

MAXIMIZING THE POTENTIAL OF THE BTWC INTERSESSIONAL PROCESS

by Graham S. Pearson* and Nicholas A. Sims†

Introduction

1. In Bradford Briefing Paper No. 1 *The Intersessional Period 2012 – 2015*¹ in July 2012 we examined what was achieved² at the BTWC Seventh Review Conference in December 2011 and what this outcome had made possible in order to achieve the maximum benefits from the Intersessional Period 2012 – 2015 as well as looking ahead to the Eighth Review Conference itself. The Meeting of Experts took place on 16 to 20 July 2012 and we subsequently reported³ on what this had achieved. In this Briefing Paper we consider further the outcome of the Meeting of Experts in the light of the letter⁴ of the Chairman, Ambassador Delmi, on 27 September 2012 to States Parties forwarding his synthesis paper.

2. We consider that the Seventh Review Conference recognized that the time had come for the Intersessional Process to move forward to a more **sustained** and **continuing** consideration of three key elements of the Convention – *the review of developments in the field of science and technology related to the Convention, strengthening national implementation and cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X*. In addition, the Intersessional Process will consider a biennial topic – which for 2012 – 2013 is *how to enable fuller participation in the CBMs*. As the mandate of the Intersessional Process is *to discuss, and promote common understanding and effective action*, it is to be expected that **each year** at the Meeting of States Parties the report will set out what has been achieved during that year to *promote common understanding and effective action*. In other words, the annual Meeting of States Parties will be expected to agree common understandings and effective action **agreed that year** as well as looking ahead to the coming year and giving any guidance as to what the Meeting of Experts and the next Meeting of States Parties should address. Although the Intersessional Process will also be considering a biennial topic – which for 2012 – 2013 is *how to enable fuller participation in the CBMs* – this Briefing Paper primarily considers the three Standing Agenda items.

3. This Briefing Paper examines what has happened during the year and makes proposals as to how the States Parties at the Meeting of States Parties on 10 to 14 December 2012 can maximize the benefits to the Convention of the Intersessional Process 2012 – 2015. The

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¹ Graham S. Pearson and Nicholas A. Sims, *The Intersessional Period 2012 – 2015*, Bradford Briefing Paper (Third Series), No. 1, University of Bradford, July 2012.

² Graham S. Pearson and Nicholas A. Sims, *The BTWC Seventh Review Conference: A Modest Outcome*, Bradford Review Conference Paper No. 31, University of Bradford, March 2012.

³ Graham S. Pearson in conjunction with Nicholas A. Sims, *Report from Geneva: The Biological Weapons Convention Meeting of Experts July 2012*, Review No. 36, Harvard Sussex Program, September 2012. Available at <http://www.sussex.ac.uk/Units/spru/hsp/Reports%20from%20Geneva.html>

⁴ Ambassador Boujemâa Delmi, Chairman of the Meeting of States Parties, *Biological Weapons Convention: Meeting of States Parties*, letter, 27 September 2012. Available at unog.ch/bwc

events prior to the Meeting of Experts are considered first, then the outcome of the Meeting of Experts, and finally subsequent developments.

Prior to the Meeting of Experts

4. The decisions⁵ taken at the Seventh Review Conference in regard to the three Standing Agenda items listed some seven items to be addressed under developments in science and technology along with a topical scientific subject to be addressed each year, some five items to be addressed under national implementation and a further seven items to be addressed under cooperation and assistance,

5. As described in Briefing Paper No. 1⁶, Ambassador Boujemâa Delmi, the Chairman of the 2012 meetings wrote to the States Parties first on 1 June 2012 and then on 21 June 2012 to advise of the way in which he sought to prepare an agenda and programme of work for the meeting *that will allow us to deal effectively and efficiently with the large range of topics in the very limited time available*. The concern about the large number of topics led the Chairman to propose in his letter of 1 June 2012 that not every sub-item should be addressed each year:

