.~~

36. The Conference considers that in the event that this Article might be invoked, the United Nations could play a coordinating role in providing assistance, with the help of States Parties, as well as the appropriate intergovernmental organizations, **in accordance with their respective mandates**, such as the World Health Organization (WHO), the World Organisation for Animal Health (OIE), the Food and ~~Agriculture~~ **Agriculture** Agricultural Organization of the United Nations (FAO), and the International Plant Protection Convention (IPPC). **The Conference recognises the value of further dialogue regarding appropriate means of coordination between States Parties and relevant international organizations.**

**37. The Conference recognizes that there are challenges to 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. The Conference underlines the importance of the coordination of the provision of appropriate assistance, including expertise, information, protection, detection, decontamination,**

**prophylactic and medical and other equipment that could be required to assist the States Parties in the event that a State Party is exposed to danger as a result of a violation of the Convention.** The Conference **also** takes note of the proposal that States Parties may need to discuss the detailed procedure for assistance in order to ensure that timely emergency assistance would be provided by States Parties, if requested, in the event of use of biological or toxin weapons.

38. The Conference notes that State Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, including those due to alleged use of biological or toxin weapons. **The Conference notes that there are differences among States Parties in terms of their level of development, national capabilities and resources, and that these differences affect national and international capacity to respond effectively to an alleged use of a biological or toxin weapon. The Conference encourages States Parties, in a position to do so, to assist other States Parties, upon request, to build relevant capacity.**

39. The Conference notes the need for States Parties to work nationally, and jointly, as appropriate, to improve, in accordance with their respective circumstances, national laws and regulations, their own disease surveillance and detection capacities for identifying and confirming the cause of outbreaks and cooperating, upon request, to build the capacity of other States Parties. **The Conference notes that the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease; such aims are compatible with the objectives of the Convention.**

40. **On the provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, States Parties recognize that in this regard health and security issues are interrelated at both the national and international levels. The Conference highlights the importance of pursuing initiatives in this area through effective cooperation and sustainable partnerships. The Conference notes the importance of ensuring that efforts undertaken are effective irrespective of whether a disease outbreak is naturally occurring or deliberately caused, and cover diseases and toxins that could harm humans, animals, plants or the environment. The Conference also recognises that capabilities to detect, quickly and effectively respond to, and recover from, the alleged use of a biological or toxin weapon need to be in place before they are required.**

**Commentary:** The addition to paragraph 33 of the words, **in view of the humanitarian imperative**, appears helpful as it provides a justification for the provision of emergency assistance.

The new first sentence in paragraph 34 appears to emphasize that the responsibility lies with individual States Parties – which is reiterated by the reference in the second sentence to *the undertaking made by each State Party* that is carried forward from the *Final Declaration* of the Sixth Review Conference – and as such is a further move away from the corporate and collective responsibility of the BTWC and its States Parties. This seems to reflect the pressures that appear to have been evident in some States Parties' interventions at the Review Conference to pull back responsibilities to the individual States Parties.

The amendment at the end of paragraph 35 removing *other than a State Party* and thus placing the emphasis on *by anyone* is an improvement.

The insertion in paragraph 36 of **in accordance with their respective mandates** reflects the sense of caution and a legalistic element at the Seventh Review Conference. The addition of the final sentence **The Conference recognises the value of further dialogue regarding appropriate means of coordination between States Parties and relevant international organizations.** is presumably an indirect reference to the agreement that the Intersessional Process shall consider: *(b) How to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties (2014 and 2015).* Such an indirect reference suggests a lack of confidence as to what the Intersessional Process would address when the *Final Declaration* was finalised – and hence the absence of a direct reference as in the *2006 Final Declaration* along the lines of “See *Part III: Decisions and Recommendations*”

The additional material in paragraph 37 is helpful.

The additional material in paragraph 38 should aid capacity building.

Paragraph 39 appears once again to put emphasis on the States Parties having to work nationally. The reference to IHR (2005) is helpful.

Text for Article VII in the Report of the COW (BWC/CONF.VII/5 dated 21 December 2011) is closely similar in many paragraphs to that adopted in *the Final Declaration* of the Seventh Review Conference although several cross references in the Report of the COW to the relevant common understandings of the Meetings of States Parties have been deleted. In addition the Report of the COW included the following paragraphs:

*54. The Conference recognized the need for States Parties to work to improve, in accordance with their respective circumstances, national laws and regulations, their own disease surveillance and detection capacities for identifying and confirming the cause of outbreaks and cooperating, upon request, to build the capacity of other States Parties taking into account the relevant common understandings reached at the 2010 Meeting of States Parties.*

*55. The Conference noted that the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease. The Conference noted that such aims are complementary with the objectives of the Convention.*

These became paragraph 39 in the *Final Declaration* of the Seventh Review Conference:

**39. The Conference notes the need for States Parties to work nationally, and jointly, as appropriate, to improve, in accordance with their respective circumstances, national laws and regulations, their own disease surveillance and detection capacities for identifying and confirming the**

**cause of outbreaks and cooperating, upon request, to build the capacity of other States Parties. The Conference notes that the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease; such aims are compatible with the objectives of the Convention.**

## **Article VIII**

41. The Conference appeals to all States Parties to the 1925 Geneva Protocol to fulfil their obligations assumed under that Protocol and urges all states not yet party to the Protocol to ratify or accede to it without further delay.

42. The Conference acknowledges that the 1925 Geneva Protocol, which prohibits the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare, and the Convention complement each other. The Conference reaffirms that nothing contained in the Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any state under the 1925 Geneva Protocol.

43. The Conference stresses the importance of the withdrawal of all reservations to the 1925 Geneva Protocol related to the Convention.

44. The Conference **recalls** ~~welcomes~~ the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol related to the Convention, and calls upon those States Parties that continue to maintain pertinent reservations to the 1925 Geneva Protocol to withdraw those reservations, and to notify the Depositary of the 1925 Geneva Protocol ~~of their withdrawals~~ accordingly, without delay.

45. The Conference notes that reservations concerning retaliation, through the use of any of the objects prohibited by the Convention, even conditional, are totally incompatible with the absolute and universal prohibition of the development, production, stockpiling, acquisition and retention of bacteriological (biological) and toxin weapons, with the aim to exclude completely and forever the possibility of their use.

**46. The Conference notes that the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution 45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons. The Conference notes national initiatives to provide relevant training to experts that could support the Secretary-General's investigative mechanism.**

**Commentary:** Paragraph 44 **recalls** the actions which States Parties have taken rather than **welcomes** the actions – the words used in the *Final Declaration* of the Sixth Review Conference. This is a **retrograde** step which hardly encourages States Parties to withdraw their reservations.

The failure to do anything additional in regard to the Geneva Protocol is greatly regretted and is yet another missed opportunity. The strengthening of the language on Article VIII and indeed agreement on action should not have been difficult to agree – but much would have depended on whether France as Depositary urged such a step be taken. It is noted that the report of the Committee of the Whole (BWC/CONF.VII/5) shows that only Iran and Russia proposed language for Article VIII.

The transfer from Article VI to Article VIII of paragraph 46 regarding the UN Secretary-General's investigative mechanism is regrettable. Although in the Committee of the Whole debate, the Geneva Protocol was said to be the reason for moving this paragraph from Article VI to Article VIII, there is no mention of the Geneva Protocol in paragraph 46. Furthermore, because the scope of the UN Secretary-General's investigative mechanism is **not** limited to alleged breaches of the Geneva Protocol, Article VI was much the better place for it. Its positioning in Article VIII in the Seventh Review Conference *Final Declaration* looks all the more inexplicable.

Text for Article VIII in the Report of the COW (BWC/CONF.VII/5 dated 21 December 2011) was largely similar to that which appeared in the *Final Declaration*. However, the language for paragraph 43 in the Report of the COW was weaker than that of the Sixth Review Conference in that it said *calls for the withdrawal* instead of *stresses the importance of the withdrawal*. The stronger language was restored in the *Final Declaration* of the Seventh Review Conference. In contrast, the language for paragraph 44 in the Report of the COW had the stronger *welcomes* formulation.

## Article IX

47. The Conference reaffirms that this Article identifies the recognized objective of the effective prohibition of chemical weapons.

48. The Conference welcomes the fact that the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction entered into force on 29 April 1997 and that ~~188~~ ~~181~~ instruments of ratification or accession have now been deposited with the United Nations. The Conference calls upon all states that have not yet done so to **ratify or** accede to that Convention without delay.

**49. The Conference notes the increasing convergence of biology and chemistry and its possible challenges and opportunities for the implementation of the Conventions.**

**Commentary:** The new paragraph 49, stating **The Conference notes the increasing convergence of biology and chemistry and its possible challenges and opportunities for the implementation of the Conventions.** is welcomed. Although mention might with advantage also have been made of this convergence in Article I and Article IV, its location in Article IX is logical as this is the only Article where the CWC is mentioned.

Text for Article IX in the Report of the COW (BWC/CONF.VII/5 dated 21 December 2011) was largely similar to that which appeared in the *Final Declaration*. However, the language for the new paragraph 49 had a slightly longer formulation *chemistry and the value of determining its potential challenges* in the Report of the COW which was simplified in the *Final Declaration* to **chemistry and its possible challenges**.

## Article X

50. The Conference stresses the importance of implementation of this Article and recalls that ~~the~~ States Parties have a legal obligation to facilitate and have the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes

and not to hamper the economic and technological development of States Parties. [Previously paragraph 46]

51. The Conference reaffirms the commitment to the full and comprehensive implementation of this Article by all States Parties. The Conference recognises that, while recent scientific and technological developments in the field of biotechnology would increase the potential for cooperation among States Parties and thereby strengthen the Convention, they could also increase the potential for the misuse of both science and technology. Therefore, the Conference urges all States Parties possessing advanced biotechnology to adopt positive measures to promote technology transfer and international cooperation on an equal and non-discriminatory basis, particularly with countries less advanced in this field, while promoting the basic objectives of the Convention, as well as ensuring that the promulgation of science and technology is fully consistent with the peaceful object and purpose of the Convention. [Previously paragraph 47]

~~51. The Conference emphasises that in the interest of facilitating the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxin agents for peaceful purposes, States Parties should not use the provisions of the Convention to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials.~~

52. The Conference recognises the important role of the private sector in the transfer of technology and information and the wide range of organizations within the United Nations system that are already engaged in international cooperation relevant to this Convention. [Previously paragraph 56]

**53. Recognizing the fundamental importance of enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, the Conference agrees on the value of working together to promote capacity building in the fields of vaccine and drug production, disease surveillance, detection, diagnosis, and containment of infectious diseases as well as biological risk management. The Conference affirms that building such capacity would directly support the achievement of the objectives of the Convention.**

54. The Conference:

(a) encourages the States Parties to continue strengthening existing international organizations and networks working on infectious diseases, in particular those of the WHO, FAO, OIE and IPPC, within their respective mandates;

(b) notes that the role of these organizations is limited to the epidemiological and public/animal/plant health aspects of any disease outbreak, but recognises the added value of information exchange with them;

(c) encourages States Parties to improve communication on disease surveillance at all levels, including between States Parties and with the WHO, FAO, OIE and IPPC;

(d) calls upon States Parties to continue establishing and/or improving national and regional capabilities to survey, detect, diagnose and combat infectious diseases as well as other possible biological threats and integrate these efforts into national and/or regional emergency and disaster management plans;

(e) urges States Parties in a position to do so to continue supporting, directly as well as through international organizations, capacity-building in States Parties in need of assistance in the fields of disease surveillance, detection, diagnosis and combating of infectious diseases

and related research;

(f) calls upon States Parties to promote the development and production of vaccines and drugs to treat infectious disease through international cooperation and, as appropriate, public-private partnerships. [Previously paragraph 55]

**55. The Conference recognizes the importance of developing effective national infrastructure for human, animal and plant disease surveillance, detection, diagnosis and containment, as well as national biological risk management through international cooperation and assistance.**

**56. The Conference, while noting existing bilateral, regional and multilateral assistance, cooperation and partnerships, recognizes, however, that there still remain challenges to be overcome in developing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes and that addressing such problems, challenges, needs and restrictions will help States Parties to build sufficient capacity for disease surveillance, detection, diagnosis and containment. Keeping in mind Article X, the Conference agrees on the value of targeting and mobilizing resources, including financial resources, to facilitate the fullest possible exchange of equipment, material and scientific and technological information to help overcome challenges to disease surveillance, detection, diagnosis and containment. Recognizing that all States Parties have a role to play, the Conference stresses that those States Parties seeking to build their capacity should identify their specific needs and requirements and seek partnerships with others, and that those States Parties, in a position to do so, should provide assistance and support.**

57. The Conference reaffirms that existing institutional ways and means of ensuring multilateral cooperation among all States Parties need to be developed further in order to promote international cooperation for peaceful uses in areas relevant to the Convention, including areas, such as medicine, public health, agriculture and the environment. [Previously paragraph 48]

58. The Conference calls for the use of the existing institutional means within the United Nations system and other international organizations, in accordance with their respective mandates, to promote the objectives of this Article. In this regard the Conference urges States Parties, the United Nations and its specialized agencies to take further specific measures within their competence for the promotion of the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes and of international cooperation in this field. [Previously paragraph 49]

59. The Conference also recognises that there should be efficient coordination mechanisms between the specialized agencies of the United Nations system and international and regional organizations in order to facilitate scientific cooperation and technology transfer. [Previously paragraph 50]

60. The Conference recognises the need to effectively implement national measures in order to further implementation of Article X. In this regard, the Conference urges States Parties to undertake to review their national regulations governing international exchanges and transfers in order to ensure their consistency with the objectives and provisions of all the articles of the Convention. [Previously paragraph 52]

61. The Conference encourages States Parties to provide **at least biannually** appropriate information on how **they implement** this Article ~~is being implemented~~ to the **Implementation Support Unit within the** United Nations Office for Disarmament Affairs,

and requests the **Implementation Support Unit** ~~Department~~ to collate such information for the information of States Parties. **The Conference welcomes the information provided by a number of States Parties on the cooperative measures they have undertaken towards fulfilling their Article X obligations.**

**Commentary:** The loss of the previous paragraph 51 in the Article X section of the *Final Declaration* of the Sixth Review Conference that stated:

*The Conference emphasises that in the interest of facilitating the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxin agents for peaceful purposes, States Parties should not use the provisions of the Convention to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials.*

is surprising.

The new paragraph 53 with its emphasis on capacity building is welcomed and is a valuable extended understanding.

The new paragraphs 55 and 56 are also welcomed and provide useful extended understandings in regard to Article X.

The emphasis in paragraph 61 for States Parties to provide information **at least biannually** is noted. It seems, however, over-optimistic to urge for at least biannual (ie twice a year) provision of information when annual provision has not been achieved! Biennial (ie every two years) might have been more realistic. The new final sentence in paragraph 61 appears to acknowledge the information provided by twenty-five States Parties in INF.8 and a further five States Parties in the EU illustrative compendium in INF.10 as evidence of the cooperative measures that they have undertaken towards fulfilling their Article X obligations. However, the word **towards** appears to judge that these States Parties have not fully fulfilled their Article X obligations.

Text for Article X in the Report of the COW (BWC/CONF.VII/5 dated 21 December 2011) was largely similar to that which appeared in the *Final Declaration*. However, the Report of the COW included as paragraph 69:

*69. The Conference emphasises that in the interest of facilitating the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxin agents for peaceful purposes, States Parties should not use the provisions of the Convention to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials.*

This was identical to paragraph 51 in the *Final Declaration* of the Sixth Review Conference. Nevertheless, this paragraph was deleted from the adopted *Final Declaration* of the Seventh Review Conference.

The new paragraph 55 in the *Final Declaration* appears as paragraph 73 in the Report of the COW in a longer two-part formulation:

*73. The Conference recognized the importance of developing effective infrastructure for disease surveillance, detection, diagnosis and containment, as well as biological risk management, and noted that developing such infrastructure could also contribute to the fulfillment of their other respective international obligations and agreements, such as the revised International Health Regulations (2005).*

The second part of paragraph 73 starting at “and noted that ...” was deleted in the adopted *Final Declaration*.

The new paragraph 56 in the *Final Declaration* has clearly been developed from paragraphs 75, 76 and 77 in the Report of the COW:

*75. The Conference recognized the range of bilateral, regional and multilateral assistance, cooperation and partnerships already developed and provided by States Parties in a position to do so, to support States Parties in need of assistance in meeting their national obligations under the Convention and in enhancing their biological risk management and disease surveillance, detection, diagnosis and containment capabilities.*

*76. The Conference recognizes that there remain obstacles to be overcome in developing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes to their full potential, and that addressing such problems, challenges, needs and restrictions will help States Parties to build sufficient capacity for disease surveillance, detection, diagnosis and containment. In this regard, the Conference stresses the need for strengthening cooperation and assistance within the framework of the Convention and notes that other channels of assistance and cooperation can complement the multilateral framework of the Convention.*

*77. The Conference agreed on the value of mobilizing resources to facilitate the widest possible exchange of equipment, material and scientific and technological information to help overcome challenges to disease surveillance, detection, diagnosis and containment. Recognizing that all States Parties have a role to play, the Conference stressed that those States Parties seeking to build their capacity should identify their specific needs and requirements and seek partnerships with others, and that those States Parties in a position to do so should offer to provide assistance and support.*

The newly intensified paragraph 61 in the *Final Declaration* is developed from paragraph 82 in the Report of the COW by replacement of the words *The Conference encourages, on a yearly basis, States Parties to provide appropriate information* by the words **The Conference encourages States Parties to provide at least biannually appropriate information.**

## Article XI

62. The Conference **recalls notes** that the Islamic Republic of Iran has formally presented **at the Sixth Review Conference** a proposal to amend Article I and the title of the Convention to include explicitly the prohibition of the use of biological weapons.

63. The Conference **recalls** ~~takes note of~~ the statement **at the Sixth Review Conference** by the Government of the Russian Federation as a Depositary that it has notified all States Parties of the proposal by the Islamic Republic of Iran to amend the Convention. ~~The Conference encourages all States Parties to convey their views to the Depositaries on the proposal by the Islamic Republic of Iran.~~

64. The Conference reaffirms that the provisions of this Article should in principle be implemented in such a way as not to affect the universality of the Convention.

**Commentary:** The amendments appear unexceptional.

Text for Article XI in the Report of the COW (BWC/CONF.VII/5 dated 21 December 2011) was somewhat surprisingly the same as that which had been included in the *Final Declaration* of the Sixth Review Conference without any amendment. The paragraphs that appear in the adopted *Final Declaration* of the Seventh Review Conference are an updated version of what had appeared in 2006.

## Article XII

65. The Conference reaffirms that Review Conferences constitute an effective method of reviewing the operation of the Convention with a view to assuring that the purposes of the Preamble and the provisions of the Convention are being realized. The Conference therefore **decides** ~~recommends~~ that Review Conferences ~~should continue to~~ be held at least every five years.

66. The Conference decides that the ~~Eighth Seventh~~ Review Conference shall be held in Geneva not later than **2016 2014** and should review the operation of the Convention, taking into account, *inter alia*:

(a) new scientific and technological developments relevant to the Convention, **taking into account the relevant decision of this Conference regarding the review of developments in the field of science and technology related to the Convention;**

(b) the progress made by States Parties on the implementation of the Convention;

(c) progress of the implementation of decisions and recommendations agreed upon at the ~~Seventh Sixth~~ Review Conference, **taking into account, as appropriate, decisions and recommendations reached at previous review conferences.**

**Commentary:** The first sign of real progress in moving ahead from what had been merely *recommended* previously – the insertion of “**decides**” in the final sentence of paragraph 65 that states *The Conference therefore decides that Review Conferences be held at least every five years.* – can be wholeheartedly welcomed.

