

**REPORT FROM GENEVA:  
THE BTWC EIGHTH REVIEW  
CONFERENCE:  
A DISAPPOINTING OUTCOME**

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## Executive Summary

1. This report dated February 2017 on the BTWC Eighth Review Conference held on 7 – 25 November 2016 – which is available at the <http://www.unog.ch/bwc> website and on the Harvard Sussex Program website Reports from Geneva – was prepared by Graham S. Pearson of the Division of Peace Studies of the University of Bradford in conjunction with Nicholas A. Sims of the London School of Economics. Successive chapters provide a detailed report on the Eighth Review Conference (II), a commentary on the Solemn Declaration and Article by Article *Final Declaration* (III), and a commentary on the *Part III: Decisions and Recommendations* of the Final Document (IV). The final chapter (V) on Reflections provides an overall appraisal of the outcome of the Review Conference where it is concluded that a **disappointing outcome** was achieved.

2. Expectations were extremely high – and rightly so – for the Eighth Review Conference in 2016 as it followed an intersessional period in which there had been one week annual Meetings of States Parties prepared by one week Meetings of Experts. There had been 15 ratifications and accessions to the BTWC during the intersessional period bringing membership up to 178 and the number of CBM submissions had reached a record level of 81 in 2016. In addition at the Meeting of States Parties on 14 to 18 December 2015, States Parties had agreed for the first time to have a Preparatory Committee in two parts, in April and August 2016, which would in effect enable it to include issues of substance on its agenda as well as the standard procedural items. Moreover, a number of the Working Papers submitted for MSP/2015 were looking forward to and directly relevant to the Eighth Review Conference.

3. We conclude that the Eighth Review Conference was undoubtedly the best prepared of all the Review Conferences with its enhanced and extended Preparatory Committee. States Parties had clearly shown their determination to strengthen the effectiveness of the Convention through the 14 Working Papers submitted to the Meeting of States Parties in December 2015, many of which were looking ahead to the Review Conference, the 39 Working Papers submitted to the Preparatory Committee and the 44 Working Papers submitted to the Review Conference itself. Particularly welcome was the fact that several of these Working Papers were co-authored by States Parties across Group boundaries. And the number of contributions made by States Parties both at the Preparatory Committee meetings and in the General Debate at the Review Conference itself quite rightly raised expectations that the Eighth Review Conference would conclude with a solemn declaration and Article by Article language with extended understandings that strengthened the effectiveness of the Convention together with Decisions and Recommendations that would have resulted in an intersessional programme with an effective science and technology review mechanism as well as working groups on reassurance in implementation and on cooperation and assistance,

4. The actual outcome was indeed disappointing and demonstrated that a single State Party – Iran – could block consensus on a broadly acceptable compromise text. For the future, States Parties will need to be prepared to use the provisions that they already have to vote on matters of substance should a consensus not be forthcoming. As we note, the States Parties to the Chemical Weapons Convention have successfully used similar powers to make progress. It is evident from the Eighth Review Conference that the vast majority of the States Parties are indeed keen to make the Biological and Toxin Weapons Convention stronger and more effective to the benefit of international peace and security and thus to all of us. In our Reflections (chapter V) we

have provided an outline of an effective outcome for rebuilding an intersessional programme for MSP/2017 to agree.

5. As the Meeting of States Parties in 2017 is to last for a maximum of five days, States Parties will need to prepare for this meeting in such a way that a determination as to whether consensus can be reached on the substantive matters that this meeting needs to address can be made by **no later** than midday on Wednesday – and probably better by Tuesday evening – so that a period of 48 hours can elapse prior to voting on the substantive matters.

6. The possibility of BTWC States Parties resorting to a vote under the provisions of Rule 28 requires a “*matter of substance*” (paragraph 3 of Rule 28) to be voted on, and in December 2017 this “*matter of substance*” is most likely to be the adoption of a Draft Decision on a programme of work and a structure for the intersessional process, together with provisions for the number and duration of its meetings, their functions and financing and reporting arrangements, rotation of office-holders and their coordination, complementary to the rotation of office-holders already laid down by the Eighth Review Conference for the annual meetings of States Parties from 2017 to 2020. Such a Draft Decision will need to be assured of near-universal support, across the range of States Parties. This in turn assumes that prior negotiation, culminating at or very soon after the opening of the annual meeting on 4 December 2017, will have resulted in something like a ‘package deal’ for the intersessional process: a Draft Decision on which almost all States Parties are agreed, and to which they are committed with sufficient conviction to accept the political costs of voting down an intransigent blocking minority – or even a single State Party – which stands in the way of reaching consensus without a vote.

# Report from Geneva: The BTWC Eighth Review Conference: A Disappointing Outcome

by Graham S. Pearson<sup>†</sup> in association with Nicholas A. Sims<sup>\*</sup>

## I. Introduction

1. The Eighth Review Conference of the Biological and Toxin Weapons Convention (BTWC) was held in Geneva from Monday 7 November to Friday 25 November 2016. This followed the Preparatory Committee meeting held in Geneva on Wednesday to Thursday 26 to 27 April 2016 and 8 to 12 August 2016 under the chairmanship of the President-Designate, Ambassador György Molnár of Hungary. 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 Report from Geneva on the outcome of the Eighth Review Conference has chapters providing a detailed report (II), a commentary on the Solemn Declaration and Article by Article *Final Declaration* (III), and a commentary on the *Part III: Decisions and Recommendations* of the Final Document (IV). The final chapter on Reflections (V) provides an overall appraisal of the outcome of the Review Conference and next steps are outlined with a view to a decision in December 2017. It is concluded that a **disappointing outcome** was achieved.