The programme of work is where I have attempted to provide some guidance on how and when the various sub-items will be considered. You will note that not every sub-item is included: my proposal is to focus on the included sub-items this year, and then focus on the remaining ones next year. We could then perhaps repeat this alternation for 2014 and 2015, if it proves satisfactory. Some sub-items will by their nature need to be considered every year:

He went on in the same letter to add that *it is certainly not my intention to exclude any issue that any State Party considers important*,

6. In his subsequent letter of 21 June, the Chairman said that following a number of bilateral consultations and his meetings with regional groups, he adjusted the programme so that in regard to the Standing Agenda item on developments in science and technology, two sub-items previously deferred to 2013 were reinstated in the 2012 programme thus ensuring that all seven topics in the mandate for this Standing Agenda item from the Seventh Review Conference would indeed be addressed in 2012.

7. We welcomed this move forward in Briefing Paper No. 1 as we had recognised this exclusion of some topics as being illogical. Thus we had said:

16. Careful examination of how this Standing Agenda item was created at the Seventh Review Conference shows that the intention was that the seven topics listed in paragraph 22 of *Part III: Decisions and Recommendations* of the *Final Document* of the Seventh Review Conference are to be addressed should there be a **new** science and technology development – and it is this that is addressed by the Standing Agenda

⁵ United Nations, The Seventh Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, Geneva, 5 - 22 December 2011, *Final Document*, BWC/CONF.VII/7, 13 January 2012. Available at <http://unog.ch/bwc> and at <http://www.opbw.org>

⁶ Graham S. Pearson and Nicholas A. Sims, *The Intersessional Period 2012 – 2015*, Bradford Briefing Paper (Third Series), No. 1, University of Bradford, July 2012.

item. Ambassador Delmi's letter of 1 June 2012 noted that the Implementation Support Unit would be preparing two background papers related to the standing agenda item on science and technology: *one on advances in enabling technologies, and the other on the recent H5N1 avian influenza transmissibility research and the controversy surrounding its publication*. The H5N1 avian influenza transmissibility topic is a good example of a **new** development that should indeed be addressed by the Standing Agenda item on science and technology – and it would be illogical to argue that any implications from H5N1 relating to either

(d) voluntary codes of conduct and other measures to encourage responsible conduct by scientists, academia and industry;

or

(e) education and awareness-raising about risks and benefits of life sciences and biotechnology.

should not be addressed in 2012. It is urged that in order to deal efficiently with the topic, the inherent flexibility stressed by the Chairman's letter ought to enable any of the seven topics listed in paragraph 22 to be addressed in regard to the H5N1 issue.

8. In addition, we had pointed out that it was also illogical to limit consideration of all seven topics when the annual topical science subject was being considered:

17. A similar point arises in regard to the topical scientific subject specified in paragraph 23 of *Part III: Decisions and Recommendations of the Final Document* that is to be addressed each year under the Standing Agenda item on science and technology. This topical scientific subject for 2012 is to be:

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);

As with the implications of the H5N1 issue, it would also be illogical to argue that any implications from consideration of the topical scientific subject for 2012 relating to either

(d) voluntary codes of conduct and other measures to encourage responsible conduct by scientists, academia and industry;

or

(e) education and awareness-raising about risks and benefits of life sciences and biotechnology.

should not be addressed in 2012. It is again urged that in order to deal efficiently with the topical scientific subject for 2012 at the 2012 meetings, the inherent flexibility stressed by the Chairman's letter ought to enable any of the seven topics listed in paragraph 22 to be addressed in regard to the topical scientific subject for 2012.

The decision by the Chairman in his letter of 21 June 2012 to reinstate the two sub-items previously deferred to 2013 into the 2012 programme was especially welcome as this ensured that **all** seven topics in the mandate for this Standing Agenda item from the Seventh Review Conference would indeed be addressed in 2012 and avoided the problems that would otherwise have ensued.