The addition to paragraph 66 (c) **taking into account, as appropriate, decisions and recommendations reached at previous review conferences.** is another realistic and welcome step forward.

Text for Article XII in the Report of the COW (BWC/CONF.VII/5 dated 21 December 2011) consisted of four paragraphs. Two of these were largely similar to the language adopted in paragraphs 65 and 66 of the *Final Declaration* of the Seventh Review Conference. Two paragraphs in the Report of the COW related to decision making:

*87. The Conference affirms that decision-making powers are vested in review conferences and that all decisions are to be taken in accordance with Rule 28 of the Rules of Procedure.*

and

*89. The Conference reaffirmed the value of taking decisions by consensus at review conferences as well as Meetings of States Parties and the role that this has played in achieving States Parties' common goals, as well as in preserving the integrity of decisions made.*

were both deleted. The loss of paragraph 89 is particularly regrettable.

### **Article XIII**

67. The Conference reaffirms that the Convention is of unlimited duration and applies at all times, and expresses its satisfaction that no State Party has exercised its right to withdraw from the Convention.

No change was expected and none made.

Text for Article XIII in the Report of the COW (BWC/CONF.VII/5 dated 21 December 2011) was identical to that adopted in the *Final Declaration* of the Seventh Review Conference.

### **Article XIV**

68. The Conference notes with satisfaction that ~~ten~~ eleven states have acceded to or ratified the Convention since the Sixth Review Conference.

**69. The Conference underlines that the objectives of the Convention will not be fully realized as long as there remains even a single state not party that could possess or acquire biological weapons.**

**70. The Conference reiterates the high importance of universalization, in particular by affirming the particular importance of the ratification of the Convention by signatory states and accession to the Convention by those which have not signed the Convention, without delay. States Parties agree to continue to promote universalization.**

~~64. The Conference calls upon signatories to ratify the Convention, and upon those states which have not signed the Convention to accede to it without delay, thus contributing to the achievement of universal adherence to the Convention.~~

**71. The Conference notes that the primary responsibility for promoting the universality of the Convention rests with the States Parties. The Conference urges encourages States Parties to take action to persuade non-parties to accede to the Convention without delay, and**

particularly welcomes **action by States Parties and** regional initiatives **to provide assistance and support** that would lead to wider accession to the Convention.

72. The Conference welcomes regional initiatives that would lead to wider accession **and adherence** to the Convention.

**73. The Conference urges those States Parties, in a position to do so, to offer assistance and support to States in their preparations for ratification or accession to the Convention.**

**Commentary:** The new paragraph 69 **The Conference underlines that the objectives of the Convention will not be fully realized as long as there remains even a single state not party that could possess or acquire biological weapons.** is another welcome sign of real progress.

The new paragraph 70 starts well by stating **The Conference reiterates the high importance of universalization** and the added final sentence **States Parties agree to continue to promote universalization.** is a useful reminder of their responsibilities.

The new paragraph 71 places responsibility firmly on States Parties and does not refer to the responsibilities of the Depositaries. Nor does it give any responsibility for leading the promotion of universality on behalf of the States Parties to the President of the Seventh Review Conference or to the Chairmen of the Intersessional Process. It is, however, noted that in *Part III: Decisions and Recommendations* it is stated in paragraph 29 that *The Conference decides that the Chairs of meetings of States Parties shall coordinate universalization activities, address states not party to the Convention, provide an annual report on universalization activities at meetings of States Parties, and provide a progress report to the Eighth Review Conference.* which is similar language to that agreed in the *Part III: Decisions and Recommendations* section of the Sixth Review Conference.

Text for Article XIV in the Report of the COW (BWC/CONF.VII/5 dated 21 December 2011) differs in several respects from that adopted in the *Final Declaration* of the Seventh Review Conference. Paragraph 68 in the *Final Declaration* is identical to paragraph 91 in the Report of the COW.

Paragraph 69 in the *Final Declaration* is new language which is reduced from that proposed in paragraph 92 of the Report of the COW:

*92. The Conference underlines that the objectives of the Convention will not be fully realized as long as there remains even a single state not party that could possess or acquire biological weapons. It stresses that the continued absence from the Convention of any country results in a risk that biological weapons could be developed, acquired, transferred or used.*

by deletion of the second sentence.

Paragraph 93 in the Report of the COW states:

*93. In the interests of affirming their commitment to global peace and security, the Conference urges signatories to ratify the Convention, and urges those*

*states which have not signed the Convention to accede to it without precondition or further delay, thus contributing to the achievement of universal adherence to the Convention.*

is closely similar, although somewhat more strongly worded, to that in paragraph 64 of the *Final Declaration* of the Sixth Review Conference:

*64. The Conference calls upon signatories to ratify the Convention, and upon those states which have not signed the Convention to accede to it without delay, thus contributing to the achievement of universal adherence to the Convention.*

However, paragraph 94 in the Report of the COW is an alternative formulation that also refers to the signatories and the other non-parties:

*94. Reaffirming the value of universalization, the Conference affirmed the particular importance of the ratification of the Convention by signatory states and accession to the Convention without delay by those which have not signed the Convention. States Parties agreed to continue to promote the universalization in accordance with the decisions of the Seventh Review Conference.*

In the event the adopted *Final Declaration* includes as its paragraph 70 language largely drawn from paragraph 94 of the Report of the COW.

The Report of the COW has a paragraph 95 emphasising the primary responsibility of States Parties:

*95. The Conference notes that the primary responsibility for promoting the universality of the Convention rests with the States Parties. The Conference urges States Parties to take action to persuade non-parties to accede to the Convention without delay, and particularly welcomes action by States Parties and regional initiatives to provide assistance and support that would lead to wider accession to the Convention.*

which became paragraph 71 of the *Final Declaration*.

A paragraph 98 focussing on regional initiatives in the Report of the COW:

*96. The Conference recognizes the value of targeted and adapted regional initiatives that could lead to wider accession and adherence to the Convention. The Conference reaffirms the importance of the establishment of the Middle East zone free of nuclear weapons and other weapons of mass destruction and lends its support to the 2012 Conference.*

was reduced by simplifying the first sentence and deleting the second sentence to become paragraph 72 of the adopted *Final Declaration*:

**72. The Conference welcomes regional initiatives that would lead to wider accession and adherence to the Convention.**

## Article XV

74. The Conference ~~decides~~ **welcomes the decision of the Sixth Review Conference** that as well as the five languages listed in this Article, Arabic shall be considered an official language for the purposes of any meetings of the States Parties and other formal communications concerning the operation of the Convention.

**Commentary:** The modification to the language adopted by the Sixth Review Conference by addition of the phrase reading **The Conference welcomes the decision of the Sixth Review Conference** is a useful step forward as it consolidates the status of Arabic alongside the five languages named in Article XV.

Text for Article XV in the Report of the COW (BWC/CONF.VII/5 dated 21 December 2011) was identical to that adopted in the *Final Declaration* of the Sixth Review Conference. The language was strengthened in the adopted *Final Declaration* of the Seventh Review Conference.

#### **IV. ANALYSIS OF THE COMMITTEE OF THE WHOLE CONTRIBUTIONS TO THE ARTICLE BY ARTICLE *FINAL DECLARATION* OF THE SEVENTH REVIEW CONFERENCE**

1. It is noticed in the Report of the Committee of the Whole (BWC/CONF.VII/5 dated 21 December 2011) that the outline of the Draft *Final Declaration* of the Seventh Review Conference is provided as Annex II to the Report of the Committee of the Whole. Although this lacks proposed wording for the Solemn Declaration, it consists of some 98 paragraphs for Articles I through to XV. It is notable for several footnote references throughout to *Part III: Forward Looking Agenda* as well as to paragraphs in the Final Reports of the Meetings of States Parties. It should, however, be noted that this was very much a work in progress as indicated by the language in paragraph 5 of the Report:

*Based on these discussions, the Chairman of the Committee produced, under his own responsibility, an outline of the draft final declaration of the Conference, which is attached to this report as Annex II. The Committee noted that the language in this outcome [presumably outline is meant] was not agreed, had not been fully discussed, and had been included without prejudice to the position of any delegation. The Committee decided to transmit the outline to the plenary of the Conference for further discussion and negotiation, as appropriate, with a view to reaching consensus on a final document as soon as possible.*

It was thus clear that the Chairman had produced this outline under his own responsibility and not as a draft worked through by the Committee of the Whole. Nevertheless, it does, however, represent the state of play in regard to the Article by Article *Final Declaration* at the Seventh Review Conference as it was submitted to the Conference and as such can be compared to the comparable draft in 2006 of the Article by Article *Final Declaration* of the Sixth Review Conference.

2. It was also noted that the COW 2011 outline draft for a *Final Declaration* included the same language in regard to education and awareness raising that had been in Article IV of the *Final Declaration* of the Sixth Review Conference – but this language is **not** included in the *Final Declaration* of the Seventh Review Conference.

3. Consequently, an analysis has been made to compare what happened at the COW stage at the Seventh Review Conference with what happened at the same stage at the Sixth Review Conference in 2006 to see if there were any significant differences.

#### **Seventh Review Conference**

4. The *Outline of the Draft Final Declaration of the Seventh Review Conference* is provided as Annex II to the *Report of the Committee of the Whole* (BWC/CONF.VII/5 dated 21 December 2011). Although this lacks the proposed wording for the Solemn Declaration, it consists of some 98 paragraphs for Articles I through to XV. It is notable for several footnote references throughout to *Part III: Forward Looking Agenda* as well as to substantive paragraphs in the Final Reports of the Meetings of States Parties.

5. However, the next version of the *Final Declaration* is provided in the *Draft Final Document of the Seventh Review Conference* BWC/CONF.VII/CRP. 2 dated 22 December 2011 which consists of the Solemn Declaration with ten subparagraphs and some 74

paragraphs for Articles I through to XV [Although the paragraphs are numbered 1 to 76 there is a discontinuity as there are no paragraphs 47 & 48]. There are no footnote references to either *Part III: Decisions and Recommendations* or to substantive paragraphs in the Final Reports of the Meetings of States Parties.

6. The final version of the *Final Declaration* of the Final Document of the Seventh Review Conference consists of the Solemn Declaration with ten subparagraphs and some 74 paragraphs for Articles I through to XV.

7. So 98 paragraphs with useful references in the Committee of the Whole report was reduced to 74 paragraphs and no references in the Final Document. It is interesting to compare this with what happened at the Sixth Review Conference.

### **Sixth Review Conference**

8. At the Sixth Review Conference, an Outline of the Draft *Final Declaration* of the Sixth Review Conference was provided as Annex I to the Report of the Committee of the Whole (BWC/CONF.VI/3 dated 6 December 2006). Although this lacked the proposed wording for the Solemn Declaration, it consisted of some 57 paragraphs for Articles I through to XV. This contained no footnote references.

9. The final version of the *Final Declaration* is provided in the Final Document of the Sixth Review Conference (BWC/CONF.VI/6 dated 2006). Here the *Final Declaration* consists of the Solemn Declaration with eleven subparagraphs and some 66 paragraphs for Articles I through to XV.

10. Consequently, 57 paragraphs grew to 66 paragraphs.

### **Analysis**

11. In 2006 the *Final Declaration* increased from 57 to 66 paragraphs whereas in 2011 the *Final Declaration* decreased from 98 to 74 paragraphs. The reason for this is not clear although it is possible to speculate that the longer draft in 2011 contained many of the individual proposals submitted by States Parties and the recognition that *the language in this outcome was not agreed, had not been fully discussed, and had been included without prejudice to the position of any delegation*, may have indicated that ‘consensus by deletion’ was being anticipated. Alternatively it may simply have been the pressure of seeking to reach an agreed outcome in the face of an inflexible deadline of 6 pm on Thursday 22 December 2011. It is also noted that following the completion of the work of the Committee of the Whole, the President adopted three Facilitators to work on the *Final Declaration* – these were Ambassador Alexandre Fasel (Switzerland) on the Solemn Declaration and Ms. Judit Körömi (Hungary) [who was also the Chair of the Drafting Committee which did not meet in 2011] and Mr. Daniel Simanjuntak (Indonesia) on Articles I – XV.

12. **2006 Submissions to the COW.** An analysis had also been made of who provided textual proposals in 2011 and comparing this to what had happened in 2006. For the 2006 Sixth Review Conference, in a report prepared for the *CBW Conventions Bulletin*, the following information was provided:

Article	Submissions at 6th Rev Con	Number of paragraphs at 6th Rev Con	Submissions at 5th Rev Con	Submissions at 4th Rev Con
Solemn Declaration	) 1	) 12	3	2
Preamble	)	)	2	1
Article I - basic prohibition	6	25	9	6
Article II - destruction	5	11	1	3
Article III - non-transfer	7	22	8	3
Article IV - legislation	9	49	6	1
Article V - consultation	8	28	6	2
Article VI - complaints	6	26	4	3
Article VII - assistance	7	18	4	2
Article VIII - Geneva Protocol	6	26	5	3
Article IX - chemical weapons	7	15	5	2
Article X - technical cooperation	10	66	8	4
Article XI - amendments	3	6	1	1
Article XII - reviews	6	21	2	1
Article XIII - withdrawal	4	4	–	–
Article XIV - accession	6	7	2	1
Article XV - languages	3	3	2	1
Total	94	349	71	38

13. A further analysis of who had submitted the 94 proposals in 2006 showed how many were submitted by an individual State Party or a group of States Parties: 15 by Iran, 14 each by India, Pakistan and the USA, 12 by the EU, 6 each by China and Japan, 3 by the Ukraine, 2 each by Canada, the Latin American Group and the NAM, and 1 each by Brazil, Croatia, New Zealand and the three Depositaries.

14. In addition, an analysis of how many paragraphs were submitted by each of those submitting proposals showed:

State Party/Group	Sixth Review Conference Number of proposals	Sixth Review Conference Number of paragraphs
Islamic Republic of Iran	15	64
India	14	78
Pakistan	14	28
United States	14	70
European Union	12	44
China	6	10
Japan	6	25
Ukraine	3	6
Canada	2	3
Latin American Group	2	4
Cuba (NAM)	2	12
Brazil	1	1

Croatia	1	2
New Zealand	1	1
Co-depositaries	1	1
15 entities	94 proposals	349 paragraphs

15. Consequentially at the Sixth Review Conference it was evident that Iran, India, Pakistan, the United States and the European Union submitted proposals for language for all or virtually all of the Articles of the Convention. In contrast the Latin American group of States Parties and Cuba on behalf of the NAM only made two proposals. It should also be noted that only 15 entities – out of the then 155 States Parties – made proposals to the Committee of the Whole in regard to language for the Article by Article declaration.

16. **2011 Submissions to the COW.** Making a similar analysis in regard to the submissions made to the Committee of the Whole in 2011 showed that in regard to the Articles, the situation was as follows:

Article	Seventh Review Conference number of proposals	Seventh Review Conference number of paragraphs
Solemn Declaration Preamble	) 3 )	7
Article I - basic prohibition	4	5
Article II - destruction	1	1
Article III - non-transfer	5	8
Article IV - legislation	11	25
Article V - consultation	9	21
Article VI - complaints	5	8
Article VII - assistance	6	20
Article VIII - Geneva Protocol	2	7
Article IX - chemical weapons	2	2
Article X - technical cooperation	6	20
Article XI - amendments	–	–
Article XII - reviews	3	5
Article XIII - withdrawal	–	–
Article XIV - accession	5	11
Article XV - languages	–	–
		146
Total	62	

No proposals were submitted to the Committee of the Whole in 2011 for three Articles of the Convention (Article XI, Article XIII and Article XV).

17. The analysis of who submitted proposals in 2011 to the Committee of the Whole showed that they came from India (9), USA (8), Iran (7), Cuba (NAM) (6), Cuba (5), UK (5), Australia (3) and Russian Federation (3). There were also 2 each from Algeria, Belgium, Mexico, Nigeria, Norway and 1 each from Argentina, Canada, Germany, Pakistan, South Africa and Switzerland.

18. The analysis of how many paragraphs were submitted by each of those submitting proposals in 2011 showed:

State Party/Group	Seventh Review Conference Number of proposals	Seventh Review Conference Number of paragraphs
India	9	21
United States	8	23
Islamic Republic of Iran	7	15
Cuba (NAM)	6	23
Cuba	5	6
UK	5	11
Australia	3	4
Russian Federation	3	11
Algeria	2	5
Belgium	2	2
Mexico	2	8
Nigeria	2	2
Norway	2	2
Argentina	1	1
Canada	1	1
Germany	1	2
Pakistan	1	1
South Africa	1	3
Switzerland	1	5
19 entities	62 proposals	146 paragraphs

19. Consequentially at the Seventh Review Conference it was evident that India, the United States and Iran submitted proposals for language for about half of the Articles of the Convention (7 to 9 out of 15) with Cuba on behalf of the NAM, Cuba and the UK submitting proposals for about one third of the Articles (6 or 5 out of 15). What is particularly notable is that **no** proposals were submitted on behalf of the European Union or by the Latin American group. It should also be noted that only 19 entities – out of the current 165 States Parties – made proposals to the Committee of the Whole in regard to language for the Article by Article declarations.

20. **Comparative analysis.** These two sets of analyses are brought together in the table below. In considering the number of proposals made by a single entity, it should be recalled that at the Sixth Review Conference proposals were made for **all** 15 Articles and the Solemn Declaration – so the number made out of 16 is indicative of the attention being given in 2006 by the entity to the overall strengthening of the Convention Article by Article. At the Seventh Review Conference, **no** proposals were made for Articles XI, XIII and XV – so the number made out of **13** is indicative of the attention being given in 2011 by the entity to the overall strengthening of the Convention Article by Article.

State Party/Group	7th Rev Con Proposals	7th Rev Con Paragraphs	6th Rev Con Proposals	6th Rev Con Paragraphs
India	9	21	14	78
United States	8	23	14	70
Islamic Republic of Iran	7	15	15	64
Cuba (NAM)	6	23	2	12
Cuba	5	6	–	–
UK	5	11	–	–
Australia	3	4	–	–
Russian Federation	3	11	–	–
Algeria	2	5	–	–
Belgium	2	2	–	–
Mexico	2	8	–	–
Nigeria	2	2	–	–
Norway	2	2	–	–
Argentina	1	1	–	–
Canada	1	1	2	3
Germany	1	2	–	–
Pakistan	1	1	14	28
South Africa	1	3	–	–
Switzerland	1	5	–	–
European Union	–	–	12	44
China	–	–	6	10
Japan	–	–	6	25
Ukraine	–	–	3	6
Latin American Group	–	–	2	4
Brazil	–	–	1	1
Croatia	–	–	1	2
New Zealand	–	–	1	1
Depositaries	–	–	1	1
19 entities (15 entities in 2006)	62 proposals	146 paragraphs	94 proposals	349 paragraphs
Report of COW		98 paragraphs		57 paragraphs
<i>Final Declaration</i>		74 paragraphs		66 paragraphs

21. There are three marked differences between the Sixth Review Conference in 2006 and the Seventh Review Conference in 2011. The first is the **complete absence** of any proposals in 2011 submitted by the European Union – or by Poland on behalf of the European Union – whereas proposals were submitted by Finland on behalf of the EU in 2006 for 12 Articles of the Convention. The second is that whilst the State Party (Pakistan) of the President of the Sixth Review Conference submitted proposals for almost every Article of the Convention in 2006, **no** proposals were submitted by the State Party (The Netherlands) of the President of the Seventh Review Conference. And the third is that whilst China and Japan each made six proposals in 2006, neither submitted any in 2011.