## II. The Eighth Review Conference: A Detailed Report

3. On the opening day of the Review Conference, Ambassador György Molnár of Hungary was elected President of the Review Conference, Ambassador Michael Biontino of Germany elected as Chairman of the Committee of the Whole, Ambassador Boudjemāa Delmi of Algeria as Chairman of the Drafting Committee and Ambassador Tudor Ulianovschi of the Republic of Moldova as Chairman of the Credentials Committee. In addition, the Conference confirmed the nomination by the Secretary-General of the United Nations of Mr. Daniel Feakes, Chief of the Implementation Support Unit (ISU), as Secretary-General of the Conference. The provisional agenda (BWC/CONF.VIII/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*

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*(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*

*12. Follow-up to the recommendations and decisions of the Seventh 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 81 States Parties, the European Union, three specialized agencies and other international organizations (the International Committee of the Red Cross (ICRC), the Organization for the Prohibition of Chemical Weapons (OPCW), and the United Nations Security Council Resolution 1540 Committee) made statements. This was then followed by the Committee of the Whole which met between Wednesday 9 November and Thursday 24 November and carried out an Article by Article review of the Convention but produced, for reasons described at paragraph 167 below, only a purely procedural report with Annexes deleted, thereby providing no text for the Final Declaration. It presented this report on Thursday 24 November, the penultimate day of the Review Conference. Interposed with the meetings of the Committee of the Whole the President held informal and formal plenaries on cross-cutting issues and conducted informal consultations which focussed on finding acceptable language for the Article by Article Final Declaration, for the Solemn Declaration, and for Part III Decisions and Recommendations of the Final Document with a view to reaching consensus. He was assisted in his work by facilitators in the following areas:

- Solemn Declaration: Ambassador Boudjemâa Delmi (Algeria)
- Assistance and cooperation: Mr. Zahid Rastam (Malaysia)
- Science and technology: Mr. Laurent Masmejean (Switzerland)
- Implementation issues: Ambassador Michael Biontino (Germany)
- Article III: Ambassador Hernán Estrada Roman (Nicaragua)
- Article VII: Ambassador Alice Guitton (France)
- Future intersessional work programme and the ISU: Ambassador Tehmina Janjua (Pakistan) and Mr. Ian McConville (Australia)

5. 124 States Parties participated in the Review Conference as follows: Afghanistan, Albania, Algeria, **Angola**, Argentina, Armenia, Australia, Austria, Azerbaijan, **Bahrain**, Bangladesh, Belarus, Belgium, Bhutan, Bosnia-Herzegovina, ~~Botswana~~, Brazil, ~~Brunei Darussalam~~, Bulgaria, **Burkina Faso**, ~~Burundi~~, **Cameroon**, Canada, Chile, China, Colombia, Costa Rica, **Côte d'Ivoire**, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of Congo, ~~Denmark~~, Dominican Republic, **Ecuador**, **El Salvador**, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, **Guinea**, Holy See, **Honduras**, Hungary, **Iceland**, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, ~~Lesotho~~, **Liberia**, Libya, ~~Liechtenstein~~, Lithuania, **Luxembourg**, Madagascar, **Malawi**, Malaysia, **Mali**, **Malta**, **Mauritania**, **Mauritius**, Mexico, Mongolia, **Montenegro**, Morocco, ~~Mozambique~~, **Myanmar**, **Nepal**, Netherlands, New Zealand, **Nicaragua**, **Niger**, Nigeria, Norway, **Oman**, Pakistan, **Panama**, 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, **Sudan**, Sweden, Switzerland, ~~Tajikistan~~, Thailand, The former Yugoslav Republic of Macedonia, **Togo**, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, ~~Uruguay~~, **Uzbekistan**, Venezuela (Bolivarian Republic of), **Vietnam**, Yemen, **Zambia** and **Zimbabwe**. [The States Parties shown in **bold**

participated in 2016 but did not in 2011 and the States Parties ~~deleted~~ had participated in 2011 but did not in 2016.] This was twenty-one **more** than the 103 States Parties who participated at the Seventh Review Conference in 2011: Angola, Bahrain, Burkina Faso, Cameroon, Côte d'Ivoire, Ecuador, El Salvador, Guinea, Honduras, Iceland, Liberia, Luxembourg, Malawi, Mali, Malta, Mauritania, Mauritius, Montenegro, Myanmar, Nepal, Nicaragua, Niger, Oman, Panama, Sudan, Togo, Uzbekistan, Viet Nam, Yemen, Zambia and Zimbabwe all participated in 2016 whilst Botswana, Brunei Darussalam, Burundi, Denmark, Lesotho, Liechtenstein, Mozambique, Singapore, Tajikistan, and Uruguay who had participated in 2011 did **not** in 2016.

6. Four Signatory States participated: **Haiti, Somalia, Syrian Arab Republic** and the United Republic of Tanzania, which was one less than in 2011 when Côte d'Ivoire, Egypt, Haiti, Myanmar and the United Republic of Tanzania participated – of these Côte d'Ivoire and Myanmar had become States Parties since 2011. Two States, neither party nor signatory, **Eritrea** and Israel, were granted Observer status in 2016, the same number as in 2011 when Cameroon and Israel were accorded Observer status – of these Cameroon has subsequently become a State Party.. The Convention now has 178 States Parties, 6 Signatory States and 12 States have neither signed or ratified (ISU website at [unog.ch/isu](http://unog.ch/isu) accessed on 6 December 2016) compared to the situation following the Seventh Review Conference when there were 165 States Parties, 12 Signatory States and 19 States had neither signed nor ratified (BWC/CONF.VI/INF.7/Add.1 dated 12 January 2012).