9. Although not elaborated in our Briefing Paper, we appreciated that one of the advantages of the three Standing Agenda items was that an integrated approach with cross-fertilization could and should be adopted to achieve the maximum benefits for the Convention. Consequently, we were also aware that the spreading of topics across the Intersessional Period for the other two Standing Agenda items on national implementation and on cooperation and assistance might likewise not be conducive to achieving the maximum benefits for the Convention from the mandate of the Seventh Review Conference in regard to the Standing Agenda items.

Meeting of Experts, July 2012

10. At the Meeting of Experts in July 2012, it was evident from the Annex I to the Report⁷ which provided *Considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions on the topics under discussion at the Meeting* that these had been collected under the Standing Agenda items with eight topics for science and technology, three topics for national implementation and four topics for cooperation and assistance. Thus all topics were addressed for science and technology, but only three of the five for national implementation and four of the seven for cooperation and assistance.

11. In our report⁸ on the Meeting of Experts, we noted that:

These subheadings essentially follow the proposals made in the Chairman's letter of 1 June (and amended in regard to the Standing Agenda item on science and technology in his letter of 21 June) and promulgated as the provisional programme of work in MX/2/Rev. 1. This does mean that any elements of the Standing Agenda items not included for consideration at MX/2012 will not have any proposals recorded against them. There also appears to be a difficulty with proposals that have relevance for more than one Standing Agenda item in that they are only listed according to the element in the provisional programme when the proposal was made. As an example, proposals made by the OIE appear under the subheading:

4. 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

⁷ United Nations, Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, Meeting of Experts, 16 - 20 July 2012, *Report of the Meeting of Experts*, BWC/MSP/2012.MX/3. Available at <http://unog.ch/bwc>

⁸ Graham S. Pearson in conjunction with Nicholas A. Sims, *Report from Geneva: The Biological Weapons Convention Meeting of Experts July 2012*, Review No. 36, Harvard Sussex Program, September 2012. Available at <http://www.sussex.ac.uk/Units/spru/hsp/Reports%20from%20Geneva.html>

and not under the subheading:

2. Coordination of cooperation with other relevant international and regional organizations, and other relevant stakeholders

12. We then went on in our analysis of the Meeting of Experts to point out that:

As the Meeting of Experts considered three Standing Agenda items and also a biennial topic (on CBMs) which will also be considered next year, attention needs to be given to how to **maximize the benefits** from the change in the Intersessional Process to this continued consideration of the topics. The substantive paragraphs to be adopted by the Meeting of States Parties for each of the topics will need to be looking forward not only to what the States Parties may do as a cohesive entity but also to what direction the further consideration of these topics should take in 2013. Attention also needs to be given to **the cross fertilization** between the elements of the Standing Agenda items [Emphasis added]. For example, the Standing Agenda item on science and technology includes the sub-item:

8. Education and awareness-raising about risks and benefits of life sciences and biotechnology

which is closely related to the sub-item of the Standing Agenda item on national implementation which reads:

2. A range of specific measures for the full and comprehensive implementation of the Convention, especially Articles III and IV

Another example relates to the Standing Agenda item on cooperation and assistance which has a sub-item:

4. 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

which is closely related to the sub-item of the Standing Agenda item on national implementation which reads:

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

13. We went on to note that:

The solution is probably for the substantive paragraphs in the report of the Meeting of States Parties to avoid any reference to the sub-items and to focus on what is relevant to the totality of each of the Standing Agenda items as well as to how these inter-relate as an integrated approach is vital for maximizing and realizing the benefits in the strengthening of the Convention. Likewise in regard to the biennial topic on CBMs, consideration needs to be given to how the ideas for enabling fuller

participation are actually taken forward to achieve significant increases in the participation year on year.

14. In our reflections we concluded by noting that:

Overall, a particular reflection is that, as might be expected, there is considerable scope for **cross-fertilization** between the Standing Agenda items as any particular issue area such as biosafety and biosecurity is important in considering **all** three Standing Agenda items: cooperation and assistance, science and technology and national implementation. There are **few** if any issue areas that do not have relevance to one or more Standing Agenda items.