22. It is also noted that at the Sixth Review Conference the report of the Committee of the Whole showed that contributions had also been received for:

- |  |  |
|--|--|
| • Action Plan on Universality            | Latin-American, Australia, Finland (EU)                              |
| • Action Plan on National Implementation | Finland (EU)   |
| • Action Plan on Article X               | Cuba (NAM)   |
| • ISU                                    | Latin-American, Finland (EU) Norway                                  |
| • ISP                                    | Latin-American, Finland (EU) Cuba (NAM)<br>New Zealand, South Africa |
| • CBMs                                   | Latin-American, Finland (EU)   |

23. It is presumed that in 2006 the COW – or the Bureau – invited States Parties to submit such proposals. Certainly at the meetings in 2006 of the President-Designate with the Regional Groups on 11 – 22 September 2006, it was said that:

*Third, the final declaration will have to reflect in some way our deliberations and agreements on a number of specific issues that have either been passed to us by the Fifth Review Conference, or the fresh proposals of the States Parties, of course subject to consensus.*

In 2006 it is assumed that there would not have been any prior expectation that the Final Document would include a *Part III: Decisions and Recommendations* as this appeared only during the Sixth Review Conference itself – and there is no earlier indication of this in the President-Designate's letter to States Parties of 7 November 2006 providing the Draft Indicative Programme. There was no comparable submission of language in 2011 to the Committee of the Whole for the comparable cross-cutting issues – presumably because in the President-Designate's meetings with the Regional Groups on 29 November 2011, the President-Designate had specifically stated that;

*Informal plenaries: will deal with "cross-cutting" issues that do not fit under a single article of the Convention, and with specific issues needing decisions, e.g. because they were explicitly mandated by the Sixth Review Conference (agenda items 11-13). The informal plenaries will develop text for the "decisions and recommendations" or "forward-looking agenda" part of the final document.*

There was consequently no encouragement in 2011 for textual proposals on cross-cutting or thematic issues to be provided to the Committee of the Whole as such text was clearly to be addressed by the informal plenaries. It is evident with the benefit of hindsight that these informal plenaries would have benefited from textual proposals being invited in advance, preferably through a designated channel such as open-ended consultations conducted by Facilitators appointed at an earlier stage, for example at the Preparatory Committee meeting.

24. The Seventh Review Conference understandably focussed on how to move forward on the topics that had been discussed at the workshops held round the world. Unfortunately much less attention seems to have been given during those preparatory workshops to the groundwork that is vital to strengthen the Convention – the Article by Article *Final Declaration*. Indeed, the President-Designate's letter to the States Parties of 17 November 2011 specifically stated:

*The programme envisages that the Committee of the Whole will conduct the article-by-article review of the Convention, developing the text of the final declaration, while informal plenaries will work on the cross-cutting issues for which specific decisions will be recorded in the **forward-looking section** of the final document (for example, an intersessional process, any revisions to the CBMs, the future of the ISU, etc). There will undoubtedly be some overlap between the Committee of the Whole and the informal plenaries, but this is natural and welcome: it is entirely appropriate that reflections from the **backward-looking** article-by-article review should inform the decisions taken in the **forward-looking agenda**. [Emphasis added]*

This description of the Article by Article Declaration as being *backward-looking* is greatly regretted as it is incorrect. Over the years that the Convention has had its five-yearly Review Conferences it has been the case that the *Final Declarations* have indeed been forward looking as they have achieved consensus on extended understandings, have successfully drawn out and expressed the latent possibilities of the Convention Article by Article, agreed definitions and procedures, and have recorded all these Additional Understandings and Agreements (as the ISU describes them in BWC/CONF.VII/INF.5 dated 28 September 2011). It is evident that the successive Article by Article *Final Declarations* have been and remain one of the most important ways of taking the Convention forward and realising the constructive evolution of its treaty regime.

25. This incorrect focus in 2011 on **forward** and **backward** – which may reflect an earlier misapprehension – was further elaborated in the words highlighted below of the President-Designate's speaking notes to the Regional Group meetings on 29 November 2011 which stated that the substantive work of the Review Conference would be carried out in two main forums: the Committee of the Whole, and informal plenaries:

- *The Committee of the Whole: will deal with the article-by-article review of the Convention (agenda items 10 (b) and (c)), looking at each article in turn, and developing text for the Final Declaration part of the final document.*
- *Informal plenaries: will deal with "cross-cutting" issues that do not fit under a single article of the Convention, and with specific issues needing decisions, e.g. because they were explicitly mandated by the Sixth Review Conference (agenda items 11-13). The informal plenaries will develop text for the "decisions and recommendations" or "forward-looking agenda" part of the final document.*
- *I would characterise this division of labour as follows: the Committee of the Whole produces text that records **what has happened, what the situation is, and what the States Parties think about it**. The informal plenaries produce text that specifies **what the States Parties are going to do about it**.*

This description unfortunately had the effect of **downgrading** the status of the *Final Declaration* by taking too narrow a view of the functions it performs.

26. The narrowness of such a description is all too evident from a glance at the *Final Declaration* of the Sixth Review Conference and its language such as, under Article III, that:

*9. The Conference calls for appropriate measures by all States Parties to ensure that biological agents and toxins relevant to the Convention are protected and*

*safeguarded, including through measures to control access to and handling of such agents and toxins;*

and, under Article IV, that:

*14. The Conference urges the inclusion in medical, scientific and military educational materials and programmes of information on the Convention and the 1925 Geneva Protocol. The Conference urges States Parties to promote the development of training and education programmes for those granted access to biological agents and toxins relevant to the Convention and for those with the knowledge or capacity to modify such agents and toxins, in order to raise awareness of the risks, as well as of the obligations of States Parties under the Convention.*

*15. The Conference encourages States Parties to take necessary measures to promote awareness amongst relevant professionals of the need to report activities conducted within their territory or under their jurisdiction or under their control that could constitute a violation of the Convention or related national criminal law. In this context, the Conference recognises the importance of codes of conduct and self-regulatory mechanisms in raising awareness, and calls upon States Parties to support and encourage their development, promulgation and adoption.*

And, again under Article X:

*53. The Conference urges States Parties to develop frameworks for disease surveillance in humans, animals and plants, and to support programmes for effective responses at the national, bilateral, regional and multilateral levels, including through the conclusion of appropriate agreements that would promote the regular exchange of scientific and technical information in these fields.*

*54. The Conference encourages States Parties to provide appropriate information on how this Article is being implemented to the United Nations Department for Disarmament Affairs, and requests the Department to collate such information for the information of States Parties.*

All of these – and many other paragraphs in the *Final Declaration* of the Sixth Review Conference – are forward looking.

27. Indeed, consideration of the paragraphs in the *Final Declaration* of the Seventh Review Conference shows that these are also forward looking. Thus, for example, under Article III:

*9. The Conference calls for appropriate measures, including effective national export controls, by all States Parties to implement this Article, 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.*

and under Article IV:

*11. The Conference reaffirms the commitment of States Parties to take the necessary national measures under this Article. The Conference also reaffirms that the*

*enactment and implementation of necessary national measures under this Article, in accordance with their constitutional processes, would strengthen the effectiveness of the Convention. In this context, the Conference calls upon States Parties to adopt, in accordance with their constitutional processes, legislative, administrative, judicial and other measures, including penal legislation, designed to:*

And, again under Article X:

*61. The Conference encourages States Parties to provide at least biannually appropriate information on how they implement this Article to the Implementation Support Unit within the United Nations Office for Disarmament Affairs, and requests the Implementation Support Unit to collate such information for the information of States Parties. The Conference welcomes the information provided by a number of States Parties on the cooperative measures they have undertaken towards fulfilling their Article X obligations.*

28. The extensive focus on the so-called forward-looking items had the effect of inadvertently diverting attention away from some of the fundamental issues such as national implementation that should have been addressed by the Seventh Review Conference. It is notable that there was no mention of national implementation in the President-Designate's letter to States Parties of 6 June 2011 in which he stated:

*Informal consultations to date have revealed a number of areas of interest to delegations. These include, inter alia: the future of the intersessional process, the confidence-building measures and the ISU; the need for a means to monitor and assess the developments in science and technology; strengthening international cooperation and assistance activities, and the implementation of Article X; possibilities for compliance and verification; and universalization.*

The contrast between the sustained attention given for some time now by the Chemical Weapons Convention to national implementation and the absence of attention by the Biological and Toxin Weapons Convention is very marked.

29. Overall the impression is gained that the States Parties' attention was much more focussed on what they chose to regard as the forward-looking items, and that this had the effect of inadvertently diverting the attention of the States Parties – for whose delegations this was often their first Review Conference – away from what might be regarded as the 'bricks and mortar' of the Convention and its evolving regime arising from the extended understandings developed in the successive Article by Article *Final Declarations*.

30. In addition, it appears that the opportunity was missed at the Preparatory Committee meeting in April 2011 to use the third day to discuss these topics and to appoint Facilitators or Friends of the Chair **then** to commence open-ended discussions and consultations charged with providing as agreed as possible textual proposals for *Part III: Decisions and Recommendations* for consideration at the Review Conference itself. In particular, with the benefit of hindsight, it is clear that there would have been considerable benefits from encouraging not only individual States Parties but also Groups of States Parties to put together agreed proposals to the Committee of the Whole for most if not all of the Articles.

31. All in all, the talk of ambitious realism served to focus attention understandably on the range of topics that had emerged from the preparatory workshops – and to raise expectations that progress would be achieved on each of these. And, equally understandably, the preparatory workshops paid little attention to the bricks and mortar of the Convention – the Article by Article *Final Declaration*. One can speculate as to how different the outcome might have been if the preparatory workshops had had agendas that focussed on the Articles – and included all the Articles – of the Convention. The message for the future is surely that at the Eighth Review Conference in 2016, attention needs to be given throughout the preparatory year or longer to the bricks and mortar of the Convention – the Article by Article *Final Declaration*. States Parties and Groups of States Parties should be encouraged to submit their preferred language Article by Article accordingly, as proposals at the COW stage – as well as making written proposals for *Part III: Decisions and Recommendations* prior to the Review Conference itself, ideally to Facilitators appointed at the Preparatory Committee. Such Facilitators should be charged with holding open-ended consultations to develop language for *Part III: Decisions and Recommendations* prior to the Review Conference itself. Overall, in regard to the language submitted for both the Article by Article *Final Declaration* and *Part III: Decisions and Recommendations*, there should be a clear emphasis and recognition of the immense benefits of having agreed proposals for language submitted by Groups of States Parties such as the NAM, European Union, JACKSNNZ, Latin American and any other groups.

**V. COMMENTARY ON THE COMPARISON OF *PART III: DECISIONS AND RECOMMENDATIONS OF THE SEVENTH REVIEW CONFERENCE WITH PART III: DECISIONS AND RECOMMENDATIONS OF THE SIXTH REVIEW CONFERENCE***

1. A *Part III: Decisions and Recommendations* is included in the Final Document of both the Sixth and the Seventh Review Conferences. Part III for the Seventh Review Conference comprises nine parts (A to I) and 38 paragraphs whereas Part III for the Sixth Review Conference comprises five parts and 11 paragraphs.

2. Some of the headings are the same or closely similar:

In the Seventh Review Conference **A. Outcome of the 2007–2010 intersessional programme** was a heading whilst at the Sixth Review Conference the heading was Work of the 2003-2005 Meetings of States Parties

On both occasions, there are headings for:

**Intersessional programme 2012-2015/Intersessional Programme 2007-2010**

**Confidence-building measures/Confidence-building Measures**

**Promotion of universalization/Promotion of Universalization**

**Implementation Support Unit/ Implementation Support Unit**

3. At the Seventh Review Conference, there were four additional headings:

**C. Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X**

**1. Standing Agenda Item**

**2. Database system to facilitate assistance requests and offers**

**3. Sponsorship programme**

**D. Review of developments in the field of science and technology related to the Convention**

**E. Strengthening national implementation**

**I. Finances**

4. **A. Outcome of the 2007–2010 intersessional programme.** The language adopted at the Seventh Review Conference:

*1. In accordance with the decision taken by the Sixth Review Conference, Meetings of States Parties of one week duration were held each year, commencing in 2007, to discuss, and promote common understanding and effective action on six specified topics. Each meeting of States Parties was prepared by a one-week meeting of experts. The six topics were:*

(a) *Ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions.*

(b) *Regional and sub-regional cooperation on implementation of the Convention.*

(c) *National, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins.*

(d) *Oversight, education, awareness raising, and adoption and/or development of codes of conduct with the aim of preventing misuse in the context of advances in bio-science and bio-technology research with the potential of use for purposes prohibited by the Convention.*

(e) *With a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, promoting capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases: (1) for States Parties in need of assistance, identifying requirements and requests for capacity enhancement; and (2) from States Parties in a position to do so, and international organizations, opportunities for providing assistance related to these fields.*

(f) *Provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, including improving national capabilities for disease surveillance, detection and diagnosis and public health systems.*

2. *The Conference notes that the meetings of States Parties and meetings of experts functioned as an important forum for exchange of national experiences and in-depth deliberations among States Parties. The meetings of States Parties engendered greater common understanding on steps to be taken to further strengthen the implementation of the Convention.*

3. *The Conference notes the contribution by the WHO, FAO, OIE and other relevant international organizations, as well as scientific and academic institutions and non-governmental organizations, to the meetings of States Parties and meetings of experts.*

4. *The Conference **reiterates that common understandings were identified** in the consensus outcome documents of the meetings of States Parties (BWC/MSP/2007/5, BWC/MSP/2008/5, BWC/MSP/2009/5 and BWC/MSP/2010/6), **within their mandates**.*

was identical, *mutatis mutandis*, to the wording used in the Sixth Review Conference apart from the words “Meeting of Experts” not being capitalized at the Seventh Review Conference and the word “Meeting” of States Parties only being capitalized on one occasion in this section. In addition, the wording in the final paragraph 4 is different.

5. At the Seventh Review Conference paragraph 4 includes the additional words shown in bold that *The Conference **reiterates that common understandings were identified** in the consensus outcome documents ... **within their mandates***. instead of the simpler wording of the Sixth Review Conference that *The Conference endorses the consensus outcome*

*documents ....* The additional wording adopted by the Seventh Review Conference appears to reflect the difficulties that were encountered at the Meeting of States Parties in 2010 when there was a reluctance to accept similar terminology to that agreed in previous years regarding the substantive paragraphs of the final report. The failure at the Seventh Review Conference, unlike at the Sixth Review Conference in 2006, to **endorse** the consensus outcome documents is regrettable, as the *Final Declaration* in 2011 did not – as it might have done – integrate the relevant paragraphs systematically into its Article by Article declaration either. They are only reflected patchily and intermittently in the *Final Declaration*. Merely to **reiterate** that *common understandings were identified* is significantly weaker than endorsement of the consensus outcome documents would have been.

**6. B. Intersessional programme 2012-2015.** The language adopted at the Seventh Review Conference is:

*5. Reaffirming the utility of the previous intersessional programmes from 2003–2010, the Conference decides to retain previous structures: annual Meetings of States Parties preceded by annual Meetings of Experts.*

*6. The purpose of the intersessional programme is to discuss, and promote common understanding and effective action on those issues identified for inclusion in the intersessional programme by this Seventh Review Conference.*

*7. Recognizing the need to balance an ambition to improve the intersessional programme within the constraints – both financial and human resources – facing States Parties, the Conference decides to continue to allocate ten days each year to the intersessional programme.*

*8. The Conference decides that the following topics shall be Standing Agenda Items, which will be addressed at meetings of both the Meeting of Experts and Meeting of States Parties in every year from 2012–2015:*

- (a) Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X;*
- (b) Review of developments in the field of science and technology related to the Convention;*
- (c) Strengthening national implementation.*

*9. The Conference decides that the following other items will be discussed during the intersessional programme in the years indicated:*

- (a) How to enable fuller participation in the CBMs (2012 and 2013);*
- (b) How to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties (2014 and 2015).*

*10. The restructured Meetings of Experts will last five days, and Meetings of States Parties five days.*

*11. The first year's meetings will be chaired by a representative of the Group of the Non-Aligned Movement and Other States, the second by a representative of the*

*Eastern European Group, the third by a representative of the Western Group, and the fourth by a representative of the Group of the Non-Aligned Movement and Other States. The annual Chair will be supported by two annual vice-chairs, one from each of the other two regional groups.*

*12. Each Meeting of Experts will prepare for the consideration of the Meeting of States Parties a factual report reflecting its deliberations. This report will reflect work on the three Standing Agenda Items, as well as a report on the other item scheduled for discussion during that year.*

*13. In addition to the report of the Meeting of Experts, the Meetings of States Parties will also consider – on an annual basis – progress with universalization of the Convention and the annual reports of the Implementation Support Unit. In 2012 and 2013, the Meeting of States Parties will also consider the Meeting of Experts report on CBMs, and in 2014 and 2015, the Meeting of States Parties will consider the Meeting of Experts report on Article VII.*

*14. All meetings, both of experts and of States Parties, will reach any conclusions or results by consensus.*

*15. The Eighth Review Conference will consider the work and outcome of these meetings and decide on any further action.*

are largely a development of the language used under the corresponding item Intersessional Programme 2007-2010 at the Sixth Review Conference. In particular it should be noted that paragraphs 12, 14 and 15 are essentially identical to those at the Sixth Review Conference. In contrast to the variation in the capitalization in the section **A. Outcome of the 2007–2010 intersessional programme.**, this section on the Intersessional Programme 2012-2015 consistently capitalizes the terms “Meeting of Experts” and “Meeting of States Parties”.