7. Nine specialized agencies and international organizations participated at the Eighth Review Conference: the Caribbean Community (CARICOM), the European Union (EU), the International Committee of the Red Cross (ICRC), the International Science and Technology Center (ISTC), the League of Arab States (LAS), the North Atlantic Treaty Organization (NATO), the Organization for the Prohibition of Chemical Weapons (OPCW), the Organization for Security and Cooperation in Europe (OSCE) and the World Health Organization (WHO). This was one more than at the Seventh Review Conference – the Caribbean Community (CARICOM), the International Science and Technology Center (ISTC), the League of Arab States (LAS), and the Organization for Security and Cooperation in Europe (OSCE) participated in 2016 whilst the African Union, the International Criminal Police Organization (INTERPOL), and the World Organisation for Animal Health (OIE) which participated in 2011 did not in 2016.

8. The United Nations, including the United Nations Interregional Crime and Justice Research Institute (UNICRI), the United Nations Institute for Disarmament Research (UNIDIR), the United Nations Office for Disarmament Affairs (UNODA) and the United Nations Security Council resolution 1540 Group of Experts attended the Eighth Review Conference. This was one more than at the Seventh Review Conference as the United Nations Security Council resolution 1540 Group of Experts participated in 2016 but not in 2011.

9. Thirty-three non-governmental organizations and research institutes attended the Review Conference under rule 44, paragraph 5 of the Rules of Procedure. This was fourteen less than the forty-seven that had participated at the Seventh Review Conference in 2011. 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>). These **daily reports** have been especially valuable in preparing this Report from Geneva because, as is

reported in subsequent sections, the Committee of the Whole decided from 15 November 2016 onwards to meet in closed session (unlike at the Seventh Review Conference), there were fewer papers providing drafts, and the evening and some other sessions were held in side rooms without any arrangements to make recordings available on the Digital Recordings Portal at <http://conf.unog.ch/digitalrecordings/>.

### ***Background Information Papers***

10. The Secretariat prepared five background information documents for the Preparatory Committee meetings held in 2016 and a further three background information documents at the Review Conference itself – the same number as the eight background documents produced for the Seventh Review Conference in 2011. There was discussion at the PrepCom in April 2016 when on 27 April it was noted that there was a significant cost of translating background information documents into the six languages at CHF 227 a page. It was agreed that two new background information documents should be produced – one on implementation of Article VII and one on the financial implications of several different options for follow-on action after the Eighth Review Conference. In order to save money the USA proposed that the background information papers that had been produced for the Seventh Review Conference on relevant advances in science and technology (BWC/CONF.VII/INF.3 *New Scientific and Technological Developments* and BWC/CONF.VII/INF.3/Add.1, Add.2 and Add.3) and on developments in other International Organizations relevant to the Convention (BWC/CONF.VI/INF.4 *Developments in other International Organizations relevant to the Convention*) need not be produced for the Eighth Review Conference. This proposal was echoed by the UK who noted that a background paper on science and technology would be difficult for the ISU to produce as the expert in the ISU on S & T issues had left. It was also observed that background information on science and technology issues could be provided by Working Papers submitted by States Parties. [It is noted that at the Seventh Review Conference in 2011 information on science and technology was submitted by ten individual States Parties: Australia, China, Czech Republic, Germany, Netherlands, Portugal, South Africa, Sweden, United Kingdom, United States of America and reproduced in Annexes to CONF.VII/INF.3.] Although consideration was also given to whether the background paper on universalization was needed, it was decided that it should be continued so as not to suggest any lowering of the significance and importance of universality.

**[Reflection:** With the benefit of hindsight, the omission of the background information document on *Developments in other International Organizations relevant to the Convention* which at previous review conference had been a useful document that helped to set the BTWC in the wider international context, is regretted as only four International Organizations took the opportunity to make statements in the General Debate at the Eighth Review Conference. The absence at the Eighth Review Conference of any statements by the World Health Organization (WHO), the World Organization for Animal Health (OIE) or the Food and Agriculture Organization (FAO) is particularly regrettable.]

11. Considering the background papers in chronological sequence the following observations can be made:

BWC/CONF.VIII/PC/3 and Amend.1. History and Operation of the Confidence Building Measures (CBMs). This is an updated version of the background document provided at previous Review Conferences. BWC/CONF.VIII/PC/3 contains 12 pages outlining the history and operation of CBMs, an Annex I reporting in five pages on participation since the Seventh Review Conference and then an Annex II analysing in three pages which of the States Parties who had participated in 2005 had submitted declarations for the individual CBMs. PC/3/Amend.1 provides an amended paragraph and updated versions of the two Annexes. It should be noted that the annual report of the ISU (BWC/MSP/2015/3 dated 3 November 2015) provides a report indicating which States Parties had responded to each individual CBM in the year to date.

BWC/CONF.VIII/PC/4, Corr.1 and Corr.2 Additional understandings and agreements reached by previous Review Conferences relating to each article of the Convention. 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. Although the document prepared for the Sixth and Seventh Review Conferences did not show how the extended understandings developed over the years, the document prepared for the Eighth Review Conference did, however, show better 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.

BWC/CONF.VIII/PC/5 Common understandings reached by the Meetings of States Parties during the intersessional programme held from 2012 to 2015. This is a background document that reproduces the substantive paragraphs from the respective reports adopted by the Meetings of States Parties in 2012, 2013, 2014 and 2015. 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.VIII/PC/6 Financial implications of proposals for follow-on action after the Eighth Review Conference. This was a new background information document which outlined the financial implications of several different options for follow-on action after the Eighth Review Conference. The document makes it clear that the information presented was not intended to prejudice any decisions of the Preparatory Committee or Review Conference, but was purely intended to aid States Parties' preparations for the Review Conference. An Annex is provided which shows, for illustrative purposes, the scale of assessments for the costs of the Eighth Review Conference and its Preparatory Committee in 2016. The document shows the individual assessment for each State Party towards the total cost of USD 1,966,700 for the meetings in 2016.