As in previous years, the Chairman has said that, for the Meeting of States Parties, he will create a synthesis paper that distills the essence of the many ideas and proposals contained in Annex I to the report of the Meeting of Experts. As the Meeting of Experts considered three Standing Agenda items with considerable scope for cross-fertilization and also a biennial topic (on CBMs) which will be considered again next year, attention needs to be given to how to maximize the benefits from the change in the Intersessional Process to this continued consideration of the topics. The substantive paragraphs to be adopted by the Meeting of States Parties for each of the topics will need to be looking forward not only to what the States Parties may do as a cohesive entity but also to what direction the further consideration of these topics should take in 2013.

The solution is probably for the synthesis paper – and hence the subsequent substantive paragraphs in the report of the Meeting of States Parties – to avoid any reference to the sub-items and to focus on what is relevant to the **totality** of each of the Standing Agenda items and to consideration of how their **cross-fertilization** leads to an integrated and consolidated approach that makes an effective contribution to strengthening of the Convention regime.

It is hoped that the Chairman, vice-Chairmen and the Implementation Support Unit will be successful in enabling the benefits of the detailed discussions at the Meeting of Experts to be carried forward to further **all** of the Standing Agenda items in an integrated way at **both** the Meeting of States Parties in 2012 **and** at subsequent meetings throughout the Intersessional Period so as to effectively strengthen the Convention. [Emphases in the original]

Further reflections

15. In considering further the outcome of the Meeting of Experts and what *Considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions on the topics under discussion at the Meeting* have been recorded in Annex I to the report of MX/2012, we have examined the information that is available in the Working Papers and Information Documents submitted to the Meeting of Experts, and, to a lesser extent (as so few statements are available on the unog.ch/bwc website), what was in the statements made at the Meeting of Experts.

16. In this examination of the Working Papers and Information Documents, we note that there is considerable variation in the approach taken by the States Parties submitting the

documents as to how explicit they are in setting out what their views are in regard to how best *to discuss, and promote common understanding and effective action*. Some of the submitted documents appear to be largely descriptive and conclude without making any recommendations as to what the Meeting of Experts should do, whilst others do lead to clearly stated recommendations as to what the States Parties could do to take the matter forward. This observation is further illustrated by the fact that there are several Working Papers and Information Documents that are not referred to in Annex I to the Report of MX/2012:

State Party	Working Paper
Russian Federation	WP. 8
Russian Federation	WP. 9
France	WP. 13
Australia	WP. 15
Canada/Switzerland	WP. 17
Cuba	INF. 6
EU	INF. 7

17. A similar pattern is found in regard to the contributions made by the guests of the Meeting of Experts. The Report of the Meeting states that six guests participated yet it is clear from Annex I that only two of the guests made points that were recorded in Annex I. And, again with the international organizations of which eight were granted observer status, only the OIE and the OPCW along with the EU made points that were recorded in Annex I.

18. This leads us to the recommendation that in the subsequent years of this Intersessional Process, the Chairman in his letters of invitation should encourage States Parties and any other participants – whether an international organization or a guest of the meeting – to address the question of how best *to discuss, and promote common understanding and effective action* in regard to the particular topic of the Agenda that they are addressing and to set out clearly what they recommend that the States Parties should do. Such a step would help to ensure that all submitted recommendations and proposals are captured in Annex I in the future.

19. Although it is difficult to review what was captured and what was omitted from Annex I because of the absence of many of the statements from the unog.ch/bwc website, we have studied the available information that is relevant to the third Standing Agenda item on *strengthening national implementation* and have identified some omissions from Annex I which we consider are significant and should be taken forward by the States Parties at their Meeting of States Parties in December 2012 as they relate to the central issue of how the effectiveness and implementation of the Convention can be strengthened.