7. The language adopted at the Seventh Review Conference in regard to the Intersessional Programme 2012 – 2015 was developed during the Seventh Review Conference. The President in BWC/CONF.VII/CRP.01 dated 16 December 2001 tabled proposals for the following four annual topics:

*(i) analysis and possible further revision of the confidence-building measure (CBM) system, with a view to increasing the rate of participation of States Parties and better achieving the objectives of the annual exchange of information (to be considered in 2012);*

*(ii) conceptual and technical consideration of practical ways and means of assessing, monitoring, demonstrating or verifying compliance of States Parties with their obligations under the Convention (to be considered in 2013);*

*(iii) elaboration of detailed procedures and mechanisms for consultation under Article V of the Convention and the notification of possible violations under Article VI (to be considered in 2014).*

*(iv) elaboration of detailed procedures and mechanisms for the provision of assistance and coordination with relevant organizations upon request by any State*

*Party in the case of alleged use of biological or toxin weapons, with a view to building national response capacity and facilitating effective and rapid international assistance (to be considered in 2015).*

8. BWC/CONF.VII/CRP.01 also proposed that the annual meetings should also consider:

*(b) the topics discussed in the open-ended working groups on science and technology, cooperation and assistance, and national implementation (see the respective sections below), and any proposals, recommendations or other outcomes submitted by the working groups for the consideration of the meeting of States Parties.*

and that a facilitator should chair these working groups:

*7. The first year's meetings will be chaired by a representative of the Group of the Non-Aligned Movement and Other States, the second by a representative of the Eastern European Group, the third by a representative of the Western Group, and the fourth by a representative of the Group of the Non-Aligned Movement and Other States. **Each of the working groups will be chaired by a facilitator.** Each regional group will nominate a facilitator for one working group. The facilitators of the working groups will work closely with the Chair of the meeting of States Parties to prepare and coordinate the work of the groups and the meetings of experts and States Parties. [Emphasis added]*

9. In regard to the open-ended working group on science and technology, BWC/CONF.VII/CRP.01 proposed:

### ***C. Science and Technology***

*15. The Conference notes that the review of several articles of the Convention has shown the need for regular and systematic review of scientific and technological developments relevant to the Convention, and the importance of education and awareness raising on the Convention among those working in the biological sciences and technology. The Conference therefore decides to establish an open-ended working group on science and technology as part of the 2012-2015 intersessional programme.*

*16. The open-ended working group on science and technology will discuss, and where appropriate, develop proposals and recommendations on:*

*(a) new science and technology developments that have potential for uses contrary to the provisions of the Convention, as well as their potential benefits, including those of special relevance to disease surveillance, diagnosis and mitigation;*

*(b) possible measures for the consideration of States Parties for strengthening national risk management, as appropriate, in research and development involving new science and technology developments of relevance to the Convention, including means of promoting the development of national guidelines for voluntary codes of conduct and other measures to encourage responsible conduct by scientists, academia and industry, and communication*

*strategies, education and awareness-raising about risks and benefits of life sciences and biotechnology.*

*(c) science- and technology-related developments in multilateral organizations such as the WHO, OIE, FAO, IPPC and OPCW which are of relevance to the Convention;*

*(d) any other science and technology developments of relevance to the Convention.*

*17. To facilitate and provide predictability in the consideration of science and technology developments, the open-ended working group will consider the following topical scientific subjects in the years indicated, without prejudice to the right of any State Party to raise any development deemed to require urgent attention, or to revisit any of the topics, at a subsequent meeting:*

*(a) advances in biological production, dispersal and delivery technologies (to be considered in 2012);*

*(b) advances in the understanding of pathogenicity, virulence, toxicology, immunology and related issues (to be considered in 2013);*

*(c) advances in enabling technologies, including high-throughput systems for sequencing, synthesizing and analyzing DNA; bioinformatics and computational tools; and systems biology (to be considered in 2014);*

*(d) advances in technologies for surveillance, detection, diagnosis and mitigation of infectious diseases, and similar occurrences caused by toxins in humans, animals and plants (to be considered in 2015).*

*18. States Parties will be invited to submit reports to the working group, concerning relevant developments in science and technology, as background materials to facilitate the work of the group.*

*19. Further modalities for meetings, facilitation, and reporting of the open-ended working group are set out in the section on the intersessional programme above.*

10. In regard to the open-ended working group on cooperation and assistance BWC/CONF.VII/CRP.01 proposed:

#### ***D. Mechanism to promote cooperation and assistance***

*20. The Conference notes that the review of Article X of the Convention has shown the fundamental importance of enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, and the need for specific measures to promote the full and effective implementation of Article X. The Conference further notes that the review of Article IV and Article VII has also shown the need for cooperation and assistance to enhance national implementation of the Convention and to build capacity for response, investigation and mitigation of outbreaks of disease, including those due to alleged use of biological or toxin*

weapons. The Conference therefore decides:

(a) to establish a database system to facilitate requests for and offers of exchange of assistance and cooperation among States Parties;

(b) to establish an open-ended working group on cooperation and assistance, as part of the 2012 – 2015 intersessional programme.

11. Two further sections make detailed proposals for:

**1. Database system to facilitate assistance requests and offers**

**2. Open-ended working group on cooperation and assistance**

12. In regard to the open-ended working group on strengthening national implementation BWC/CONF.VII/CRP.01 proposed:

***E. Strengthening national implementation***

26. The Conference notes that the review of Article IV of the Convention affirmed the determination of States Parties to further strengthen national measures, including in areas such as legislation and regulations, oversight measures, biosafety and biosecurity, import/export controls; and disease surveillance and detection. The Conference therefore decides to establish an open-ended working group on national implementation, as part of the 2012-2015 intersessional programme.

27. The open-ended working group on national implementation will discuss, assess, and where appropriate, develop proposals and recommendations on:

(a) progress being made in implementing Articles III and IV;

(b) ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national enforcement institutions;

(c) regional and sub-regional cooperation on implementation of the Convention;

(d) national, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins;

(e) appropriate measures to prevent non-state actors from developing, producing, stockpiling, or otherwise acquiring or retaining and using under any circumstances, biological weapons; .

(f) ways and means to improve transparency of the status of implementation by States Parties, including the possible role of peer review mechanisms;

28. Modalities for meetings, facilitation, and reporting of the open-ended working group are set out in the section on the intersessional programme above.

13. A proposal was then tabled on the first day of the final week on Monday 19 December 2011 by China, India, Iran, Pakistan and Russia entitled *Draft Proposal on Structure of ISP*. This put forward two standing items – developments in science and technology and implementation of Article X – and four annual topics of which one was *c*). *Consideration of multilateral verification measures that would ensure compliance with the Convention (to be considered in 2014)*. The submitted text was:

## ***B. Intersessional programme 2012-2015***

### ***1. Meetings***

5. *The Conference decides to hold four annual meetings of one week duration each year commencing in 2012, prior to the Eighth Review Conference, to be held not later than the end of 2016.*

6. *The annual Meeting of States Parties will discuss and promote common understandings on the following agenda items to be considered in all Meetings of the States Parties:*

*a). Review of developments in the field of science and technology related to the Convention.*

*b). Implementation of Article X of the Convention.*

7. *The annual Meeting of States Parties will discuss and promote common understandings on the following agenda items to be considered in the years indicated:*

*a). Elaboration of detailed procedures and mechanisms for the provision of assistance and cooperation by the States Parties under Article VII of the Convention (to be considered in 2012).*

*b). National implementation in accordance with the constitutional process of the States Parties, including through information sharing among States Parties, capacity building, enforcement of national legislation for the full implementation of all provisions of the Convention, strengthening of national institutions and coordination amongst national law enforcement institutions (to be considered in 2013).*

*c). Consideration of multilateral verification measures that would ensure compliance with the Convention (to be considered in 2014).*

*d). Discussions on proposals for further consideration of the CBM forms, with a view to increasing accessibility to States Parties and their rate of participation, keeping in view the objectives and purposes of CBMs (to be considered in 2015).*

8. *In addition to the reports of the meetings of experts, the annual meeting of States Parties will also consider progress on universalization of the Convention and the annual reports of the Implementation Support Unit, including statistics regarding the*

*annual rate of return of the CBM forms as well as the database on implementation of Article X (for suggested format, see Annex-I).*

*9. Each meeting of States Parties will be prepared by a one-week meeting of experts on agenda items outlined in paragraph 6 and 7. Every meeting of experts will dedicate two sessions each to agenda items mentioned in paragraph 6 and three sessions to its respective agenda items mentioned in paragraph 7 (for suggested format, see Annex-II).*

14. A further proposal was then tabled on the afternoon of Tuesday 20 December 2011 by the JACKSNNZ group (Japan, Australia, Canada, Republic of Korea, Switzerland, Norway, New Zealand) entitled *Draft proposal on the intersessional programme 2012-2015*. This put forward three standing topics: national implementation, international cooperation and assistance and developments in science and technology. The submitted text said:

*The Conference decides:*

*(a) To hold an annual meeting of States Parties (MSP) each year commencing in 2012, prior to the Eighth Review Conference, to be held not later than the end 2016, to discuss, promote common understandings, take effective action, reach conclusions and make recommendations to the Eighth Review Conference on the three topics listed [at (b) below].*

*(b) Each MSP will be prepared by a restructured meeting of experts (MXP), at which the following topics shall be addressed by open-ended Working Groups in every year from 2012 -2015:*

- i. National implementation*
- ii. International cooperation and assistance*
- iii. Review of developments in science and technology relevant to the Convention, as well as education/awareness raising.*

*(c) Ten days shall be set aside annually for the MSP and MXP.*

*(d) Each Working Group will be open-ended, with a Facilitator appointed by the States Parties for the duration of the 2012-2015 ISP. States Parties may also invite the participation of experts whose particular knowledge is relevant to the subjects being considered from international and non-governmental organizations, academia, the scientific community, industry and other relevant stake-holders.*

*(e) ...*

The JACKSNNZ group paper did not elaborate further on what the three open-ended Working Groups were to address.

15. Later that same afternoon the President circulated a paper entitled *Possible topics for standing agenda items*. This put forward three standing agenda items – science and technology developments, international cooperation and assistance, and national implementation. The submitted text said:

### **Standing agenda item 1**

*(a) new science and technology developments that have potential for uses contrary to the provisions of the Convention, as well as their potential benefits, including those of special relevance to disease surveillance, diagnosis and mitigation;*

*(b) possible measures for the consideration of States Parties for strengthening national risk management, as appropriate, in research and development involving new science and technology developments of relevance to the Convention. including means of promoting the development of national guidelines for voluntary codes of conduct and other measures to encourage responsible conduct by scientists, academia and industry, and, communication strategies, education and awareness-raising about risks and benefits of life sciences and biotechnology.*

*(c) science- and technology related developments in multilateral organizations such as the WHO, OIE, FAO, IPPC, and OPCW which are of relevance to the Convention;*

*(d) any other science and technology developments of relevance to the Convention.*

*Topical scientific subjects, to be considered in the years indicated. without prejudice to the right of any State Party to raise any development deemed to require urgent attention, or to revisit any of the topics at a subsequent meeting:*

*(a) advances in biological production, dispersal and delivery technologies (to be considered in 2012);*

*(b) advances in the understanding of pathogenicity, virulence, toxicology, immunology and related issues (to be considered in 2013);*

*(c) advances in enabling technologies, including high-throughput systems for sequencing, synthesizing and analyzing DNA; bioinformatics and computational tools; and systems biology (to be considered in 2014);*

*(d) advances in technologies for surveillance, detection, diagnosis and mitigation of infectious diseases, and similar occurrences caused by toxins in humans, animals and plants (to be considered in 2015).*

### **Standing agenda item 2**

*(a) identification of options to facilitate cooperation and assistance, including in terms of equipment, materials and scientific and technological information, and advice for peaceful purposes, and identification of critical gaps and needs in these areas;*

*(b) challenges and obstacles to developing international cooperation, assistance and exchange in the biological sciences and technology for peaceful purposes to their full potential, and means of addressing these;*

*(c) ways and means to mobilize available resources, including financial resources, to address gaps and needs for assistance and cooperation, in particular from developed*

*to developing States Parties and from international and regional organizations and other relevant stakeholders;*

*(d) education, training, exchange and twinning programmes and other means of developing human resources in the biological sciences and technology relevant to the implementation of the Convention, particularly in developing countries;*

*(e) capacity-building in biosafety and biosecurity, and for detecting, reporting, and responding to outbreaks of infectious disease or biological weapons attacks, including in the areas of preparedness, response, and crisis management;*

*(f) coordination of cooperation with other relevant international and regional organizations, and other relevant stakeholders;*

*(g) reports by States Parties on their implementation of Article X, and reports by the ISU on the operation of the database system to facilitate assistance requests and offers.*

***Standing agenda item 3***

*(a) progress being made in implementing Articles III and IV;*

*(b) conceptual and technical consideration of practical ways and means of assuring the compliance of States Parties with their obligations under the Convention;*

*(c) ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions;*

*(d) regional and sub-regional cooperation on implementation of the Convention;*

*(e) national, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins.*

*(f) appropriate measures to prevent non-state actors from developing, producing, stockpiling or otherwise acquiring or retaining and using under any circumstances, biological weapons;*

*(g) ways and means to improve transparency of the status of implementation by States Parties, including the possible role of peer review mechanisms.*

It is noted that the ***Standing agenda item 3*** included as an item: *conceptual and technical consideration of practical ways and means of assuring the compliance of States Parties with their obligations under the Convention;*

16. Comparison of the proposals submitted by the President with the content of the adopted *Part III: Decisions and Recommendations* shows that the content of the standing agenda items for the advances in science and technology and for international cooperation and assistance were largely the same although re-ordered in their detail. However, the content

for the standing agenda item on national implementation showed that three of the items were lost:

*(b) conceptual and technical consideration of practical ways and means of assuring the compliance of States Parties with their obligations under the Convention;*

*(f) appropriate measures to prevent non-state actors from developing, producing, stockpiling or otherwise acquiring or retaining and using under any circumstances, biological weapons;*

*(g) ways and means to improve transparency of the status of implementation by States Parties, including the possible role of peer review mechanisms.*

On the other hand, (c) was strengthened to create in the adopted *Part III: Decisions and Recommendations* the new expanded 24 (b):

*(b) ways and means to enhance national implementation, sharing best practices and experiences, including the voluntary exchange of information among States Parties on their national implementation, enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions;*

In addition, 24 (e) was added:

*(e) any potential further measures, as appropriate, relevant for implementation of the Convention.*

Both of these are welcomed.

17. In analyzing the eventual language adopted in *Part III: Decisions and Recommendations*, it is noted that the opportunity was missed in paragraph 15. *The Eighth Review Conference will consider the work and outcome of these meetings and decide on any further action.* of enabling the Meeting of States Parties to take decisions where appropriate and on the basis of consensus – a disappointing lack of practicality by the States Parties failing to help the Convention and its components develop incrementally. The Seventh Review Conference could have made progress by distinguishing between the categories of decisions to be reserved to the Eighth Review Conference and those which could appropriately be delegated to the Meeting of States Parties year by year. After all, decisions have been successfully taken by the Meeting of States Parties in the Intersessional Process between the Sixth and Seventh Review Conferences.

18. The paragraph regarding the chairmanship was similar to the language in the Sixth Review Conference although with the addition of a sentence *The annual Chair will be supported by two annual vice-chairs, one from each of the other two regional groups*, providing for the appointment of two vice-chairs which should facilitate progress. This is a distinct advance towards shared political responsibility on behalf of the States Parties as a whole. It will also enable the very concentrated workload to be shared – an especially important point given the allocation of only one week to the Meeting of Experts and one week to the Meeting of States Parties. It also represents a move towards a balanced political leadership, although unfortunately the same individuals are unlikely to be carrying out the same task throughout the Intersessional Period. Much of the value of this addition will

depend on how efficiently and effectively the chair and the two vice-chairs divide up the work load – ie the agenda items – each year, and on continuity through the Intersessional Period as among States Parties, even if not the individuals, rotating chair and vice-chair responsibilities in successive years.

19. The paragraph regarding Standing Agenda items is welcomed that states:

*8. The Conference decides that the following topics shall be Standing Agenda Items, which will be addressed at meetings of both the Meeting of Experts and Meeting of States Parties in every year from 2012–2015:*

*(a) Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X;*

*(b) Review of developments in the field of science and technology related to the Convention;*

*(c) Strengthening national implementation.*

It is, however, noted that no provision has been made for continuity by appointing an individual expert to chair and lead the Standing Agenda items. This is regretted as it may result in a different chairman each year and a missed opportunity to make sustained progress on the Standing Agenda items throughout the Intersessional Programme.

20. **F. Confidence-building measures.** The language adopted at the Seventh Review Conference:

*25. The Conference notes that the review of Article V of the Convention has shown the need for further enhancing participation of States Parties in the confidence-building measures (CBMs). The Conference therefore decides:*

*(a) to adopt the revised reporting forms in Annex I as the basis for all CBM submissions from States Parties;*

*(b) to consider during the 2012–2015 intersessional programme how to enable fuller participation in the CBMs (see section B above);*

*(c) that the Implementation Support Unit shall, in cooperation with States Parties, continue to examine and develop options for electronic means of submission of CBMs.*

*26. The Conference calls upon States Parties that have not yet done so to designate a national point of contact responsible preparing the submission of CBMs, in accordance with the decision of the Sixth Review Conference.*

is developed from that adopted at the Sixth Review Conference.

21. The revised reporting forms in Annex I have been analysed in Chapter VI of this Review Conference Paper. As noted there:

*In summary, it is evident that some thirteen proposed amendments were agreed whilst twenty-four proposed amendments were **not** agreed. This is a particularly*

*disappointing outcome given the very considerable effort put into debating the pros and cons of the various proposed amendments first by the three workshops in 2009 and 2010 organised by the Governments of Switzerland, Norway and Germany together with the Geneva Forum in collaboration with the BIOS Centre of the London School of Economics and the subsequent e-forum. It is apparent that despite making every endeavour to consult all States Parties prior to the Review Conference, it was not possible to obtain agreement at the Seventh Review Conference for the soundly based and well debated proposed amendments to the CBM regime.*

22. It is notable that paragraph 25 (b) regarding the intersessional programme 2012-2015 is *to consider ... how to enable fuller participation in the CBMs* and is **not** as was proposed in Working Paper No. 19 *What is really necessary to know to evaluate compliance?* and in Working Paper No. 21 *to conceptually discuss whether the current CBMs provide the necessary level of transparency today and in the future, or whether additional types of information or alternative means would provide additional transparency.* The opportunity for the intersessional programme to have considered how the CBM regime might be enhanced has regrettably been missed.

23. **G. Promotion of universalization.** The language adopted at the Seventh Review Conference:

*27. The Conference notes that although the Convention is a cornerstone of international security, and despite the efforts of the States Parties and the Chairs of the meetings of States Parties with the administrative support of the ISU since the Sixth Review Conference, with only 165 States Parties, membership of the Convention still falls behind other major multilateral arms control, disarmament and non-proliferation treaties. The Conference agrees that a further concerted effort by States Parties is needed to persuade states not party to join the Convention.*

*28. The Conference therefore requests States Parties to:*

*(a) promote universalization of the Convention through bilateral contacts with states not party;*

*(b) promote universalization of the Convention through regional and multilateral fora and activities;*

*(c) report, as appropriate, on their activities at annual meetings of States Parties;*

*(d) provide, as appropriate, the ISU with relevant information on activities related to the promotion of universalization of the Convention.*

*29. The Conference decides that the Chairs of meetings of States Parties shall coordinate universalization activities, address states not party to the Convention, provide an annual report on universalization activities at meetings of States Parties, and provide a progress report to the Eighth Review Conference. Bearing in mind the primary responsibility of the States Parties on the implementation of this decision, the Conference tasks the Implementation Support Unit to:*

*(a) provide administrative support to the Chairs of meetings of States Parties in the implementation of this decision;*

*(b) consolidate and make available information on progress made by states not party towards ratification or accession.*

*30. The Conference encourages States Parties to give more attention to states in which the ratification or accession process have started or are well advanced, and to those states waiting for further information or assistance or that have other priorities, as described in the annual reports on universalization.*

is broadly similar to that adopted at the Sixth Review Conference.

24. Paragraph 27 has additional wording:

*27. The Conference notes that although the Convention is a cornerstone of international security, **and despite the efforts of the States Parties and the Chairs of the meetings of States Parties with the administrative support of the ISU since the Sixth Review Conference**, with only 165 [+55] States Parties, membership of the Convention **still** falls behind other major multilateral arms control, disarmament and non-proliferation treaties. The Conference agrees that a **further** concerted effort by States Parties is needed to persuade states not party to join the Convention.*

Whilst it is evident that more needs to be done, it is disappointing that the States Parties at the Seventh Review Conference were unable to do more than to agree a **further concerted effort** and were unable to demonstrate their commitment by adopting a novel and stronger approach.