BWC/CONF.VIII/PC.8 Status of universalization of the Convention. This background document dated 15 June 2016 describes the then current status of universalization of the Convention and activities undertaken from 2012 until 2016 to promote universalization. It also includes information from States Parties and other organizations, where that information has been provided to the President-designate or the ISU. The Convention as of 15 June 2016 had 174 States Parties (listed in the Annex to PC/8), with 8 signatories still to ratify and 14 states having neither signed nor ratified. A total of 22 states were **not** party to the Convention.

BWC/CONF.VII/INF.2, Add.1, Add.2 and add.3 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 29 States Parties: Australia, Brazil, Bulgaria, Canada, China, Colombia, Cuba, Cyprus, Czech Republic, Finland, Germany, India, Iraq, Japan, Mexico, Netherlands, Norway, Qatar, Republic of Moldova, Russian Federation, Serbia, Seychelles, Slovakia, Sudan (Republic of), Sweden, Switzerland, Ukraine, United Kingdom and United States of America. This was seven States Parties less than in 2011 and **reversed** the trend under which an increased number of States Parties reported on compliance with sixteen more States Parties reporting in 2011 than in 2006.

Seven States Parties, which had not submitted information on compliance in 2011, submitted information in 2016 on compliance – Colombia, Iraq, Mexico, Serbia, Seychelles, Slovakia, and Sudan (Republic of) – whilst fourteen States Parties who had submitted information on compliance in 2011 did **not** in 2016 – Argentina, Denmark, France, Georgia, Greece, Iran (Islamic Republic of), Ireland, Italy, Kazakhstan, New Zealand, Pakistan, Poland, Portugal, and South Africa.

BWC/CONF.VIII/INF.3 and Add.1 Implementation of Article VII of the Convention. This is a new background paper that is compiled from the information submitted by the States Parties with no added material, comment or analysis. Information was provided by 18 States Parties: Australia, Canada, Colombia, Cyprus, Czech Republic, Finland, France, Germany, India, Netherlands, Norway, Qatar, Republic of Moldova, Serbia, Seychelles, Slovakia, Sweden, and Switzerland.

BWC/CONF.VIII/INF.4, Add.1, Add.2, Add.3 and Corr.1 Implementation of Article X of the Convention. 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 37 States Parties: Australia, Belgium, Bulgaria, Canada, China, Colombia, Cyprus, Czech Republic, Cuba, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, India, Iraq, Ireland, Italy, Japan, Netherlands, Norway, Mexico, Norway, Poland, Portugal, Qatar, Republic of Moldova, Serbia, Seychelles, Slovakia, Spain, Sweden, Switzerland, United Kingdom and United States of America.

This was ten more States Parties than at the Seventh Review Conference in 2011 as Colombia, Cyprus, Cuba, Estonia, Hungary, Iraq, Ireland, Italy, Norway, Mexico, Portugal,

Serbia, Seychelles, Slovakia and Spain submitted information on Article X in 2016 whilst Georgia, Iran (Islamic Republic of), New Zealand, Russian Federation and Ukraine who submitted information on Article X in 2011 did **not** in 2016.

[Although **not** one of the background documents, it is noted that BWC/CONF.VIII/PC/WP.20 dated 9 August 2016 and WP.20/Rev.1 dated 19 September 2016 is entitled *Implementation of Article X of the BWC by the European Union Institutions and the European Union Member States*. This provides some specific but not comprehensive examples of Article X cooperation activities carried out by EU Institutions and EU Member States. Indicative projects are listed for 18 EU Member States: Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Netherlands, Poland, Portugal, Spain, Sweden, and the United Kingdom. It is noted that all of these had contributed to the official background document (BWC/CONF.VIII/INF.4) on the Implementation of Article X of the Convention.]

12. As already noted, two of these background information documents were new for the Eighth Review Conference: one on the implementation of Article VII to be compiled from information submitted by the States Parties (INF.3) and the other on the financial implications of several different options for follow-on action after the Eighth Review Conference (PC/6).

### ***Status of Financial Contributions***

13. A new information document BWC/CONF.VIII/INF.1 dated 24 October 2016 – not one of the background information documents – was prepared for the Eighth Review Conference entitled *Status of assessed contributions to the Biological Weapons Convention as of 21 October 2016*. The President-Designate had included a paragraph on financial aspects in his letters to the States Parties and briefings of the Regional Groups. The first such paragraph was in his speaking notes for the Regional Groups meetings on 5 April 2016 which stated:

*In the past couple of weeks, your Missions should have received invoices for this year's BWC meetings from the finance department of the United Nations Office at Geneva. In this regard, the issue of the status of contributions to all disarmament treaties hosted in Geneva has been raised, an issue which was also mentioned by Mr Kim in his statement to the First Committee last year. In this light, I am considering to request the Secretariat to prepare a report on the status of contributions to the BWC and to circulate it to States Parties during the course of our preparations for the Review Conference this year.*

This was followed in his letter to States Parties dated 25 May 2016 in which he stated:

*As I mentioned in my previous letter, more scrutiny is now being applied to financial aspects due to new accounting systems being introduced within the United Nations. It is therefore more important than ever that States Parties pay their assessed contributions on time and in full. Contributions for 2016 should be paid as soon as possible, and outstanding contributions for previous years should also be paid. Outstanding contributions to the BWC currently amount to approximately USD 390,000.*

Then in his Speaking Notes to the Regional Groups meetings on 21 June 2016 he stated that:

*As I mentioned in my letter, more scrutiny is now being applied to financial aspects due to new accounting systems being introduced within the United Nations. Yesterday afternoon, I and other office-holders of the disarmament treaties administered here in Geneva, received a briefing from Mr Hans Baritt, the Chief of the Financial Resources Management Service in UNOG about the implications of these changes. Further information will be made available to States Parties in due course. It is important that States Parties pay their assessed contributions on time and in full. Contributions for 2016 should be paid as soon as possible, and outstanding contributions for previous years should also be paid. Outstanding contributions to the BWC up to 2014 currently amount to almost USD 240,000.*

And finally in his letter to States Parties on 6 October 2016 he said that:

*As I have mentioned in previous letters, there are a number of financial issues that have been raised by States Parties and by the High Representative for Disarmament Affairs, Mr. Kim Won-soo. These issues include, inter alia, outstanding contributions to the BWC and new accounting systems being introduced within the United Nations. In this respect, I believe that it would be useful for the Review Conference to receive a briefing on the financial situation and the new systems from the Financial Resources Management Service of the United Nations Office at Geneva. I would therefore like to propose the addition of a new sub-item to the provisional agenda of the Review Conference, namely a sub-item on “financial issues” under agenda item 13 on “other matters”. I intend to make this proposal when we adopt the agenda of the Review Conference under item 3 of the provisional agenda. Furthermore, I would also propose that we consider this new sub-item, if approved, during the first week of the Review Conference in order that we have time to reflect upon the issues raised.*

14. Some further insight into financial issues was provided in the inclusion in the weekly information circulated by Daniel Feakes, Chief of ISU, on 21 October 2016 which included under ‘Other Information’ an item entitled *Status of financial contributions to the BWC as of 17 October*. This provided information on the financial contributions to the BWC and three other disarmament treaties. It includes a note that says that:

*Its purpose is to illustrate the impact that unpaid receivables have on the cash available to conduct current conferences.*

and also that:

*For BWC ..., the UN has received more payments than it has invoiced because overpayments of \$862,553.65 ... from some Member States more than offset unpaid contributions of \$807,673.92 ... from other Member States.*

It then makes the points that:

***4. It is critical to note that if all contributions are not received by the time the UN has to make payments for conference costs, the UN will be unable to host those conferences.***

15. The information document BWC/CONF.VIII/INF.1 dated 24 October 2016 entitled *Status of assessed contributions to the Biological Weapons Convention as of 21 October 2016* has the following note prepared by the Secretariat saying:

*1. The table in the Annex to this document has been prepared by the Financial Resources Management Service of the United Nations Office at Geneva. The Annex provides information on the status of assessed contributions to the Biological Weapons Convention from 2001 up to 21 October 2016.*

The Annex is headed **Status of contributions to the Biological Weapons Convention as of 21 October 2016 (United States Dollars)** and provides information for each State Party in the following columns:

<i>BWC</i>	<i>BWC</i>	<i>BWC</i>	<i>BWC</i>	<i>BWC</i>	<i>BWC</i>	<i>BWC</i>	<i>BWC</i>	<i>BWC</i>	<i>Over</i>	<i>Total</i>
<i>2001-</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>payment</i>	<i>Outstanding</i>
<i>2008</i>									<i>Paid</i>	<i>balance</i>

The figures in the columns have **minus** signs for amounts in arrears and have **no** minus signs if the amounts are in credit.

In this Report from Geneva, these figures are used to show for each State Party making a statement during the General Debate by how much it was in credit or in arrears as at 21 October 2016 as reported in BWC/CONF.VIII/INF.1.

### ***ISU Report***

16. Although not a background information paper, the ISU also prepared the following report on its activities:

BWC/CONF.VIII/PC/7 Report of the Implementation Support Unit on its activities to implement its mandate, 2012-2016. This document describes the activities of the Implementation Support Unit (ISU) since the Seventh Review Conference to implement its mandate to support States Parties in the administration and comprehensive implementation of the Convention, the promotion of universalization, and the exchange of confidence-building measures (CBMs). It notes that the Seventh Review Conference had decided that the Unit *will submit a concise annual written report to all States Parties on its activities to implement its mandate* and such reports have been submitted annually since 2012. In addition, the Seventh Review Conference decided that the ISU's *performance will be evaluated and its mandate will be reviewed by States Parties at the Eighth Review Conference*. This report is submitted to facilitate this evaluation and review by States Parties.

This Report of the ISU addresses the following topics:

- II. Institutional Arrangements
  - A. ISU staffing
  - B. ISU funding

- III. Administrative support for the Convention
- IV. Implementation of the Convention
- V. Confidence-Building Measures (CBMs)
- VI. Cooperation and assistance
  - A. National reports on Article X implementation
  - B. Cooperation and assistance database
  - C. Sponsorship programme
- VII. Promotion of universalization

In the section on ISU staffing it is reported that:

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

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

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

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

*7. In accordance with the decision on its establishment taken by the Sixth Review Conference, the ISU is funded by the States Parties to the Convention. The costs of the ISU are included in the annual assessed contributions from States Parties and are generally included within the costs for the first BWC meeting of the year. During the 2012-15 intersessional period, these costs included the expenditures relating to the three staff members, a small travel budget of USD 20,000 per year and a small equipment budget*

*of USD 5,000 per year. For example, the total annual cost of the ISU in 2016 is USD 760,700 including staff, travel and equipment costs, and programme support cost.*

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

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

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

The report goes on to note that:

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

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

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

The report concludes by stating that:

*40. As described in the annual reports of the ISU, the decision of the Seventh Review Conference to assign additional tasks to the ISU without increasing its resources posed*

*a challenge throughout the intersessional period. The concerns raised in the 2011 ISU report to the Seventh Review Conference about the capacity of the ISU to respond to the requests of States Parties and the geographic distribution of ISU activity remain unresolved. This challenge has been exacerbated by the fact that the ISU has been operating at two-thirds strength for half of the intersessional period as described in paragraphs 4 and 5 above, combined with the fact that there it is not possible to recruit temporary staff to cover such situations since no budgetary provision is made to cover such cases.*

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

### **Working Papers**

17. There were significantly more Working Papers submitted for the Eighth Review Conference compared to the 29 Working Papers submitted for the Seventh Review Conference in 2011. This was in part due to the decision to hold, for the first time, a substantive PrepCom to which 39 Working Papers were submitted and then the Eighth Review Conference itself to which a further 44 Working Papers were submitted making a total of 83 Working Papers. The analysis provided here considers the 83 papers.