20. One of the Working Papers that led to no points being recorded in Annex I was WP. 17 submitted by Canada and Switzerland. This includes the following paragraphs:

1. ... *compliance assessment ... can be approached from a broader perspective of verifying compliance by examining and assessing the regulatory program in place, the program that has been implemented to ensure compliance with a regulatory/legislated requirement.*

2. ... a broader approach to assessing compliance may be feasible and acceptable if it is the national implementation program that is examined, and not individual facilities within a State Party's borders.

3. In December 2010, Canada proposed to work with interested State Parties to develop this broader concept, based on the following principles of compliance assessment. Under this proposal, each State Party would submit to the ISU (or other BTWC supported body), as an initial submission, a detailed description of national legislation and regulations supporting the national implementation of the BTWC, including those that cover the oversight of human, animal and plant pathogens.

4. In addition to the analysis of the national implementation legislation, each submitting State Party would also submit a detailed description of how the program was implemented on a national level.

6. Information submitted in this manner would help demonstrate a State Party's commitment to implement the BTWC on a national level, by providing a clear analysis of national legislation and the program that implements the law. This process would demonstrate State Party's national compliance and enforcement as the relevant data would be available for examination, including inspection statistics, as well as enforcement activity statistics for the program itself. The end result could be an assessment of compliance of the national program to the BTWC.

7. At the 2010 Meeting of States Parties, Canada invited any interested States Parties to join in developing initial declarations as a pilot project, to demonstrate the effectiveness of compliance assessment.

21. In addition, the statement made by Switzerland on 18 July 2012 in regard to the Standing Agenda item on *strengthening national implementation* made the following point:

*In this context, Mr. Chairman, allow me to refer to a working paper on national implementation that Switzerland, together with Canada, is re-submitting to this Meeting of Experts as it didn't made its way through the official channels during the 7th Review Conference. The paper outlines ideas on demonstrating and assessing compliance with the Convention through the assessment of a States Party's national implementation program - including but not limited to national legislation. In the paper, Canada and Switzerland provide an example of how such an assessment could look like by outlining their respective national programmes. **We invite any interested States Parties to join us in developing initial declarations.** [Emphasis added]*

Although some points made in the Swiss statement of 18 July are recorded as proposals in Annex I, the above one is not.

22. A further point is made in the French statement on the same afternoon of 18 July 2012 in regard to the same Standing Agenda item when the following point was made:

*Mon pays souhaiterait rappeler l'idée qu'il avait soumise lors de la VIIème conférence d'examen dans le document BWC/CONF.VII/WP. 28 d'un mécanisme volontaire de **revue par les pairs.** [Emphasis in original]*

Cette idée avait été soutenue par de nombreux pays, venant de différents groupes régionaux. Sur la base de volontariat, elle vise précisément à avancer dans le sens des objectifs du point de travail qui nous réunit cet après-midi, c'est à dire, renforcer la mise en oeuvre nationale de la convention, échanger les bonnes pratiques, y compris les échanges d'expérience, renforcer la législation nationale et la coordination entre les instances de mise en oeuvre. Nous poursuivrons, lors des prochaines réunions, la promotion de cette idée.

In translation this reads:

My country would wish to recall the idea which it had submitted at the Seventh Review Conference in document BWC/CONF.VII/WP. 28 of a voluntary mechanism of peer review.

This idea had been supported by many countries within the different regional groups. On a voluntary basis this aims to advance us precisely in the direction of the topic that we are addressing this afternoon, namely to reinforce the national implementation of the Convention, to exchange best practices, including exchanges of experiences to reinforce national legislation and to promote coordination of improved implementation. We shall pursue, at future meetings, the promotion of this idea,

Although some points made in the French statement of 18 July are recorded as proposals in Annex I, the above one is not.