25. Paragraph 28 has four identical sub-paragraphs to that adopted by the Sixth Review Conference. However, it has lost the exhortation that was the central part of the corresponding paragraph in 2006 which stated:

*11. The Sixth Review Conference calls upon signatories to ratify the Convention and other states not party to accede to it without delay. The States Parties reaffirm their commitment to ensuring the universalization of the Convention.*

In addition, paragraph 28 at the Seventh Review Conference lacks one of the sub-paragraphs adopted at the Sixth Review Conference:

(iii) inform the Implementation Support Unit (ISU) of their designated national point of contact for facilitating information exchange of universalization efforts;

This is regrettable as it **cannot** be assumed that all States Parties have informed the ISU of their designated national point of contact for facilitating information exchange of universalization efforts.

26. Paragraph 29 adopted at the Seventh Review Conference is essentially a combination of subparagraphs b. and c. of paragraph 11 adopted at the Sixth Review Conference. However, at the Seventh Review Conference, paragraph 29 says that *The Conference **decides** that the Chairs* rather than the “*Agrees that the Chairs ...*” adopted in 2006. The tasking of the

Implementation Support Unit at the Seventh Review Conference is also slightly different from that in 2006: at the Seventh Review Conference the ISU is to *provide administrative support* unlike the broader *provide support* adopted in 2006. And, paragraph 29 at the Seventh Review Conference lacks the 2006 subparagraph requiring the ISU to *(ii) support States Parties by maintaining a list of national points of contact*; This omission is consistent with the omission already noted in paragraph 28 regarding such national points of contact.

27. Paragraph 30 adopted at the Seventh Review Conference is new:

*30. The Conference encourages States Parties to give more attention to states in which the ratification or accession process have started or are well advanced, and to those states waiting for further information or assistance or that have other priorities, as described in the annual reports on universalization.*

Whilst the first categories to which States Parties should give more attention are clear – namely *to states in which the ratification or accession process have started or are well advanced*, and *to those states waiting for further information or assistance*, the third category – *that have other priorities* – is unclear. It is somewhat surprising that no mention is made of giving more attention to those states which have acceded to or ratified the Chemical Weapons Convention as this category accounts for 20 of the 31 states not yet party to the BTWC, and it is hard to see how they would find BTWC obligations more onerous than those they have already assumed under the CWC.

28. **H. Implementation Support Unit.** The language adopted at the Seventh Review Conference:

*31. The Conference notes that the Implementation Support Unit, which was established by the Sixth Review Conference in order to provide administrative support to meetings agreed by the Review Conference as well as support for the comprehensive implementation and universalization of the Convention and the exchange of confidence-building measures, has successfully discharged its mandate. The Conference therefore decides to renew the mandate of the Unit, mutatis mutandis, for the period from 2012 to 2016.*

*32. The Conference decides that, in addition to the tasks mandated by the Sixth Review Conference, the ISU will perform the following tasks:*

*(a) implement the decision to establish and administer the database for assistance requests and offers, and facilitating the associated exchange of information among States Parties;*

*(b) support, as appropriate, the implementation by the States Parties of the decisions and recommendations of this Review Conference.*

*33. The Conference notes that States Parties in a position to do so may consider making voluntary contributions to the Unit to enhance its ability to carry out its mandated tasks. Any such contributions will be made in full transparency, will be detailed in the annual report of the ISU, and will be used exclusively for the mandated tasks of the Unit.*

*34. The Conference notes that all staff of the ISU will be engaged through the relevant recruitment procedures of the United Nations, considering the necessity of securing the highest standards of efficiency, competence and integrity, and paying due regard to the importance of recruiting the staff on as wide a geographical basis as possible.*

*35. The Conference further notes the need to seek to ensure the widest geographic balance possible in staffing the ISU in accordance with the Charter of the United Nations.*

*36. The ISU will submit a concise annual written report to all States Parties on its activities to implement its mandate. The Unit's performance will be evaluated and its mandate will be reviewed by States Parties at the Eighth Review Conference.*

is understandably different from that adopted at the Sixth Review Conference when the Implementation Support Unit was first established.

29. Paragraph 31 starts by noting that the ISU *has successfully discharged its mandate*. It then goes on to renew its mandate for the period from 2012 to 2016: *The Conference therefore decides to renew the mandate of the Unit, mutatis mutandis, for the period from 2012 to 2016.*

30. Paragraph 32 extends the mandate of the ISU by deciding that it shall, *in addition to the tasks mandated by the Sixth Review Conference*, perform the following tasks:

*(a) implement the decision to establish and administer the database for assistance requests and offers, and facilitating the associated exchange of information among States Parties;*

*(b) support, as appropriate, the implementation by the States Parties of the decisions and recommendations of this Review Conference.*

This is a useful step forward and recognizes the importance of the role of the ISU.

31. Paragraph 33 provides a valuable extension to the ISU by formalizing the provision of voluntary contributions whose status had been left unrecognized until the Seventh Review Conference:

*33. The Conference notes that States Parties in a position to do so may consider making voluntary contributions to the Unit to enhance its ability to carry out its mandated tasks. Any such contributions will be made in full transparency, will be detailed in the annual report of the ISU, and will be used exclusively for the mandated tasks of the Unit.*

This paragraph is especially welcome given the failure to agree on any enlargement of the ISU.

32. Paragraphs 34 to 35 both relate to the staffing of the ISU.

33. Paragraph 36 consists of the same two sentences on reporting by the ISU:

36. *The ISU will submit a concise annual written report to all States Parties on its activities to implement its mandate. The Unit's performance will be evaluated and its mandate will be reviewed by States Parties at the Eighth Review Conference.*

that were adopted *mutatis mutandis* as the second and third sentences of paragraph 6 at the Sixth Review Conference.

### **New items in Part III: Decisions and Recommendations of the Seventh Review Conference**

**34. C. Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X.** The paragraphs adopted at the Seventh Review Conference address three specific aspects: a Standing Agenda Item for both the Meetings of Experts and the Meetings of States Parties during the intersessional period on cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X, the establishment of a database system to facilitate requests for and offers of exchange of assistance and cooperation among States Parties, and a sponsorship programme to support and increase the participation of developing States Parties in the meetings of the intersessional programme.

35. These all represent a useful step forward. Certainly, there is no doubt about the value of establishing a database system as these have been shown to be effective in promoting cooperation and assistance under other international treaties. The sponsorship programme is a continuation of a helpful practice begun between the Sixth and the Seventh Review Conferences. The Standing Agenda item will also be useful as it will enable States Parties to discuss and consider progress in regard to the implementation of Article X. It is particularly helpful that two subparagraphs under the Standing Agenda item clearly indicate the scope of the activities to be addressed as including:

*(e) education, training, exchange and twinning programmes and other means of developing human resources in the biological sciences and technology relevant to the implementation of the Convention, particularly in developing countries;*

*(f) capacity-building, through international cooperation, in biosafety and biosecurity, and for detecting, reporting, and responding to outbreaks of infectious disease or biological weapons attacks, including in the areas of preparedness, response, and crisis management and mitigation;*

**36. D. Review of developments in the field of science and technology related to the Convention.** The paragraphs adopted at the Seventh Review Conference first decide what topics are to be addressed as a Standing Agenda item at the Meeting of Experts and the Meeting of States Parties. These are set out in paragraph 22:

*(a) new science and technology developments that have potential for uses contrary to the provisions of the Convention;*

*(b) new science and technology developments that have potential benefits for the Convention, including those of special relevance to disease surveillance, diagnosis and mitigation;*

(c) possible measures for strengthening national biological risk management, as appropriate, in research and development involving new science and technology developments of relevance to the Convention;

(d) voluntary codes of conduct and other measures to encourage responsible conduct by scientists, academia and industry;

(e) education and awareness-raising about risks and benefits of life sciences and biotechnology;

(f) science- and technology-related developments relevant to the activities of multilateral organizations such as the WHO, OIE, FAO, IPPC and OPCW;

(g) any other science and technology developments of relevance to the Convention.

The specific inclusion here of *measures for strengthening national biological risk management*, of *codes of conduct and other measures to encourage responsible conduct by scientists, academia and industry*; and of *education and awareness-raising about risks and benefits of life sciences and biotechnology*. is welcomed although the caution shown by the addition of the words **possible** and **voluntary** is unfortunate as it ignores the potential role of internationally agreed and applied standards.

37. The wording of the subparagraph calling for consideration of (f) *science- and technology-related developments relevant to the activities of multilateral organizations such as the WHO, OIE, FAO, IPPC and OPCW*; is surprising as it is not explicit in limiting consideration to the **relevance** of such developments to the Biological and Toxin Weapons Convention. Whilst the wording “*such as*” usefully leaves the door open to other international organisations it would have been beneficial to have also included mention, as in earlier Review Conference *Final Declarations*, of the Convention on Biological Diversity and the Cartagena Biosafety Protocol.

38. The paragraphs adopted at the Seventh Review Conference then go on to set out the *topical scientific subjects* to be considered in the years indicated. This is set out in paragraph 23:

(a) *advances in enabling technologies, including high-throughput systems for sequencing, synthesizing and analyzing DNA; bioinformatics and computational tools; and systems biology (to be considered in 2012)*;

(b) *advances in technologies for surveillance, detection, diagnosis and mitigation of infectious diseases, and similar occurrences caused by toxins in humans, animals and plants (to be considered in 2013)*;

(c) *advances in the understanding of pathogenicity, virulence, toxicology, immunology and related issues (to be considered in 2014)*;

(d) *advances in production, dispersal and delivery technologies of biological agents and toxins (to be considered in 2015)*;

The topical scientific subjects to be considered in any year are extensive – for example, in 2012, there are three topics to be addressed: one is *advances in enabling technologies, including high-throughput systems for sequencing, synthesizing and analyzing DNA*; another is *bioinformatics and computational tools*; and the third is *systems biology*. If there is to be serious consideration of the seven elements set out in the adopted paragraph 22 (reproduced in paragraph 36 above), there would need to be at least several days to consider contributions from a range of States Parties on each element.

39. It is evident, however, that the practicalities of addressing the breadth of this subject – **Review of developments in the field of science and technology related to the Convention** – have not been given attention in the outcome of the Seventh Review Conference. As the outcome regarding the Intersessional Programme 2012 – 2015 states that *The restructured Meetings of Experts will last five days, and Meetings of States Parties five days*, and there are three Standing Agenda items as well as an agenda item to be addressed in 2012-13 and another in 2013-4, it would not be realistic to expect to expect more than **one day** to be allocated to the Standing Agenda item on science and technology developments.

40. The impracticalities are compounded by the failure of the Seventh Review Conference to appoint a Facilitator or Friend of the Chair or comparable **continuing** individual or, ideally, a troika of representatives, one from each of the regional groups, to prepare this Standing Agenda item for the Meeting of Experts and the subsequent Meeting of States Parties. There is not even an appointment of a continuing member of the Implementation Support Unit to prepare and plan for this – or any other Standing Agenda item.

41. A further lack of foresight is shown by the Seventh Review Conference in their failure to enable the annual Meeting of States Parties to take decisions where appropriate and by consensus. In considering the developments in science and technology related to the Convention, the possibility of some novel advance having a *potential for uses contrary to the provisions of the Convention* arising in between Review Conferences cannot be excluded – and should such a development arise then the ability of the Meeting of States Parties to promptly agree that all such developments are included in Article I of the Convention would be important. It is to be hoped that should such a situation arise the States Parties would actually take appropriate steps under their continuing authority set out in paragraph 14 of *Part III: Decisions and Recommendations to reach any conclusions or results by consensus*.

42. **E. Strengthening national implementation.** The paragraphs adopted at the Seventh Review Conference decide that there shall be a Standing Agenda item on strengthening national implementation:

*24. The Conference decides that the following topics will be addressed under the Standing Agenda Item on strengthening national implementation:*

*(a) a range of specific measures for the full and comprehensive implementation of the Convention, especially Articles III and IV;*

*(b) ways and means to enhance national implementation, sharing best practices and experiences, including the voluntary exchange of information among States Parties on their national implementation, enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions;*

*(c) regional and sub-regional cooperation that can assist national implementation of the Convention;*

*(d) national, regional and international measures to improve laboratory biosafety and security of pathogens and toxins;*

*(e) any potential further measures, as appropriate, relevant for implementation of the Convention.*

43. This is a welcome step forward as there has been a failure of the Review Conferences to face up to the continuing lack of attention being given to national implementation. The proposal for an Action Plan on national implementation at the Sixth Review Conference failed to attract consensus and it was noticeable that in the range of topics at the workshops preparing for the Seventh Review Conference, national implementation did not feature.

44. It is, however, evident that the Standing Agenda item as such will not provide States Parties with any quantifiable measure of progress towards effective national implementation within all States Parties. It is to be hoped that the consideration of enhancing national implementation at the Standing Agenda item can benefit from presentations by the Organisation for the Prohibition of Chemical Weapons (OPCW) whose experience in achieving effective national implementation is particularly relevant to the Biological and Toxin Weapons Convention.

45. **I. Finances.** The paragraphs adopted at the Seventh Review Conference record that:

*37. The Conference decides that the costs of the intersessional programme will be shared by all States Parties to the Convention, based on the United Nations scale of assessment pro-rated to take into account differences in membership between the Convention and the United Nations.*

*38. The Conference approves the estimated costs for the intersessional programme for the period 2012 to 2015, as contained in BWC/CONF.VII/4/Rev.1, noting that these estimated costs were prepared on exactly the same basis as the estimated costs for the 2007–2010 intersessional programme, and therefore represent zero real growth, with any nominal increase due solely to currency and inflation factors. The Conference requests States Parties to proceed with the payment of their share of the estimated costs as soon as the assessment notices have been received from the United Nations.*

The cost-allocation change is welcomed as a fuller sharing of costs among **all** States Parties is more equitable whether they participated or not in a particular meeting as the overall aim is to strengthen the Convention and benefit all the States Parties.

46. Paragraph 37 regarding the attribution of the costs shares the costs of the intersessional programme amongst all States Parties to the Convention in exactly the same way as the costs, for example, of the Organisation for the Prohibition of Chemical Weapons (OPCW) are attributed to its States Parties – as stated in paragraph 7 of Article VIII of the Chemical Weapons Convention:

*The costs of the Organizations's activities shall be paid by States Parties in accordance with the United Nations scale of assessment adjusted to take into account differences in membership between the United Nations and this Organization ...”*

Paragraph 37 is thus a change from the previous arrangement for the Implementation Support Unit which was described in its report (BWC/CONF.VII/3) in paragraph 33 as:

*33. The ISU has been funded through the budget for the annual meetings of the BWC intersessional process. This is a convenient arrangement, but it means that only those States Parties which participate in the meetings in a given year pay a share of the cost of the ISU for that year.*

47. Paragraph 38 approves the estimated costs as contained in BWC/CONF.VII/4/Rev.1 and notes that this represents **zero real growth**. The **zero** real growth is regretted as there is no doubt that the Implementation Support Unit had been extremely effective in supporting the intersessional programme from 2007 to 2011. It is to be noted that the report of the Implementation Support Unit (BWC/CONF.VII/3) records in paragraph 27 that:

*The main cause of restrictions on the ISU's activities has been lack of human and financial resources: 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.*

In addition paragraph 32 of BWC/CONF.VII/3 states that:

*As noted above, lack of human and financial resources has constituted **the main constraint on the ISU fulfilling its mandate**. Voluntary contributions from several States Parties have helped, but these are often for specific seminars or activities, and do not always assist the ISU in responding to individual requests from States Parties. **Additional resources would significantly increase** the ability of the ISU to fulfil the existing terms of its mandate. [Emphasis added].*

48. This failure in BWC/CONF.VII/4/Rev. 1 dated 22 December 2011 to provide additional resources for the Implementation Support Unit whilst its mandate has not only been **renewed mutatis mutandis, for the period from 2012 to 2016** but has been **extended** to address two additional tasks:

*(a) implement the decision to establish and administer the database for assistance requests and offers, and facilitating the associated exchange of information among States Parties;*

*(b) support, as appropriate, the implementation by the States Parties of the decisions and recommendations of this Review Conference.*

means that the Implementation Support Unit will be quite **unable** to fulfil its mandate unless voluntary contributions made under paragraph 33 are sufficient and are sustained to cover the cost of the additional tasks. The failure of the States Parties to approve even the modest additional resources as outlined in BWC/CONF.VII/4 dated 21 December 2011 for the ISU is a major failure of the Seventh Review Conference.

## Overall appreciation

49. The decision of the Seventh Review Conference to again adopt a *Part III: Decisions and Recommendations* section in its *Final Document* is greatly welcomed. However, in considering overall what the Seventh Review Conference achieved, it is worth recalling what the President-Designate said when he addressed substantive issues in the speaking notes for his meetings with the Regional Groups on 23 to 28 September 2011 just over two months before the start of the Seventh Review Conference. He said that *Over the past months I have participated in several informal seminars and workshops in various countries, and have held a considerable number of bilateral consultations, including in capitals.* and went on to add that *In the course of these consultations, a relatively coherent picture has emerged of the areas in which a result will be necessary if the Review Conference is to be considered a success. These are, very briefly:*

- *the future of the intersessional process, the confidence-building measures, and the Implementation Support Unit;*
- *the need for a means to monitor and assess developments in science and technology;*
- *strengthening international cooperation and assistance activities and the implementation of Article X;*
- *possibilities for compliance and verification; and*
- *universalization.*

50. Whilst it is encouraging that all of these with the exception of *possibilities for compliance and verification* were addressed at the Seventh Review Conference, it is evident that an appraisal of what was actually achieved reveals considerable variations from the ambitions that were realistically anticipated by many. Each is considered in turn here:

*the future of the intersessional process* was successful in that the intersessional process is being continued in 2012 to 2016 although the inability to agree that decisions should be taken as appropriate on the basis of consensus is regretted. The limitation to a one week Meeting of Experts and a one week Meeting of States Parties is also regretted as it is far from clear how the agenda items for each of the annual meetings will be adequately addressed. Whilst the fact the annual Chairman will be supported by two Vice-Chairmen is welcomed, the failure to appoint Facilitators or Friends of the Chair or equivalents to prepare and lead on the Standing Agenda items in the regrettable absence of task groups or working groups is another missed opportunity. Unless early action is taken by the 2012 Chairmen and Vice-Chairmen to allocate ongoing responsibilities, there will unfortunately be a lack of continuity between one year and the next in considering all the items that are to be addressed by the annual meetings during the intersessional process.

*the future of the confidence-building measures* had limited success. The revised reporting forms in Annex I are welcomed although it is notable that only some thirteen proposed amendments were agreed whilst twenty-four proposed amendments were **not** agreed. This is a disappointing outcome given the very considerable effort put into debating the pros and cons of the various proposed amendments first by the three workshops in 2009 and 2010 organised by the Governments of Switzerland, Norway and Germany together with the Geneva Forum in collaboration with the BIOS Centre of the London School of Economics and the subsequent e-forum. It is

apparent that despite making every endeavour to consult all States Parties prior to the Review Conference, it was not possible to obtain agreement at the Seventh Review Conference for the soundly based and well debated proposed amendments to the CBM regime. In addition, the agreement that in 2012 and 2013 as part of the intersessional programme there will be consideration of *how to enable fuller participation in the CBMs* has missed the opportunity to have conceptual discussions as to how the CBM regime might be strengthened. It is, after all, over 20 years since the CBMs were last seriously addressed by the Third Review Conference in 1991 and the international situation in regard to the life sciences has changed very considerably.