18. The 83 Working Papers – almost three times as many as the 29 at the Seventh Review Conference in 2011 – were submitted by States Parties or groups of States Parties to the PrepCom and Review Conference: 11 by USA, 6 by Russia, 5 each by Cuba and United Kingdom, 4 each by Iran, South Africa, Venezuela (on behalf of the NAM) and jointly by China and Pakistan, 3 each by Canada and the EU, 2 each by France, Germany, Mexico and Switzerland, and 1 each by Chile, Ghana, India, Japan, Spain, Sweden and the ICRC. A number of Working Papers were submitted by groups of States Parties to the PrepCom and the Review Conference: 1 was submitted by each of the following groups which for clarity are listed below in separate lines:

- Argentina, Australia, Canada, France, Georgia, Germany, Japan, Netherlands, Spain, Switzerland, Ukraine and the United Kingdom;
- Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, and Peru;
- Australia, Canada, Chile, Colombia, Costa Rica, Ecuador, Ghana, Japan, Malaysia, Norway, Philippines, Republic of Korea, Switzerland and Thailand;
- Australia, Canada, Japan, Malaysia, Republic of Korea, and Switzerland;
- Australia and Japan;
- Belgium, Canada, Chile, Czech Republic, France, Ghana, Germany, Luxembourg, Mexico, the Netherlands, Spain, Switzerland and USA;

- Belgium, France, Luxembourg and the Netherlands;
- Belgium, Luxembourg and the Netherlands;
- Canada, Chile, Ghana, Mexico, and USA;
- Canada and China;
- Canada, Denmark, European Union, Finland, Germany, Japan, Mexico, the Netherlands, Norway, Spain, Sweden, United Kingdom and USA;
- Chile and Spain;
- Côte d'Ivoire, Gabon, Georgia, Kenya, Montenegro, Morocco, Philippines, Republic of Moldova, Serbia, Senegal, Uganda;
- Côte d'Ivoire, Gabon, Kenya, Montenegro, Philippines and Uganda;
- Finland, Norway & Sweden;
- France and India;
- Germany: Co-sponsored by Austria, Belgium, France, Georgia, Jordan, Lithuania, the Netherlands, Norway, Poland, Portugal, Switzerland, the United Kingdom, and Yemen;
- India and USA;
- Japan: Co-sponsored by Australia, the Netherlands and the United Kingdom;

## Opening of the Review Conference

19. The Eighth Review Conference opened with Kim Won-soo, United Nations Under Secretary-General and High Representative for Disarmament Affairs in the chair. He moved straight on without any delay to Agenda item 2 *Election of the President* in the Provisional Agenda BWC/CONF.VIII/1. He said that the Preparatory Committee had agreed to recommend Mr. György Molnár, Ambassador of Hungary, preside over the Review Conference. This was greeted with applause and Kim Won-soo declared that it was so decided and invited Ambassador György Molnár to take the chair.

20. In his opening remarks, the newly elected President thanked delegates for appointing him as President of the Review Conference. He had met delegates many times in the past few months in many places both in Geneva and around the world to prepare for this Review Conference. It was very much a common enterprise to strengthen the Biological and Toxin Weapons Convention. He noted that there was a growing interest in the Convention with more than 60 Working Papers submitted so far with many of them containing concrete proposals. He added that this year had seen the highest number ever of Confidence-Building Measures (CBMs) returns. Four States have joined the Convention this year and several others are close to doing so. He said that it is incumbent on all those present to achieve a true strengthening of the Convention for the benefit of all States Parties. His intention will be to lead the discussion in an open and transparent manner and ensure that all opinions are heard. He noted that the preparation had been sound and the requirement is as set out in Article XII of the Convention. He then quoted Article XII saying that the requirement is *to review 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*. In addition, he added that Article XII also requires that *Such review shall take into account any new scientific and technological developments relevant to the Convention*. He then formally welcomed the four States Parties who have joined the Convention this year: Angola, Côte d'Ivoire, Liberia and Nepal bringing the number of States Parties up to

177. [Guinea was welcomed later in the first week upon deposit of its instrument of accession to the Convention bringing the number of States Parties to 178. In this report, it is included among the 124 States Parties listed in paragraph 5 above as participating in the Eighth Review Conference, since it was a State Party for all but the first three days of the conference.]

21. He then went on to outline the programme of work saying that we would first deal with the various procedural matters that require attention starting with adoption of the agenda and continuing up to Agenda Item 9. Once this is completed we will watch a video-message from the Secretary-General of the United Nations and receive a statement from Kim Won-soo, United Nations Under Secretary-General and High Representative for Disarmament Affairs before moving on to Agenda item 10(a).

22. 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.VIII/1 was considered. The President noted that the substantive items were Agenda items 10 to 13 and that an annotated provisional agenda (BWC/CONF.VIII/1/Add.1) had been prepared. The president then recalled his letter to States Parties dated 6 October 2016 in which he had said that:

*it would be useful for the Review Conference to receive a briefing on the financial situation and the new systems from the Financial Resources Management Service of the United Nations Office at Geneva. I would therefore like to propose the addition of a new sub-item to the provisional agenda of the Review Conference, namely a sub-item on “financial issues” under agenda item 13 on “other matters”. I intend to make this proposal when we adopt the agenda of the Review Conference under item 3 of the provisional agenda. Furthermore, I would also propose that we consider this new sub-item, if approved, during the first week of the Review Conference in order that we have time to reflect upon the issues raised.*

He consequently proposed an additional Agenda item 13 (a) Financial Issues and this was agreed. The Agenda (BWC/CONF.VIII/1) as amended was adopted.