23. In the same context, it is noted that the United States Working Paper 5 on national implementation, includes the following paragraph in section 2 which is headed *Improve Understanding of the Status of Implementation—And Act on It*:

9. Greater clarity in our shared understandings of what it means to implement the Convention is important in itself; but in today's interdependent world, the security of every BTWC State Party depends in part on the actions of others. It is thus essential that BTWC States Parties enhance their collective understanding of the state of implementation around the world. Constructive proposals have been advanced in this area in recent years, ranging from a BTWC implementation/legislation database to the Canadian/Swiss idea of an “accountability framework” and the French proposal for bilateral “peer review.” **These ideas appear to have merit, and might even work well in concert. It must remain clear, however, that the purpose of such efforts is not punitive; rather, they are a means of reassuring States Parties that everyone's security needs are being met by their treaty partners, and of identifying gaps and needs, and developing means to redress them.** Implementation assistance is a challenging task without clear information on the status of implementation. **States Parties should, therefore, agree on means to increase the availability of such information, invite those in need of such assistance to make their needs known, and encourage others to provide such assistance.** [Emphasis added].

Although several points made in United States WP. 5 are recorded as points in Annex I, the above one is not.

24. In our view, the points made by the Canada/Switzerland WP. 17, the Swiss statement, the French statement and the United States WP. 5 are particularly important as they all relate to the central issue of how the effectiveness and implementation of the Convention can be strengthened. We consider that the following points should have been included in Annex I in the section addressing

III. Agenda item 7: Standing agenda item: strengthening national implementation

1. 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

as follows:

Canada/Switzerland	States Parties should consider a broader approach to compliance assessment by examining and assessing the regulatory program in place, the program that has been implemented to ensure compliance with a regulatory/legislated requirement.	WP.17
Canada/Switzerland	States Parties are encourage to prepare and submit an initial submission (similar to that in WP.17) providing a detailed description of national legislation and regulations supporting the national implementation of the BTWC, including those that cover the oversight of human, animal and plant pathogens together with a detailed description of how the program was implemented on a national level.	WP.17
Canada/Switzerland	Any interested States Parties are invited to join Canada and Switzerland in developing initial declarations as a pilot project, to demonstrate the effectiveness of compliance assessment.	WP.17 S18/7
France	States Parties are encouraged to consider further the approach of a peer review mechanism (BWC/CONF.VII/WP.28) as a means to reinforce national implementation.	S18/7
United States	States Parties are encouraged to work together to develop a means to enhance their collective understanding of the state of implementation around the world	WP.5
United States	States Parties are encouraged to consider and develop the constructive proposals ranging from a BTWC implementation/legislation database to the Canadian/Swiss idea of an “accountability framework” and the French proposal for bilateral “peer review” as a means to enhance their collective understanding of the state of implementation around the world.	WP.5
United States	The constructive proposals ranging from a BTWC implementation/legislation database to the Canadian/Swiss idea of an “accountability framework” and the French proposal for bilateral “peer review” appear to have merit, and might even work well in concert.	WP.5

United States	States Parties should, therefore, agree on means to increase the availability of information on the status of implementation of the Convention in States Parties, invite those in need of such assistance to make their needs known, and encourage others to provide such assistance.	WP.5
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Subsequent developments

25. The Chairman wrote to the States Parties on 21 September 2012 to update them on preparations for the Meeting of States Parties to be held on 10 to 14 December 2012. In this letter the Chairman states that

Our task now is to take this wealth of information and ideas and consider how we might transform it into common understandings and effective action at the Meeting of States Parties. As promised, to help us in this task, I have under my own responsibility distilled the ideas and proposals made at the Meeting of Experts into a synthesis paper.