*the future of the Implementation Support Unit* also had limited success. The extension of the Implementation Support Unit with an extended mandate is welcomed. However, the failure to allocate additional resources to the ISU – which had already demonstrated that its present resources were inadequate for its 2006 mandate – is another missed opportunity. The States Parties collectively have failed to recognize that the consequence of the deliberate use of biological agents and toxins would incur immense costs and thus that the very modest costs of the Implementation Support Unit represent a very sound insurance policy and a key element of preparedness.

*the need for a means to monitor and assess developments in science and technology;* had a successful outcome in that it has been agreed that this should be a Standing Agenda item for the intersessional period. However, the practicality of ensuring that the seven topics specified in paragraph 22 are indeed being addressed each year for the topical scientific subject detailed in paragraph 23 for that year is doubtful as no provision has been made to ensure consistency and continuity in preparing and planning to address science and technology developments. This together with the time constraints imposed by the need to address three Standing Agenda items, the agenda item specified for the year, the Chairman's report on universality, and the annual report of the ISU means that confidence cannot be high in regard to the quality and comprehensiveness of the outcome of the assessment of developments in science and technology.

*strengthening international cooperation and assistance activities and the implementation of Article X;* had a successful outcome in that it was not only agreed that this should be a Standing Agenda item but it was also agreed to establish a database system to facilitate requests for and offers of exchange of assistance and cooperation among States Parties, as well as a sponsorship programme to support and increase the participation of developing States Parties in the meetings of the intersessional programme. In addition, the mandate for the Implementation Support Unit was extended in order to *implement the decision to establish and administer the database for assistance requests and offers, and facilitating the associated exchange of information among States Parties;* It is thus evident that outcome at the Seventh Review Conference for this topic fully met expectations prior to the Review Conference.

*universalization* had a successful outcome in that it was addressed at the Seventh Review Conference. However, it is evident that the States Parties were content to continue as in the previous intersessional period even though the number of States Parties to the Biological and Toxin Weapons Convention has continued to lag behind those of other international conventions during the same period. It is regrettable that

the States Parties were unable to adopt a stronger and more sustained approach than that of depending on the annual Chairman *to coordinate universalization activities, address states not party to the Convention, provide an annual report on universalization activities at meetings of States Parties, and provide a progress report to the Eighth Review Conference.* especially since the experience during the intersessional period from 2007 to 2011 demonstrated the variability in the efforts made by the individual Chairmen.

*possibilities for compliance and verification;* is not addressed in the outcome of the Seventh Review Conference. BWC/CONF.VII/WP. 11 submitted by Australia, Japan and New Zealand noted that *In their preparations for the Seventh Review Conference in December 2011, many States Parties have identified enhancing assurance of compliance with the Convention as a priority for strengthening the regime.* This was followed up by several States Parties proposing language in the Committee of the Whole consideration of Article V referring to compliance (BWC/CONF.VII/5) even though none of these made it into the *Final Declaration.* It is also evident that compliance was one of the topics considered in the President's informal plenary on the afternoon of Monday 12 December and was proposed as the annual topic for 2013 in his paper BWC/CONF.VII/CRP.01 on Friday 16 December. It did not survive as a separate topic but eventually became a sub-paragraph *conceptual and technical consideration of practical ways and means of assuring compliance of States Parties* in the Standing Agenda item on national implementation. Unfortunately, stronger language was sought and consequentially this sub-paragraph failed to survive in the Standing Agenda item on national implementation. One possible means of broaching the topic could conceivably be under the sub-paragraph of the Standing Agenda item on national implementation that reads in paragraph 24 (e) *any potential future measures, as appropriate, relevant for implementation of the Convention.*

51. Expectations were high, based on the successful and progressive steps achieved in the *Part III: Decisions and Recommendations* adopted in 2006 at the Sixth Review Conference, and the successful Intersessional Process between 2006 and 2011, that the *Part III: Decisions and Recommendations* adopted at the Seventh Review Conference would have similarly achieved a successful and progressive outcome. In summary, it is evident that whilst superficially it might appear that the *Part III: Decisions and Recommendations* adopted at the Seventh Review Conference successfully addressed a number of issues that had been previously identified as *areas in which a result will be necessary if the Review Conference is to be considered a success,* the reality is that actual progress was only fully achieved in one area – that of *strengthening international cooperation and assistance activities and the implementation of Article X* – and that in a number of other areas it was business as usual with a failure to take the undoubted opportunities to move forward. The failure to address compliance is a serious omission.

## VI. ANALYSIS OF CBM MODIFICATIONS IN ANNEX I TO THE FINAL DOCUMENT OF THE SEVENTH REVIEW CONFERENCE

1. BWC/CONF.VII/WP. 9 dated 14 October 2011 was a working paper submitted by Germany, Norway and Switzerland that provided a *Review and update of the Confidence Building Measures*. It noted that the Governments of Switzerland, Norway and Germany together with the Geneva Forum in collaboration with the BIOS Centre of the London School of Economics organised three workshops in 2009 and 2010 to discuss the way forward for preparing the CBM discussion for the Seventh Review Conference. The workshops brought together a range of governmental and non-governmental experts to address key questions how to improve the CBM forms and the CBM process for increasing participation in the annual exchange. Discussion continued on an e-mail platform to which more than 70 experts from a wide range of States Parties, including from civil society, subscribed.

2. The Working Paper No. 9 then provided in its Annex a set of proposals for updating the existing Confidence Building Measures at the Seventh Review Conference. These proposals were effectively distilled from the discussions on the CBMs that had taken place during the preceding three years and had continued through the widely available e-mail platform. The first column in the Annex presented the original text (decisions of Review Conferences at adoption, modalities and forms) of the existing CBMs. In the second column the proposed changes, deletions and amendments were marked in bold italics. The third column provides the rationale for the proposed changes.

3. In this analysis, the modifications to the CBM regime adopted in Annex I to the Final Document of the Seventh Review Conference (BWC/CONF.VII/7) are compared to the proposals put forward in the pages listed below of the Annex to BWC/CONF.VII/WP. 9 dated 14 October 2011.

Page 3.	CBM A	Proposed removal of [Third] <b>not</b> agreed Modalities – substance of proposals agreed
Page 4.	CBM A	Deletion of 6 agreed Proposed addition of 7 and 8 <b>not</b> agreed
Page 5	CBM A	Addition of Form A part 1 (ii) agreed Part 2. Amendment of national biological defence <b>not</b> agreed
Page 6	CBM A	Amendment of (4) <b>not</b> agreed
Page 7	CBM A	Amendment of Form A part (i) <b>not</b> agreed Amendment of Form A part (ii) <b>not</b> agreed Amendment to each programme agreed
Page 8	CBM A	Amendment to insert new 7 <b>not</b> agreed Amendment to previous 7 <b>not</b> agreed
Page 9	CBM A	Amendment of Form A part (iii) heading <b>not</b> agreed Amendment regarding Shared facilities <b>not</b> agreed
Page 10	CBM A	Amendment to (ix) agreed

		Amendment to 5 <b>not</b> agreed
Page 11	CBM B	Amendment to initial wording <b>not</b> agreed
Page 12	CBM B	Deletion of 2 agreed
Page 13	CBM B	Amendment of 2 and 3 – agreed Substance of referring to electronic links agreed
Page 14	CBM B	Deletion of Form B (i) agreed. Form B (ii) insertion regarding links <b>not</b> agreed
Page 15	CBM B	Amendment to 8 <b>not</b> agreed Proposed new 14 and 15 <b>not</b> agreed
Page 16	CBM C	Proposed deletion of CBM C <b>not</b> agreed
Page 17	CBM D	Proposed retention of CBM D <b>not</b> agreed
Page 18	CBM D	Substance of active promotion of contacts moved to Form ‘0’
Page 19	CBM E	Addition of biosafety and biosecurity agreed Proposed addition of codes and education <b>not</b> agreed Proposed addition regarding areas of assistance <b>not</b> agreed
Page 20	CBM E	Proposed (d) Biosafety and (e) Biosecurity combined into (d) Proposed (f) codes, education, awareness <b>not</b> agreed
Page 21	CBM E	Proposed (g) assistance welcomed <b>not</b> agreed Proposed (h) assistance provided <b>not</b> agreed
Page 22	CBM F	Proposed no changes to Form F agreed
Page 24	CBM G	Amendment to add animal vaccines <b>not</b> agreed Form G (ii) animal vaccines <b>not</b> agreed
Page 25	Form O	Amendments to Form O and added third column agreed

4. It is especially regretted that the proposed amendment to CBM A. Part 2 that would have removed any uncertainty as to which programmes to counter the deliberate release of biological agents and toxins should be declared was not agreed. The WP. 9 proposal was to amend the original heading agreed at the Third Review Conference that stated:

**Part 2: Exchange of information on national biological defence research and development programmes**

to read as follows:

**Part 1: Exchange of information on national ~~biological defence~~ research and development programmes (civil and military) for protection of humans, animals or plants against the hostile use of biological agents and toxins**

The rationale provided in WP. 9 correctly stated:

*When Confidence Building Measure A part 2 was agreed in 1991 “biological defence research and development programmes” were understood to be solely military activities. After 9/11 and the Anthrax letters States Parties started activating in addition civil biological defence research and development programmes. Some States Parties already now provide information on military and civil defence R+D programmes under CBM forms A part 2.*

Given the purpose of the Confidence Building Measure regime, it should have been readily accepted by all States Parties that the programmes to be declared under CBM A Part 2 should be **all** programmes to counter the deliberate release of biological agents and toxins.

5. In summary, it is evident that some thirteen proposed amendments were agreed whilst twenty-four proposed amendments were **not** agreed. This is a particularly disappointing outcome given the very considerable effort over the preceding three years put into debating the pros and cons of the various proposed amendments first by the three workshops in 2009 and 2010 organised by the Governments of Switzerland, Norway and Germany together with the Geneva Forum in collaboration with the BIOS Centre of the London School of Economics and the subsequently through the widely available e-mail platform. It is apparent that despite making every endeavour to consult all States Parties prior to the Review Conference, it was not possible to obtain agreement at the Seventh Review Conference for the soundly based and well debated proposed amendments to the CBM regime.

## VII. OVERALL APPRAISAL OF THE SEVENTH REVIEW CONFERENCE: A MODEST OUTCOME

1. The Seventh Review Conference successfully reached agreement on its Final Document (BWC/CONF.VII/7) late on the afternoon of its final day, Thursday 22 December 2011. This achievement in itself was cause for relief as it came ten years after the Fifth Review Conference had failed to reach agreement. Whilst the Sixth Review Conference in 2006 had successfully demonstrated the will of the States Parties to work together to nurture and strengthen the Convention, there had been indications of potential difficulties at the Meeting of States Parties in 2010 when some States Parties were reluctant to accept language that had been accepted at the Meeting of States Parties the previous year in 2009, that said *The States Parties agreed on the value of ....* Nevertheless, the outcome of the Seventh Review Conference has been met with considerable disappointment because its substantive content fell so far below realistic expectations. Indeed, at the Seventh Review Conference many States Parties appeared to have and to cherish realistic ambitions for the outcome of the Review Conference which seemed to be coming to fruition in December 2011. Certainly in the opening week the optimistic tone of many contributions to the General Debate appeared to hold out the prospect of consensus on, even if not all, a reasonably wide range of BTWC topics. The contrast in atmosphere just two weeks later was noted with dismay. Some of this was because of political difficulties – very late in the Review Conference on the final Monday proposals were tabled by China, India, Iran, Pakistan and Russia for the Intersessional Programme which sharply curtailed expectations. By then, failure was a distinct possibility. It is much to the credit of those who persevered to get the best outcome they could, and steered the Conference through its truncated third week, that a Final Document was achieved at all.

2. The Final Document is the outcome on which an overall appraisal of the Conference rests. In preparing this appraisal, the process by which the Final Document was developed is examined, starting with the General Debate and the Committee of the Whole, as well as the main elements which constitute the text in both the Article by Article *Final Declaration* and *Part III: Decisions and Recommendations*. Comparisons are drawn between how the Sixth and the Seventh Review Conferences proceeded. Throughout, a conscious emphasis is laid on the process rather than the politics of the Conference, partly because the process issues are more openly documented, and partly because non-governmental commentators are better placed to contribute to improving the structures and procedures of Review Conferences than to influencing the politics of the BTWC. The Seventh Review Conference revealed weaknesses in the process: weaknesses for which remedies can be prescribed that are set out in a set of recommendations at the end of this chapter.

3. Nevertheless, the part played by the politics of States Parties to the BTWC should not be underestimated. Political differences among States Parties undoubtedly constrained the options for the Conference and reduced the chances of a more positive outcome. It is also evident that the chances of achieving a more positive outcome can be increased by **more** Groups of States Parties and States Parties making their contributions both as proposals for the Committee of the Whole and as Working Papers. Leaving it to other States Parties to make the running is really not an option.

4. Our overall verdict is a **modest outcome**. Contributing to that overall modest outcome were distinct successes and failures in particular areas, which we address in this chapter.

## General Debate

5. The General Debate sets the scene and the tone for the Review Conference at its outset. The group statements have always been presented first and have been significant in setting the tone for all that follows. Based on previous Review Conferences, the General Debate was expected to commence with statements on behalf of the European Union ‘plus’ States Parties and on behalf of the NAM and Other States Parties followed by statements on behalf of the JACKSNNZ group, the Latin American Group and any other groups.

6. Group statements. At the Seventh Review Conference, two opening group statements were made – one by Cuba on behalf of the NAM, and the other by Belarus on behalf of the member-states of the Collective Security Treaty Organization. The group statement by Canada, on behalf of JACKSNNZ (Japan, Australia, Canada, Republic of Korea, Switzerland, Norway, New Zealand) was made late – in the middle of the Monday afternoon and consequently had a reduced impact. There was no group statement by the Latin American states (unlike at the Sixth Review Conference in 2006) and, as will be addressed below, the EU ‘plus’ chose, instead of having the State Party in the Presidency in December 2011 make its statement as on previous occasions, to speak as an international organisation after the States Parties and a Signatory State had spoken thus greatly minimizing its impact and influence.

7. National and other statements. 10 national statements were made by States Parties on the Monday morning. A further 5 national statements were made by States Parties on Monday afternoon before the group statement by Canada on behalf of JACKSNNZ which was then followed by a further 14 statements by States Parties. Tuesday morning saw a further 14 national statements by States Parties, then a statement by a Signatory State. These were then followed by two statements on behalf of international organisations. The first was the statement by the EU as an international organisation and the second by the OPCW. On Tuesday afternoon, statements were made by two States Parties, then by two international organisations (OIE and ICRC), a further State Party and then a further international organisation (NATO). The formal session was then suspended for an informal session in which 19 NGOs made statements. The Wednesday morning saw statements from a further 4 States Parties and at a later session when the General Debate was resumed, one State Party and three international organisations made statements.

8. European Union. The ‘EU plus’ statement delivered – presumably as a consequence of General Assembly resolution A/RES/65/276 dated 10 May 2011 – by the EU as an international organization after the national statements by States Parties and a Signatory State significantly diminished its impact. It was a good strong statement that should have been delivered first or second in the General Debate on behalf of the ‘EU plus’ as a group of 36 States Parties. It was also noted that two of the States Parties in their written statements referred to the EU statement delivered by Poland (which was in the Presidency in December 2011 and would have prior to A/RES/65/276 made the ‘EU plus’ statement). It does seem that the EU in negotiating A/RES/65/276 was blind to the consequential **significant** reduction in impact of subsequent EU statements. Indeed, the benefits, if any, from A/RES/65/276 to the ‘EU plus’ States are not apparent.

## Committee of the Whole

9. The Committee of the Whole under the chairmanship of Ambassador Desra Percaya of Indonesia commenced its work on the Article by Article *Final Declaration* on the morning of Wednesday 7 December and continued until Friday 16 December when it adopted its Report (BWC/CONF.VIII/5). The aim of the Committee of the Whole is essentially to start from the Article by Article *Final Declaration* of the Sixth Review Conference and consider Article by Article how the language should be developed so as to take into account any developments between the Sixth and Seventh Review Conferences thus creating the extended understandings that are central to the health and direction of the Convention as well as setting out the shared perspective of the States Parties as to where the Convention should be heading over the coming five years leading to the Eighth Review Conference.

10. **Comparative analysis.** The proposals made to the Committee of the Whole in 2011 are compared with those to the Sixth Review Conference in 2006 and summarised in the table below. In considering the numbers of proposals made by a group of States Parties or by a single State Party, it needs to be recalled that at the **Sixth** Review Conference proposals were made for **all** 15 Articles **and** for the Solemn Declaration – so the number of proposals made out of 16 is indicative of how extensive was the attention being given in 2006 by a group of States Parties or by a single State Party to the overall strengthening of the Convention Article by Article. At the Seventh Review Conference, **no** proposals were made for Articles XI, XIII and XV – so the number made out of **13** is indicative of how extensive was the attention being given in 2011 by a group of States Parties or by a single State Party to the overall strengthening of the Convention Article by Article.

State Party/Group	7th Rev Con Proposals	7th Rev Con Paragraphs	6th Rev Con Proposals	6th Rev Con Paragraphs
India	9	21	14	78
United States	8	23	14	70
Islamic Republic of Iran	7	15	15	64
Cuba (NAM)	6	23	2	12
Cuba	5	6	–	–
UK	5	11	–	–
Australia	3	4	–	–
Russian Federation	3	11	–	–
Algeria	2	5	–	–
Belgium	2	2	–	–
Mexico	2	8	–	–
Nigeria	2	2	–	–
Norway	2	2	–	–
Argentina	1	1	–	–
Canada	1	1	2	3
Germany	1	2	–	–
Pakistan	1	1	14	28
South Africa	1	3	–	–
Switzerland	1	5	–	–
European Union	–	–	12	44
China	–	–	6	10

Japan	–	–	6	25
Ukraine	–	–	3	6
Latin American Group	–	–	2	4
Brazil	–	–	1	1
Croatia	–	–	1	2
New Zealand	–	–	1	1
Co-depositaries	–	–	1	1
19 entities (15 entities in 2006)	62 proposals	146 paragraphs	94 proposals	349 paragraphs
Report of COW		98 paragraphs		57 paragraphs
<i>Final Declaration</i>		74 paragraphs		66 paragraphs

The **reduction** in the number of proposals in 2011 by **about a third** from the number of proposals in 2006 together with the reduction by **almost two-thirds** in the number of paragraphs submitted in these proposals suggests that there was sadly a failure by the States Parties to recognise the central importance and significance of the Article by Article *Final Declarations* and their extended understandings. The question can be asked as to whether the absence and paucity of proposals was indicative of ‘Didn’t care’ or of ‘Didn’t realise’?

11. There are also some **marked and significant differences** between the Sixth Review Conference in 2006 and the Seventh Review Conference in 2011. The **first is the complete absence** of any proposals in 2011 submitted by the European Union – or by Poland on behalf of the European Union – whereas proposals were submitted by Finland on behalf of the EU in 2006 for **12 Articles** of the Convention. The significant value of proposed language already agreed by 27 States Parties (the member states of the EU) needs to be appreciated. **The second is that whilst the State Party (Pakistan) of the President** of the Sixth Review Conference submitted proposals for almost every Article (14) of the Convention in 2006, **no** proposals were submitted by the State Party (The Netherlands) of the President of the Seventh Review Conference. It is also noted that **whilst China and Japan** each made six proposals in 2006, neither submitted any in 2011.