23. Then under Agenda item 4, the report of the Preparatory Committee (BWC/CONF.VIII/PC.9 dated 26 August 2016) was considered. He thanked the two Vice-Chairmen and also the Regional Coordinators. It was agreed to take note of the report of the Preparatory Committee.

24. The rules of procedure set out in BWC/CONF.VIII/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 Group 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.

25. Consideration was then given to the request of two States neither party nor signatory: Eritrea 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 Caribbean Community (CARICOM), the European Union (EU), the International Committee of the Red Cross (ICRC), the International Science and Technology Center (ISTC), the League of Arab States (LAS), the North Atlantic Treaty Organization (NATO), the Organization for the Prohibition of Chemical Weapons (OPCW), the Organization for Security and Cooperation in Europe (OSCE) and the World Health Organization (WHO) to be granted observer status – this was agreed. The President then thanked the States Parties namely: Australia, Canada, Finland, Ireland, the Netherlands, and Switzerland along with the EU who had provided the funds under the sponsorship programme to enable the widest possible participation.

26. 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 Michael Biontino of Germany was elected as Chairman and for the Drafting Committee, Ambassador Boudjemaa Delmi of Algeria was elected as Chairman of the Committee. Finally, for the Credentials Committee, Ambassador Ulianovschi of the Republic of Moldova was elected as Chairman. Consideration of agenda item 7 on the Credentials Committee was deferred until later because nominations from the regional Groups were not yet ready. Under agenda item 8, the meeting went on to formally confirm Daniel Feakes as the Secretary-General of the Review Conference.

27. The provisional indicative programme circulated as BWC/CONF.VIII/3 was then considered under agenda item 9. The President noted that this included a suspension of the formal programme following the General Debate to enable NGOs to make statements in accordance with established practice. The provisional indicative programme was agreed.

28. The President then spoke about the work of the Committee of the Whole which was likely to begin on Wednesday. He said that the work of the CoW should benefit from the comprehensive consideration carried out during the PrepCom. The President then said that Ambassador Biontino, the Chair of the CoW, had informed him that he intends to carry out the work of the Committee of the Whole in three steps:

- A. A first reading of the Articles of the Convention in which delegations would be asked to table specific proposals for text to be included in the Final Declaration.
- B. A second reading when he would open the floor for a discussion of the proposals, and
- C. A third step in which he would prepare a Chairman's draft.

It is therefore important that delegations have prepared their proposals and are ready to introduce them at the first reading.

29. This completed the procedural matters. Then before starting on the General Debate under agenda item 10 (a), the Conference heard a video-statement from the **United Nations Secretary-General**, Ban Ki-Moon. In this he said that:

*I am pleased to send greetings to this important Review Conference. You meet in a rapidly evolving security environment, marked by revolutionary technological and scientific change.*

*States Parties need to grapple with the growing risks of a biological attack. The deliberate release of a biological agent would be a global health and humanitarian catastrophe. Yet there are glaring gaps in our ability to both prevent and respond to this nightmare scenario.*

*I also encourage States Parties to address the vital question of how to promote advances in life sciences that benefit all humanity, while safeguarding against their use for malicious purposes.*

*This Review Conference is an opportunity to guarantee that the BWC remains fit for purpose. I count on all States Parties to take the necessary decisions to make the Convention strong.*

30. This was then followed by a statement made by Kim Won-soo, **United Nations Under Secretary-General and High Representative for Disarmament Affairs**, in which he said:

*Since the last Review Conference in 2011, however, new trends have emerged and amplified the need for a strong prevention and response framework.*

*The risks and threats of an attack using biological material are rising. The taboo against chemical weapons has been repeatedly broken in the Middle East. This should remind us that the taboo against biological weapons could also be broken one day. In recent years there have been repeated warnings from the international scientific community that developments in science and technology, such as gene-editing, as well as the broad dissemination of knowledge enabled by information and communication technology, have lowered the technological barriers to acquiring and using biological weapons.*

*The West Africa Ebola outbreak clearly demonstrated the humanitarian and health consequences that a biological pathogen can unleash. A deliberate release designed to cause maximum infection could be much worse than a chemical weapons attack. Yet there is no commensurate institutional structure or mechanism to prevent or respond to such an eventuality. We have repeatedly warned our Member States that despite a much higher risk, the institutional investment in this area is lower than that in nuclear, chemical or radiological response mechanisms.*

*The growing risks and threats of a biological incident demand a successful conclusion to this Review Conference.*

He then went on to highlight four gaps for attention at this Review Conference:

*First, a “universality gap”: while a majority of States have joined the BWC, 177 so far, there are still 19 States that have not yet done so. This is much higher than the number of States still to join the Chemical Weapons Convention or the Nuclear Non-Proliferation Treaty. All States parties should therefore step up their efforts to promote a universal BWC, especially within their own regions. Four recent ratifications are the result of such combined efforts. Our particular thanks should go to Nepal for expediting the ratification since the regional workshop held in India only a couple of months ago.*

*Second, an “implementation gap”: the BWC requires implementation at the national level. Although there is a lack of data, the findings of the Security Council resolution 1540 comprehensive review and the low rate of submissions of BWC Confidence-Building Measures suggest that implementation is not where it should be. There is also a lack of concrete activities to promote peaceful uses of biology as compared to the Organization for the Prohibition of Chemical Weapons or the International Atomic Energy Agency. But there are possible models from technology facilitation mechanisms in other fora that could also inform the implementation of the BWC.*