He then goes on to say that *consideration of each item would allow us to reach common understanding at this Meeting of States Parties on concrete actions, and where needed to continue further discussion on the item in Meetings in subsequent years.* In addition, he also tells the States Parties that he is *particularly interested in hearing your ideas on how we can make the Meeting of States Parties, and the intersessional programme in general, more responsive to the needs and aspirations of States Parties in genuinely improving the effectiveness of the Convention and reducing the risks posed by biological weapons.*

26. The synthesis paper sets out points under seven headings⁹ for science and technology, under three headings for national implementation and under four headings for cooperation and assistance. It is disappointing that the synthesis paper has not sought to adopt an integrated approach in which attention has been given to the benefits that could accrue from cross-fertilization across the three Standing Agenda items. It is, however, not too late to encourage such cross fertilization and integration as this could with considerable benefit be done in developing the language for the substantive paragraphs of the report of the Meeting of States Parties.

27. For example, whilst the item *G. Education and awareness-raising about risks and benefits of life sciences and biotechnology* appears under the Standing Agenda item on science and technology, it is evident that this item is equally relevant to the Standing Agenda item on strengthening national implementation. Another example is in regard to the item *E. 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* which appears under the Standing Agenda item on science and technology, as this is equally relevant to the Standing Agenda item on strengthening national

⁹ Although the Report of the Meeting of Experts in its Annex I lists points relating to the advances in science and technology under eight headings, the points identified under 5. *Any other science and technology developments of relevance to the Convention* are in the synthesis document addressed under other headings relating to the advances in science and technology. In particular the points identified under 5. arising from the OPCW presentation on the convergence of chemistry and biology are incorporated in the synthesis paper under *D. Science- and technology-related developments relevant to the activities of multilateral organizations.*

implementation which in its mandate from the Seventh Review Conference has a subparagraph (d) *national, regional and international measures to improve laboratory biosafety and security of pathogens and toxins*; and also to the Standing Agenda item on cooperation and assistance which has a subparagraph (f) *capacity-building, through international cooperation, in biosafety and biosecurity, and for ...* Furthermore, the item D. *Capacity-building through international cooperation* which appears under the Standing Agenda item on cooperation and assistance is directly relevant to the Standing Agenda item on strengthening national implementation.

28. The encouragement of the Chairman in his letter of 21 September 2012 in seeking the ideas of the States Parties on how to make the intersessional programme more responsive to the needs and aspirations of States Parties in genuinely improving the effectiveness of the Convention and reducing the risks posed by biological weapons is very welcome. The States Parties should adopt a comprehensive and integrated approach in developing the substantive language for the report of the Meeting of States Parties and thereby demonstrate their determination to maximize the benefits to the Convention of the mandate agreed for the Intersessional Process 2012 – 2015 by the Seventh Review Conference. In addition, they need to recall that their mandate *is to discuss, and promote common understanding and effective action* and consequently, the substantive paragraphs in the report of the Meeting of States Parties should set out the common understandings and the effective action that they have agreed **in 2012** should be taken by the States Parties.

29. It is also recommended that any points made at the Meeting of Experts that failed to have been recorded in Annex I – and consequently do not appear in the Chairman’s synthesis paper – should be raised by the States Parties at the Meeting of States Parties and incorporated as appropriate into the substantive paragraphs of the Report of the Meeting of States Parties. It is especially important to reflect the central significance of the points made in the Canada/Switzerland WP. 17, the Swiss statement, the French statement and the United States WP. 5 (and elaborated above in paragraphs 20 to 24 of this Briefing Paper).

Looking ahead to the Meetings in 2013

30. Some attention should be given by the Meeting of States Parties in December 2012 to the way in which the Intersessional Process will be continued in 2013 – 2015. One point that should be recognized is that the value of the Intersessional Process to the States Parties to the Convention will be enhanced by each annual meeting considering **all** the topics listed under each Standing Agenda item as the benefits are maximized through examining the prospects for cross-fertilization and by adopting a comprehensive and integrated approach. Although it may seem tempting in planning for the Meeting of Experts to focus on particular topics or subitems, there is a danger that such an approach could result in fragmentation rather than integration.