12. It is also to be noted that at the Sixth Review Conference in 2006 the report of the Committee of the Whole showed that contributions had also been received for:

- Action Plan on Universality                      Latin-American, Australia, Finland (EU)
- Action Plan on National Implementation      Finland (EU)
- Action Plan on Article X                              Cuba (NAM)
- ISU    Latin-American, Finland (EU), Norway
- ISP    Latin-American, Finland (EU), Cuba (NAM),  
New Zealand, South Africa

These proposals eventually led to the language in *Part III: Decisions and Recommendations* of the Final Document. It is recognised that before the Seventh Review Conference, the President-Designate had indicated that he envisaged a similar division between the Article by Article *Final Declaration* and the *Part III: Decisions and Recommendations*. However, text was not explicitly sought in 2011 for *Part III: Decisions and Recommendations* although some States Parties in their Working Papers made proposals that could – and should – have been used to formulate draft language for *Part III: Decisions and Recommendations*. This perceived disconnect between Working Papers and draft language is examined further in paragraph 25 below.

13. The Committee of the Whole process and the common understandings from the Intersessional Process. It is also evident that the Committee of the Whole in 2011 considered at its outset how best to incorporate the outcome of the Intersessional Process with the Chairman of the Committee of the Whole saying that there were three broad ways in which the work of the intersessional process might be reflected:

- All the common understandings reached at Meetings of States Parties could be reflected wholesale in the *Final Declaration*.
- Some of the common understandings, perhaps where they expanded upon text from previous Review Conferences, could be identified and just these reflected in the *Final Declaration*.
- A reference could be included in the *Final Declaration* that simply endorsed the outputs of the annual Meetings of States Parties (perhaps similar in format to the approach used at the Sixth Review Conference)

14. In the subsequent short discussion of these proposals, a number of States Parties – Algeria, Norway, United States and France – spoke saying that it was up to delegations to submit paragraphs for inclusion in the *Final Declaration*. The view was expressed that the third option was the simplest and the others would be very time consuming. The Chairman said that the third option would be followed to adopt a similar approach to that at the Sixth Review Conference with delegations being free to submit proposals for the individual Articles that could contain paragraphs from the common understandings.

[It is evident from BWC/CONF.VII.5 Annex I that Algeria and Norway both submitted proposals for two Articles, the United States for eight Articles and France submitted no proposals.]

15. With the benefit of hindsight it is evident that the process adopted at the Seventh Review Conference failed to give appropriate weight to the fact that the common understandings agreed in the four years of the Intersessional Process were the product of some eight weeks of work and thus these common understandings merited a **more systematic consideration** by the Committee of the Whole. Further related recommendations as to how this might be remedied at future Review Conferences are made in paragraphs 21 and 22 below.

## Article by Article *Final Declaration*

16. It is evident to those considering the evolution of the Biological and Toxin Weapons Convention that the extended understandings that have been developed which build from Review Conference to Review Conference on the language in the previous Article by Article *Final Declarations* are **central** to the life of the Convention and are, above all, forward looking. The many positive functions of the *Final Declaration*, notably through the cumulative expression of extended understandings drawing out the latent potential of the Convention, Article by Article, and the progressive development of procedures and definitions, need to be fully recognised.

17. A major error at the Seventh Review Conference was its apparent failure to appreciate the value and the central importance of the Article by Article *Final Declaration* in the evolution of the Convention. This failure was disappointingly, typified by the incautious as well as incorrect description of the Article by Article *Final Declaration* as the **backward-looking part** of the Final Document. This occurred, for example, in the President-Designate's letter to all States Parties on 17 November 2011 when, perhaps reflecting an earlier misapprehension, he said:

*The programme envisages that the Committee of the Whole will conduct the article-by-article review of the Convention, developing the text of the final declaration, while informal plenaries will work on the cross-cutting issues for which specific decisions will be recorded in the forward-looking section of the final document (for example, an intersessional process, any revisions to the CBMs, the future of the ISU, etc). There will undoubtedly be some overlap between the Committee of the Whole and the informal plenaries, but this is natural and welcome: it is entirely appropriate that reflections from the **backward-looking article-by-article review** should inform the decisions taken in the forward-looking agenda. [Emphasis added]*

18. This was further reflected in the President-Designate's speaking notes to the Regional Group meetings on 29 November 2011 which stated that the substantive work of the Review Conference will be carried out in two main forums: the Committee of the Whole, and informal plenaries:

- *The Committee of the Whole: will deal with the article-by-article review of the Convention (agenda items 10 (b) and (c)), looking at each article in turn, and developing text for the Final Declaration part of the final document.*
- *Informal plenaries: will deal with "cross-cutting" issues that do not fit under a single article of the Convention, and with specific issues needing decisions, e.g. because they were explicitly mandated by the Sixth Review Conference (agenda items 11-13). The informal plenaries will develop text for the "decisions and recommendations" or "forward-looking agenda" part of the final document.*
- *I would characterise this division of labour as follows: the Committee of the Whole produces text that records **what has happened, what the situation is, and what the States Parties think about it**. The informal plenaries produce text that specifies **what the States Parties are going to do about it**. [Emphasis in original]*

This description unfortunately has the effect of **downgrading** the status of the Article by Article *Final Declaration* by taking too narrow a view of the functions it performs. It also inadvertently and incorrectly sends the message to the States Parties that the Article by Article *Final Declaration* is less important than *Part III*.

19. The Article by Article *Final Declaration* consequently failed to build as might have been expected on that of the Sixth Review Conference and its extended understandings. Worse, there were backward steps in that there were serious omissions in the *Final Declaration* in 2011 of material that had been agreed and appeared in 2006.. A significant example is the loss from the Article IV language of the paragraph relating to education. The *Final Declaration* in 2006 stated:

*14. The Conference urges the inclusion in medical, scientific and military educational materials and programmes of information on the Convention and the 1925 Geneva Protocol. The Conference urges States Parties to promote the development of training and education programmes for those granted access to biological agents and toxins relevant to the Convention and for those with the knowledge or capacity to modify such agents and toxins, in order to raise awareness of the risks, as well as of the obligations of States Parties under the Convention.*

This language was present in 2011 in the report of the Committee of the Whole (BWC/CONF.VII/5) in a slightly modified form as language for the Article IV section:

*23. The Conference urges the inclusion in medical, scientific and military educational materials and programmes of information on the Convention and the 1925 Geneva Protocol. The Conference urges States Parties to promote the development of training and education programmes for those granted access to biological agents and toxins relevant to the Convention and for those with the knowledge or capacity to modify such agents and toxins, taking into account the common understandings reached during the 2008 Meeting of States Parties.*

However, this was lost in the final few days and does not appear in the *Final Declaration*.

20. There was also a failure to take the common understandings agreed at the annual Meetings of States Parties between 2006 and 2011 and incorporate these systematically into the Article by Article *Final Declaration*. It appears from a comparison of texts that this was done for Article VII, but less so, or not at all, for other Articles. As a consequence some valuable common understandings were lost. An example of this was the common understanding regarding oversight of science that had been agreed at MSP/2008 as:

*25. Having considered the oversight of science, States Parties recognised the value of developing national frameworks to prohibit and prevent the possibility of biological agents or toxins being used as weapons, including measures to oversee relevant people, materials, knowledge and information, in the private and public sectors and throughout the scientific life cycle. Recognising the need to ensure that such measures are proportional to risk, do not cause unnecessary burdens, are practical and usable and do not unduly restrict permitted biological activities, States Parties agreed on the importance of involving national stakeholders in all stages of the design and implementation of oversight frameworks. States Parties also noted the value of harmonizing, where possible and appropriate, national, regional and international*

*oversight efforts.*

21. This was carried forward to the Committee of the Whole in 2011 and appeared in the report of the Committee of the Whole (BWC/CONF.VII/5) as:

*21. The Conference recognises the value of adopting and further strengthen[ing] national measures, as appropriate, to oversee relevant people, materials, knowledge and information, in the private and public sectors and throughout relevant scientific and administrative activities. Recognising the need to ensure that such measures are proportional to risk, take into account national and local circumstances, do not cause unnecessary burdens, are practical and usable and do not unduly restrict permitted biological activities, the Conference affirm the importance of involving national stakeholders in all stages of the design and implementation of oversight frameworks. The Conference also notes the value of harmonizing, where possible and appropriate, national, regional and international oversight efforts.*

It was then lost in the final week and did not appear in the *Final Declaration* – another retrograde step.

22. With the benefit of hindsight, it is evident that at future Review Conferences an attractive solution would be for the Chairman of the Committee of the Whole, on his own authority, to prepare a preparatory document for the Committee of the Whole to consider that introduces the substantive paragraphs with the common understandings from annual Meetings of the States Parties as draft language for whichever Article of the Convention is judged appropriate by the Chairman. These common understandings would then appear Article by Article in the Annex to the Final Report of the Committee of the Whole entitled *Proposed language submitted to the Committee of the Whole*. It is recommended that the common understandings language should appear as the **first** submission under the relevant Article and thus reflect that this is language already agreed by all the States Parties at the annual MSP.

23. As it is noted that in 2011 the Chairman of the Committee of the Whole issued a document (BWC/CONF.VII/COW/INF.1) that included a Part I which *contains text from the Final Declaration of the Sixth Review Conference corresponding to the articles considered by the 2011 Committee of the Whole until 13.00 on 9 December*, it is recommended that at a future Review Conference the Chairman of the Committee of the Whole who is nominated at the Preparatory Committee should as part of the Bureau between the Preparatory Committee and the Review Conference prepare a preparatory document for the Committee of the Whole that contains Article by Article the language agreed at the previous Review Conference in the Article by Article *Final Declaration* and adds to this for each Article the common understandings in the consensus outcome documents of the annual Meetings of States Parties. Adopting such an approach would help to prepare the ground for the Committee of the Whole to consider how to develop the language appropriately.

24. The unsatisfactory handling, noted above, of text from the common understandings generated in the Intersessional Process of 2007-2010 was carried over into the failure of the Review Conference in 2011 to **endorse** the consensus outcome documents in which they were contained. Instead, in the element of *Part III: Decisions and Recommendations* that addressed *A. Outcome of the 2007-10 Intersessional Process*, the final paragraph:

4. The Conference **reiterates that common understandings were identified in the consensus outcome documents of the meetings of States Parties (BWC/MSP/2007/5, BWC/MSP/2008/5, BWC/MSP/2009/5 and BWC/MSP/2010/6), within their mandates.** [Emphasis added].

is significantly weaker than the corresponding paragraph in *Part III: Decisions and Recommendations* of the Sixth Review Conference which stated:

4. The Conference **endorses the consensus outcome documents from the Meetings of States Parties (BWC/MSP/2003/4, BWC/MSP/2004/3 and BWC/MSP/2005/3).** [Emphasis added].

The failure at the Seventh Review Conference, unlike at the Sixth Review Conference in 2006, to **endorse** the consensus outcome documents is regrettable, as the *Final Declaration* in 2011 did not – as it might have done – integrate the relevant paragraphs systematically into its Article by Article *Final Declaration* either. They are only reflected patchily and intermittently in the *Final Declaration*. Merely to **reiterate** that *common understandings were identified* is significantly weaker than endorsement of the consensus outcome documents would have been. Two improvements for future Review Conferences are outlined in paragraphs 22 and 23 above which may contribute to a solution.

### **Part III: Decisions and Recommendations.**

25. In 2011, there was no explicit request for language for *Part III: Decisions and Recommendations* to be submitted by States Parties or by groups of States Parties. However, some States Parties made proposals in their Working Papers that could have been used to create draft language for *Part III: Decisions and Recommendations*. What appeared to be lacking was any process to take the proposals in the Working Papers and translate that into a first draft for *Part III: Decisions and Recommendations*. There was an apparent disconnect in the months immediately prior to the Review Conference which could have been remedied by much earlier appointment of Friends of the Chair or Facilitators to conduct open-ended consultations on each of the major elements and identify widely acceptable text for the start of the Review Conference. After all, it was evident by the time of the Preparatory Committee meeting in April 2011 what the major topics for the Review Conference were going to be. In the event, the language relating to elements of what became *Part III: Decisions and Recommendations* in 2011 appears to have first appeared in *Elements for the draft final document Forward-looking agenda* (BWC/CONF.VII/CRP.1 dated 16 December 2011) rather than being submitted by States Parties.

26. As this language only became available late – within a week of the termination on 22 December 2011 – during the Review Conference, this necessarily meant that alternative proposals were made even later. In particular the proposal tabled by China, India, Iran, Pakistan and Russia on the first of the last four days on Monday 19 December 2011 entitled *Draft Proposal on Structure of ISP* came very late and was at variance with the appointment on the previous Friday 16 December by the President of Ambassador Jo Adamson (United Kingdom) and Ben Steyn (South Africa) as Facilitators to develop language for the Intersessional Programme. The subsequent proposal made on the afternoon of Tuesday 20 December 2011 by the JACKSNNZ group (Japan, Australia, Canada, Republic of Korea, Switzerland, Norway, New Zealand) entitled *Draft proposal on the intersessional programme 2012-2015* just 48 hours before the inflexible termination deadline of 6 pm on Thursday 22

December 2011 was thus even later. Late proposals with little time for consideration are not helpful for achieving a successful outcome.

### ***Major Elements of Part III: Decisions and Recommendations***

27. The President-Designate, when he addressed substantive issues in the speaking notes for his meetings with the Regional Groups on 23 to 28 September 2011 just over two months before the start of the Seventh Review Conference, said that *Over the past months I have participated in several informal seminars and workshops in various countries, and have held a considerable number of bilateral consultations, including in capitals* and went on to add that *In the course of these consultations, a relatively coherent picture has emerged of the areas in which a result will be necessary if the Review Conference is to be considered a success.* [Emphasis added] *These are, very briefly:*

- *the future of the intersessional process, the confidence-building measures, and the Implementation Support Unit;*
- *the need for a means to monitor and assess developments in science and technology;*
- *strengthening international cooperation and assistance activities and the implementation of Article X;*
- *possibilities for compliance and verification; and*
- *universalization.*

### ***Evaluation of outcomes in each of these areas in which a result will be necessary***

28. *The future of the intersessional process.* The continuation of the ISP is welcomed. The inclusion of three Standing Agenda items is a good step forward in addition to the topic *How to enable fuller participation in the CBMs for 2012 – 2013* and the topic *How to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties for 2014 – 2015.* The three Standing Agenda items are first: *Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X;* second: *Review of developments in the field of science and technology related to the Convention;* and third: *Strengthening national implementation.* In addition, reports on universalization efforts, and on the ISU, are recurrent items on the agenda of annual Meetings of States Parties continued from the last Intersessional Process.

29. The overall agenda is thus significantly fuller than between 2002 and 2006 and between 2006 and 2011. The addition of two Vice-Chairmen, to secure a regional group balance each year and share political leadership, is also a step forward. The absence of any explicit continuity in regard to the Standing Agenda items – either in regard to a task leader or working group secretary – is regretted and it is to be hoped that the Vice-Chairmen will be Chairmen in subsequent years and can thereby bring much needed continuity. Only by organising the work programme early, and allocating agenda items among these office-holders, assisted as needed by Facilitators or Friends of the Chair on particular topics, can the necessary political leadership be exercised in the regrettable absence of working groups from the new Intersessional Process. The failure to recognise the value of taking decisions during the Intersessional Process by consensus as appropriate is regretted but the existing rules do allow for *any conclusions or results* to be reached and this wording is likely to become more important as the new Intersessional Process develops. Much now depends on the

purposefulness with which States Parties make use of the Intersessional Process and its fuller agenda.

30. *The confidence-building measures.* Some amendments were agreed at the Seventh Review Conference – but the failure to agree all the amendments emerging from the three years of discussion and subsequent e-panel is unfortunate. However, the agreement that in 2012 and 2013 as part of the intersessional programme States Parties will consider *how to enable fuller participation in the CBMs* provides an opportunity for the States Parties who are keen to improve the benefits from the CBM regime to submit substantive Working Papers well in advance of the meetings in 2012 which explore what inhibits fuller participation and what might facilitate fuller participation whilst enhancing the benefits from the CBM regime. It is, after all, some two decades since the CBMs were last given serious consideration and the *further and comprehensive attention* [Emphasis added] which the Sixth Review Conference decided they would merit at the Seventh Review Conference needs to be addressed through constructive and forward looking consideration in 2012 and 2013.

31. *The Implementation Support Unit.* The continuation is welcomed but the failure to allocate any additional staff and resources is regretted. The failure to allocate additional resources to the ISU – which had already demonstrated that its present resources were inadequate for its 2006 mandate – is another missed opportunity. The explicit acceptance of voluntary funds for the ISU as recorded in

*33. The Conference notes that States Parties in a position to do so may consider making voluntary contributions to the Unit to enhance its ability to carry out its mandated tasks.*

is welcomed. It will be important in future annual reports by the ISU that they show each year whether their resources were adequate – and if not, to detail the shortfall so that appropriate resources can be approved at subsequent Review Conferences.

32. *The need for a means to monitor and assess developments in science and technology.* This had a successful outcome in that it was agreed that this should be a Standing Agenda item for the intersessional period. However, the practicality of ensuring that the seven topics specified in paragraph 22 of *Part III: Decisions and Recommendations*:

*(a) new science and technology developments that have potential for uses contrary to the provisions of the Convention;*

*(b) new science and technology developments that have potential benefits for the Convention, including those of special relevance to disease surveillance, diagnosis and mitigation;*

*(c) possible measures for strengthening national biological risk management, as appropriate, in research and development involving new science and technology developments of relevance to the Convention;*

*(d) voluntary codes of conduct and other measures to encourage responsible conduct by scientists, academia and industry;*

*(e) education and awareness-raising about risks and benefits of life sciences and biotechnology;*

*(f) science- and technology-related developments relevant to the activities of multilateral organizations such as the WHO, OIE, FAO, IPPC and OPCW;*

*(g) any other science and technology developments of relevance to the Convention.*

are indeed being addressed – “*will be addressed*” – each year for the topical scientific subject for each year as detailed in paragraph 23 of *Part III: Decisions and Recommendations*:

- (a) *advances in enabling technologies, including high-throughput systems for sequencing, synthesizing and analyzing DNA; bioinformatics and computational tools; and systems biology (to be considered in 2012);*
- (b) *advances in technologies for surveillance, detection, diagnosis and mitigation of infectious diseases, and similar occurrences caused by toxins in humans, animals and plants (to be considered in 2013);*
- (c) *advances in the understanding of pathogenicity, virulence, toxicology, immunology and related issues (to be considered in 2014);*
- (d) *advances in production, dispersal and delivery technologies of biological agents and toxins (to be considered in 2015);* [Emphasis added].

will be challenging as there is only one week each year for the Meeting of Experts and the Meeting of States Parties meaning that the Standing Agenda item on advances in science and technology is unlikely to have more than one day at each meeting. Furthermore, **no provision** has been made to ensure consistency and **continuity** in preparing and planning to address science and technology developments. There is no explicit continuity in either political leadership, scientific facilitation or even the secretariat function. Once again, it will be up to States Parties who are keen to see the enhancement of the assessment of advances in science and technology and their implications for the Convention to submit substantive Working Papers on matters within the agenda selected for their significance for the BTWC well in advance of the meetings in 2012.