31. A further more detailed point that emerges from our report¹⁰ on the Meeting of Experts in 2012 is that there would be advantages from those participants invited by the Chairman, such as guests of the meeting and representatives of international organizations, being invited not only to make contributions in regard to specific topics under the Standing Agenda items but

¹⁰ Graham S. Pearson in conjunction with Nicholas A. Sims, *Report from Geneva: The Biological Weapons Convention Meeting of Experts July 2012*, Review No. 36, Harvard Sussex Program, September 2012. Available at <http://www.sussex.ac.uk/Units/spru/hsp/Reports%20from%20Geneva.html>

also being asked to conclude by summarizing the key points that they have made in regard to the specific topic. Our report showed that Annex 1 to the Report of the Meeting of Experts only contained points made by two of the six guests of the meeting and by two (OIE and OPCW) of the six international organizations present. It is important to obtain contributions to the Meeting of Experts by at least all those international organizations specifically mentioned in the mandate from the Seventh Review Conference – namely, the WHO, OIE, FAO, IPPC and OPCW.

32. In a like vein, it would be highly beneficial to the Intersessional Process if the Chairman was also to encourage all States Parties submitting Working Papers or information documents to address the question of how best *to discuss, and promote common understanding and effective action* in regard to the particular topic of the Agenda that they are addressing and to set out explicitly what they recommend that the States Parties should do. Such a step would help to ensure that all submitted recommendations and proposals are captured in Annex I in the future.

Overall Appreciation

33. The Seventh Review Conference agreed that the Intersessional Period 2012 – 2015 should address three Standing Agenda items – on developments in science and technology, on strengthening national implementation and on cooperation and assistance – as well as two biennial topics. In determining the topics that should be considered under the three Standing Agenda items, the Seventh Review Conference said that the Standing Agenda items will address these topics. As they are indeed Standing Agenda items it follows that the intention was that **all** the topics should be open for consideration each year – and, indeed, in some areas such as the topical scientific subjects specified to be discussed under the Standing Agenda item on developments in science and technology it would be illogical not to consider all the topics each year. The key is for all the topics under the three Standing Agenda items to be considered as judged appropriate by the States Parties each year and not to fragment consideration by assigning some topics to one year and others to another.

34. It is also evident that in deciding on the three Standing Agenda items the Seventh Review Conference recognized that these three items are central to the effectiveness of the Convention. It follows that their consideration in an integrated and comprehensive way would maximize the benefits to the Convention and its States Parties. Consequently, it is incumbent on the States Parties at the annual meetings to ensure that a **comprehensive and integrated** approach is adopted in promoting common understandings and effective action.

35. Furthermore, it has to be emphasized that the mandate for the Intersessional Process is for the States Parties *to discuss, and promote common understanding and effective action*. It is thus a requirement that **each year** the States Parties need to report what they have done to **promote common understandings** and take **effective action**. The Report of the annual Meeting of States Parties needs to set out clearly what has been achieved and agreed **each year** as well as looking ahead to the subsequent Meeting of Experts and providing guidance as to how the Standing Agenda items and the biennial topic should be addressed then. The States Parties need to avoid the misinterpretation of their mandate as being simply to discuss each year and to avoid addressing how best to *promote common understanding and effective action*. This applies equally to the biennial topics – actual progress and decisions reached should be reported at the end of the first year as well as at the end of the second year.

36. The aim of the Meeting of States Parties should be to add value to the Intersessional Process by making its Report a distinctive statement of the *conclusions or results* on which it has reached consensus this year, in terms of *common understanding and effective action*. This means that, rather than merely reproducing in edited form the compartmentalized lists of items in the synthesis paper derived from Annex 1 of the Report of the Meeting of Experts, the Meeting of States Parties should draw on the full breadth of its agenda to produce an integrated and comprehensive outcome document. Such a document will have immediate value for the Convention by promoting *common understanding and effective action*, as well as contributing over time to the success of the Intersessional Process and subsequently of the Eighth Review Conference which is to consider the work and outcome of these meetings and decide on any **further** action. [Emphasis added.]