33. *Strengthening international cooperation and assistance activities and the implementation of Article X.* This had a successful outcome in that it was not only agreed that this should be a Standing Agenda item but it was also agreed to establish a database system that is effectively a clearing house to facilitate requests for and offers of exchange of assistance and cooperation among States Parties. In addition, a sponsorship programme was agreed. This is **the only topic** on which the outcome at the Seventh Review Conference essentially met expectations prior to the Review Conference.

34. *Universalization.* This had a successful outcome in that it was addressed at the Seventh Review Conference. However, it is evident that the States Parties were **content to continue as in the previous intersessional period** even though the number of States Parties to the Biological and Toxin Weapons Convention has continued to lag behind those of other international conventions during the same period. It is regrettable that the States Parties were unable to adopt a stronger and more systematic approach than that of depending on the variable enthusiasms of the successive annual Chairmen. The States Parties appeared not to recognize the success of the sustained efforts made to achieve universalisation of the CWC as having lessons for the BTWC.

35. *Possibilities for compliance and verification.* This is not addressed in the outcome of the Seventh Review Conference. It represents a **complete failure** to move forward even after the broad feeling from the preparatory workshops that conceptual discussions on compliance and the demonstration of compliance attracted wide support.

## Weaknesses in the process leading to the Seventh Review Conference

36. Although it was evident that there was widespread enthusiasm for a successful outcome during the 15 months prior to the Review Conference, which consequently raised expectations justifiably for a realistically ambitious outcome, in the event the Review Conference failed to achieve this and there is consequently a sense of great disappointment. While it is recognised that political differences accounted in large part for the failure of the Review Conference to match earlier expectations, nevertheless this failure was also caused in part by weaknesses in the process. A number of elements relating to the process of the Review Conference can be identified as having contributed to its disappointing outcome:

- Failure to recognise the huge importance of the Article by Article *Final Declaration* in building extended understandings Review Conference upon Review Conference which is essential to ensure that the Convention is a thriving and valuable entity.
- Failure by the Member States of the ‘EU plus’ to recognise that the change from participating as a group of States Parties represented by its Presidency and thus making one of the group statements at the outset of the General Debate to being an “international organization” speaking after the States Parties and the Signatory States meant that the impact of the ‘EU plus’ statement was significantly reduced.
- Failure by the Member States of the EU to recognise that the failure to submit proposals agreed by 27 States Parties for language for the Article by Article *Final Declaration* required as a consequence much greater efforts by all individual Member States of the EU to submit language.
- In contrast to the situation at the 2006 Review Conference when proposals were submitted by Pakistan, the State Party of the President, for language for 14 of the 15 Articles of the Convention in the Article by Article *Final Declaration*, no proposals were submitted by the Netherlands for the Article by Article *Final Declaration* at the Seventh Review Conference in 2011.
- Failure to create a specific channel enabling proposals for text for items in *Part III: Decisions and Recommendation* to be submitted by States Parties (by a separate route parallel to that in which States Parties submit proposals for text for the Article by Article *Final Declaration*).
- Unfortunate usage of incorrect language describing the Article by Article *Final Declaration* as ‘backward looking’ and the *Part III: Decisions and Recommendations* as ‘forward looking’ when it is evident that the extended understandings in the *Final Declaration* that have been developed which build from Review Conference to Review Conference on the language in the previous Article by Article *Final Declarations* are **central** to the life of the Convention and are, above all, forward looking.
- An opportunity was missed that would have helped to prepare for the topics to be considered for inclusion in *Part III: Decisions and Recommendations* by appointing at the Preparatory Committee meeting – in informal session if necessary – Facilitators or Friends of the Chair for each of these topics charged with developing draft text

through open-ended consultations to be submitted at the start of or prior to the Review Conference.

In addition, it is unfortunate that undue emphasis appeared to be placed on the lack of official status of the information documents (see Annex) when it is evident that the reports provided by the States Parties on compliance, on scientific and technological developments, and on Article X are an integral part of the Review Conference and ways should be devised whereby the Review Conference considers the submitted information and records that appropriately in its Final Document. Such a process would encourage more States Parties to put the effort needed into submitting reports for these documents.

## Dates

37. The agreement in the Article by Article *Final Declaration* for Article XII that:

65. .... *The Conference therefore **decides** that Review Conferences be held at least every five years.* [Emphasis added]

is a welcome step forward over the previous language in 2006 which agreed that:

60. .... *The Conference therefore **recommends** that Review Conferences should continue to be held at least every five years.* [Emphasis added]

38. As it is noted that the States Parties to the CWC at their Conference of States Parties (Report C-16/5 dated 2 December 2011) held from 28 November to 2 December 2011 approved the dates and duration for their Third Review Conference and for their subsequent Conferences of States Parties:

*21.2 The Conference at its Twelfth Session decided to hold its Seventeenth Session from 26 to 30 November 2012 (paragraph 22.2 of C-12/7). The Conference **approved** the following dates for the Third Review Conference and for the next regular sessions of the Conference:*

*Third Review Conference: from 8 to 19 April 2013;*

*Eighteenth Session: from 2 to 6 December 2013;*

*Nineteenth Session: from 1 to 5 December 2014;*

*Twentieth Session: from 30 November to 4 December 2015;*

*Twenty-First Session: from 28 November to 2 December 2016; and*

*Twenty-Second Session: from 27 November to 1 December 2017.*

it is recognized that the Depositaries could benefit the States Parties to the BTWC, by taking steps **now** to agree the dates for the next five years – for both the annual MSPs and for a full three weeks conference of 15 working days from 7 to 25 November 2016 for the Eighth Review Conference. Ideally, the BTWC annual Meeting of States Parties would take place in the week preceding the CWC Conference of States Parties as this could facilitate cross-fertilization between the two Conventions.

39. The welcome step forward taken under Article XII has both practical and deeper significance. In practical terms it enables dates to be chosen for the Eighth Review Conference, and space booked with the United Nations, without delay because the decision

taken already constitutes the necessary authority. Its deeper significance is that it finally places the BTWC Review Conference process on a regular basis and thereby reinforces the permanence of this treaty regime. This move from recommendation to decision had, accordingly, long been advocated as a way of strengthening the Convention and it is one outcome of the Seventh Review Conference that can be **wholeheartedly** welcomed.

## Further Issues

40. Two issues became prominent in the Conference which had, however, not been included in the President-Designate's list of *areas in which a result will be necessary*. One was financial constraints, which had not been expected to loom as large as they did: in this respect the Conference was unfortunate in its timing. The other was national implementation, which had been a surprising omission from the list because among both governments and non-governmental supporters of the BTWC it has long been seen as vital to the strengthening of the Convention. Many proposals were put forward for States Parties to consider at the Seventh Review Conference, including support for an Action Plan or similar programme, much activity from legislative assistance-providers such as VERTIC (for whose work several States Parties expressed appreciation in the General Debate) and new approaches to improving national implementation developed since the Sixth Review Conference.

41. **Financial constraints** were particularly emphasised by States Parties from southern Europe but the climate of austerity they reflected was more widely felt. It is evident from the paper circulated by the Secretariat on 21 December 2011 that the **annual** additional resources sought from Portugal and Spain for the measured and modest augmentation of the ISU in BWC/CONF.VII/4 were \$ 2,869 for Portugal and \$ 17,775 for Spain. Given that the major participants had accepted the measured and modest augmentation of the ISU, and that the EU Joint Action in support of the BTWC [Council Joint Action 2008/858/CFSP of 10 November 2008] with its budget of 1.4 M Euro (~\$ 1 M) was about to terminate at the end of December 2011 with some \$270,000 **unspent**, it appears that this was yet another example of the EU's fragmentation and its failure to think and plan ahead in a coordinated way. These constraints resulted in the Conference adopting, in its final hours, a budget embodying zero real growth increase subject only to variations for inflation and for currency fluctuations against the Swiss franc. This strict budgetary discipline impinged on the costs permitted to the Intersessional Process and, notably, prevented any increase of staff or resources for the Implementation Support Unit. The BTWC is, in comparison with many, a very inexpensive treaty to administer, but this fact counted for nothing: its diminutive scale of assessments on States Parties was still subjected to the full force of public expenditure cash limits.

42. **National implementation** was, apart from the budget, the last issue to be resolved, with tough negotiation continuing very late in the Review Conference over the content of the third Standing Agenda item entitled *Strengthening national implementation*. The decision of the Review Conference at paragraph 24 of *Part III: Decisions and Recommendations* was that *the following topics will be addressed under the Standing Agenda Item on strengthening national implementation:*

- (a) *a range of specific measures for the full and comprehensive implementation of the Convention, especially Articles III and IV;*
- (b) *ways and means to enhance national implementation, sharing best practices and experiences, including the voluntary exchange of information among States Parties on their national implementation, enforcement of national legislation, strengthening of*

*national institutions and coordination among national law enforcement institutions;*  
*(c) regional and sub-regional cooperation that can assist national implementation of the Convention;*  
*(d) national, regional and international measures to improve laboratory biosafety and security of pathogens and toxins;*  
*(e) any potential further measures, as appropriate, relevant for implementation of the Convention.*

The detailed content of this agenda item does offer the potential for States Parties to pursue conceptual discussions extending to the nature of BTWC compliance and the demonstration of such compliance. It offers this in paragraph 24(b), which includes under *ways and means to enhance national implementation: sharing best practices and experiences, including the voluntary exchange of information among States Parties on their national implementation, enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions;* and in paragraph 24(e) especially: *any potential further measures, as appropriate, relevant for implementation of the Convention.* One of the earliest tests of the resolve of States Parties to build up the BTWC treaty regime through the new Intersessional Process will be the ingenuity and determination with which they make use of the possibilities which the negotiation of the Standing Agenda item *Strengthening national implementation* now offers. Once again, it will be up to States Parties to prepare and submit substantive Working Papers well in advance of the meetings to be considered under this Standing Agenda item.

## **Looking ahead**

43. Given that the Seventh Review Conference achieved a modest outcome, it is now important to examine carefully what was achieved and what this outcome now makes possible in order to achieve the maximum benefits from this in the coming Intersessional Period as well as looking ahead to the Eighth Review Conference itself.

### *The Intersessional Period*

44. The Intersessional Programme has agreed three Standing Agenda items – on cooperation and assistance, on developments in the field of science and technology related to the Convention, and on strengthening national implementation. The agenda each year will also have to include two recurrent items carried forward from the last Intersessional Period: a report on progress towards universality, and the annual report of the Implementation Support Unit (ISU). In addition, the Intersessional Programme has to consider two topics: one in 2012 and 2013 on *how to enable fuller participation in the CBMs* and one in 2014 and 2015 on *how to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties.* As both the annual Meeting of Experts and the annual Meeting of States Parties will last for a week – five working days, it is evident that States Parties will need to prepare appropriate substantive Working Papers and submit these well in advance of the annual Meetings.

45. It will be up to States Parties to address the key elements in these Working Papers – this is especially the case in regard to the Standing Agenda item on developments in science and technology as the mandate for this requires **seven** topics to be addressed for the topical subject to be considered each year. Thus in 2012 there are three topical subjects to be

addressed: *advances in enabling technologies, including high-throughput systems for sequencing, synthesizing and analyzing DNA; bioinformatics and computational tools; and systems biology*. As there is unlikely to be longer than one day to consider all of this at the Meeting of Experts and again at the Meeting of States Parties, the importance of well constructed and focused Working Papers is evident. They need to be on matters within the agenda selected for their significance for the BTWC.

46. There are also opportunities arising from the appointment of two Vice-chairs for the Intersessional Process which should facilitate progress. This is a distinct advance towards shared political responsibility on behalf of the States Parties as a whole. It will also enable the very concentrated workload to be shared – an especially important point given the allocation of only one week to the Meeting of Experts and one week to the Meeting of States Parties. It also represents a move towards a balanced political leadership, although it seems unlikely that the same individuals will be carrying out the same task throughout the Intersessional Period. Much of the value of this addition will depend on how efficiently and effectively the Chair and the two Vice-chairs divide up the work load – i.e. the agenda items – each year both among themselves and any Facilitators or Friends of the Chair they may appoint, for example on CBMs, to carry forward tasks ongoing from the Seventh Review Conference. There will be an opportunity to achieve valuable continuity – both through Vice-chairs becoming Chair in successive years and in taking up responsibility for items such as the promotion of universality and seeing this through into successive years.

47. Although there was no agreement to increase the resources and the staffing of the Implementation Support Unit, there was a welcome extension enabling States Parties in a position to do to consider making voluntary contributions to the Unit to enhance its ability to carry out its mandated tasks. This will be especially important as the mandate of the ISU was extended by the decision that it shall, *in addition to the tasks mandated by the Sixth Review Conference*, perform the following tasks:

*(a) implement the decision to establish and administer the database for assistance requests and offers, and facilitating the associated exchange of information among States Parties;*

*(b) support, as appropriate, the implementation by the States Parties of the decisions and recommendations of this Review Conference.*

Given the situation about resources at the Seventh Review Conference, it is expected that the annual reports of the ISU will include in future a section regarding its resources and their adequacy for carrying out the mandate.

#### *Looking ahead to the Eighth Review Conference*

48. While it is recognised that the success of the Eighth Review Conference will depend upon many political differences being overcome, and therefore upon the resolute determination of the States Parties as a whole to take the Convention forward, certain identified weaknesses in the Review Conference process nevertheless deserve early attention. Accordingly, in preparing for the Review Conference long before 2016, States Parties are recommended to consider addressing specific weaknesses in the process with the following remedies:

## Use of time

1. The Conference should be of three full weeks' duration, with 15 working days. In practice this means from 7 to 25 November 2016 in order to avoid overlap with the already scheduled CWC Conference of States Parties at the Hague. After the CWC Conference of States Parties only 14 working days remain before (as in 2011) the UN shuts down for the Christmas break on 22 December 2016. In order to secure the period from 7 to 25 November 2016 for the Eighth Review Conference in Geneva, coordination with the First Committee in New York is required, to ensure in 2016 that the work of that Committee in so far as it relates to biological and toxin weapons will have been completed in time.

2. The Preparatory Committee meeting should be of three days' duration, including a third day with substantive exchanges of views on the issues that have been identified as meriting decisions at the Review Conference as a valuable complement to two days devoted to procedure.

## Advance documentation

3. For the vast majority of participants in the Eighth Review Conference, this will be their first BTWC Review Conference. Consequently there is a real need for background papers that explain the process and the steps therein. Given that the Biological Weapons Convention Meetings Secretariat in the United Nations Department for Disarmament Affairs, the precursor to the Implementation Support Unit, produced a *BWC Sixth Review Conference Background Paper*, the Implementation Support Unit should do likewise for the Eighth Review Conference and issue this no later than 12 months prior to the Eighth Review Conference.

4. The compilations of national reports from States Parties on compliance, on developments in science and technology relevant to the BTWC, and on Article X should be recognized as having a different status from other information papers and should be regarded as foreground preparatory documents of the Conference to be studied in advance and to form the basis of review at the Conference itself, in accordance with Article XII.

5. The report of the Implementation Support Unit for the Review Conference should show clearly where resources have proved inadequate to the tasks set by States Parties in fulfilment of the ISU mandate and should quantify the shortfall year by year.

6. The information paper on *Developments since the last Review Conference in other international organizations which may be relevant to the Convention* should include longer sections on A. The 1540 Committee, B. The Secretary-General of the United Nations and C. The Organisation for the Prohibition of Chemical Weapons (OPCW) as developments in all three are especially pertinent to the BTWC and are key elements in preparing for the Eighth Review Conference.

7. Working Papers should be submitted well in advance by States Parties and groups of States Parties and made available by posting on the [unog.ch/bwc](http://unog.ch/bwc) website.

8. The Think Zone should again be created on the unog.ch/bwc website with similar groupings of items by subject matter as in 2011.

### General Debate

9. The particular value of group statements being made at the outset of the General Debate should be recognised and all groups of States Parties should be encouraged to make their statements at the outset as such group statements then have maximum impact and set the tone and the scene for the ensuing statements by the individual States Parties. In this respect, the European Union 'plus' statement should be made by the EU country in the Presidency at the time of the Eighth Review Conference on behalf of the EU 'plus' as a group of States Parties, instead of much later as an international organisation.

### Article by Article *Final Declaration*

10. The importance of the extended understandings that have been developed which build from Review Conference to Review Conference on the language in the previous Article by Article *Final Declarations* needs to be recognised in preparing for the Eighth Review Conference, as these understandings are central to the life of the Convention and are, above all, forward-looking.

11. Common understandings reached during the four years of the Intersessional Process are the product of some eight weeks of work and these common understandings merit a **more systematic consideration** by the Committee of the Whole.

12. Common understandings reached during the Intersessional Process should be integrated Article by Article with the *Final Declaration* of the Seventh Review Conference into a preparatory document for the Committee of the Whole. This could readily be done by the Chairman-designate of the Committee of the Whole or by the ISU.

13. Common understandings reached during the Intersessional Process should in any case be placed first under each Article in the Annex of text submitted to the Committee of the Whole.

14. The particular value of proposals for text submitted by groups of States Parties, as well as by individual States Parties, to be submitted to the Committee of the Whole for incorporation into the Article by Article *Final Declaration* needs to be recognized and consequently more proposals submitted.

15. The greater recognition to the forward-looking functions of the Article by Article *Final Declaration* should be achieved through the submitted proposals seeking to build upon the extended understandings from previous Review Conference and focussing in particular on what the States Parties should do to strengthen the Convention over the next decade.

16. The European Union should agree that its proposals for language to be considered by the Committee of the Whole for the Article by Article *Final Declaration* should be

agreed within the EU prior to the Review Conference and submitted through the EU country in the Presidency at the time of the Eighth Review Conference on behalf of the EU member states. A parallel approach should be adopted for language to be submitted for consideration in the Informal Plenaries for *Part III: Decisions and Recommendations*. [see point 18. below]

*Part III: Decisions and Recommendations*

17. The forward-looking functions of *Part III: Decisions and Recommendations* should be recognised as being of equal weight with those of the Article by Article *Final Declaration*.

18. The particular value of proposals for text for inclusion in *Part III: Decisions and Recommendations* submitted by groups of States Parties, as well as by individual States Parties, needs to be recognized and consequently proposals for such text specifically requested for submission prior to the start of the Review Conference.

19. Friends of the Chair or Facilitators should be appointed at the Preparatory Committee stage, if necessary in informal session, to conduct open-ended consultations on each major element likely to be considered for inclusion in *Part III: Decisions and Recommendations*, with a view to developing widely acceptable draft text prior to or at the beginning of the Conference for consideration in the Informal Plenaries.

20. Proposals for text in *Part III: Decisions and Recommendations* should in any case be submitted earlier in the Conference than in 2011 to encourage timely consideration and enable Facilitators or Friends of the Chair to complete their allocated tasks in full knowledge of the range of proposals put to the Conference.

49. All in all, it is evident that all the States Parties engaged in the Eighth Review Conference need to recognize during the twelve months leading up to the Review Conference itself the importance of preparing and submitting proposals – either to the Committee of the Whole for the Article by Article *Final Declaration* or for channeling through to the Informal Plenaries for the *Part III: Decisions and Recommendations* – are vital to achieve a further strengthening of the Biological and Toxin Weapons Convention to ensure that biological agents and toxins are not misused to cause harm. All the States Parties need to be involved and to ensure that their ideas and proposals are submitted **prior** to the Review Conference itself.