*Third, a “response gap”: while some useful work has been done over the past few years in relation to Article VII of the BWC, it is still not clear how or through what mechanisms States Parties would react and respond to a case of biological attack. We have no institution or coordination mechanism to protect us. States parties could build on the useful intersessional conversations to define how they would respond to any attack, including coordination between States, with international organisations including the UN and the World Health Organization, and between health and security sectors. The Ebola response showed the importance of international coordination and how much still needs to be done.*

*Finally, each of these issues is underpinned by what I would call an “institutional gap”. Compared to the other major disarmament measures, the BWC is a skeleton operation. Its meetings, especially those enabled to take decisions, are infrequent and its minimal institutional support structure consistently asked to do more. Are two weeks of meetings per year sufficient to address the issues raised above? Is a three-person Implementation Support Unit adequate to meet the emerging trends and growing expectations of States Parties? Is the financing methodology of the BWC adequate, especially in light of the financial crisis all disarmament conventions are currently facing?*

He then concluded by saying that:

*It is clear that there is strong and widespread support for the BWC. Many developing*

*countries have growing expectations of the BWC. The BWC is the only global and inclusive forum in which all these issues can be discussed and concrete decisions taken by consensus. I therefore count on you to be bold in rising to the challenge.*

*A relevant, responsive and robust BWC requires processes and people to match. Indeed, we are using all the means available to implement and strengthen the norms set by the BWC. Security Council resolution 1540 and the Secretary-General’s Mechanism are important tools to complement the BWC. States parties should think deeply about whether, in today’s fast moving security environment, the current structures are sufficient, tenable and strong enough.*

*I hope this Conference will take the necessary decisions to lead the way over the next five years in pursuit of a world safer and more secure for all. Since 1980, successive Review Conferences have built on past achievements, but we still have a long way to go. The international community cannot afford to continue to lag behind the pace of*

*technological advances and the growing security risks. We must not allow the gaps to widen. We must find a way to summon the collective will of States Parties to keep pace. Failure to do so would put our cherished Convention at serious risk. As Secretary-General Ban Ki-moon emphasized in his video message, we must ensure that the BWC remains fit for purpose and responsive to the needs of all its States Parties. This conference is the opportunity to accomplish these crucial tasks.*

## **General Debate**

31. The President then moved on to open Agenda item 10 (a) the General Debate noting that there were 53 States Parties on the list of speakers. He urged all speakers to be as concise as possible taking no more than 5 minutes for national statements and no more than 10 minutes for group statements. The first speaker was Hungary.

[In this report a **summary** is provided of all statements where these are available on the ISU website or in the room. In the absence of such information, the name of the State Party making the statement is simply noted. It is regretted that as of 22 February 2017, 17 out of the 81 statements made in the General Debate – those made in order of delivery by Iraq, United Arab Emirates, Kuwait, Indonesia, Republic of Korea, Kazakhstan, Peru, Thailand, Panama, Myanmar, Algeria, Venezuela, Ecuador, Mali, Côte d'Ivoire, Jordan and Burkina Faso are **not** available on the ISU website.]

### ***Monday morning 9 November 2016***

32. Mr. István Mikola, Minister of State for Security Policy and International Cooperation of the Ministry of Foreign Affairs and Trade of **Hungary** spoke saying:

*It is a great honour for me to address the Eighth Review Conference of the Biological Weapons Convention. Since Hungary has a long-standing commitment to the advancement of the goals of the Convention stretching from the work of the Ad hoc Group back in the 90's, through the proceedings of multiple intersessional cycles, to the assumption of the Presidency of this Review Conference, we attach particular importance to a substantive and successful outcome. Moreover, our country is the sole sponsor of the annual resolution on the Biological Weapons Convention in the United Nations General Assembly which, as it has always been the case so far, this year was adapted again by consensus in the First Committee in October.*

After welcoming the new States Parties, he went on to say that:

*Despite of these achievements we must continue to strengthen the Convention and its implementation not least because the rapid advances in science and technology have lowered the barriers for preparing biological weapons and non-state actors, as well as, terrorists try and acquire and use them. Furthermore, even as it becomes easier to develop these weapons, it remains difficult to detect them, because almost any biological*

*research can serve dual purposes and the equipment and technical knowledge used for legitimate purposes can be easily transformed to produce biological weapons.*

He then said that:

*Pandemics of recent years, such as the Ebola outbreak in West Africa, the occurrence of different types of avian influenza in Asia and that of the Zika virus in Central America have also shown that we are not even prepared to effectively address naturally occurring diseases let alone a situation when a biological agent is intentionally used as a weapon.*

*Public health risks connected to infectious diseases or contaminated food and water, regardless of their origins, have the potential to entail severe consequences globally by not only affecting the health of populations, but also resulting in a much more far-reaching socio-economic impact. To face this challenge, we need a thoughtful international dialogue about the ways to maximize the benefits of scientific research and minimize the risks. This may be the field where, in our view, the Convention has a strong relevance.*

In addition, he pointed out that:

*Accurate implementation of the Convention's prohibition of biological and toxin weapons by each and every State Party is just the tip of the iceberg, beyond which a number of other far-reaching tasks and challenges can be identified. Just to start with, we need to bolster international confidence that all countries are living up to their obligations under the Convention. In this context, States Parties also need to demonstrate transparency and good faith. Ensuring the proper conduct of researchers and industrial actors fully complying with ethical norms is also an important task, raising the question whether it is time for international standard-setting in this field, for which the Convention also offers a proper framework.*

*It is self-evident that, since infections and diseases know no borders in our globalized world, even full compliance with the Convention cannot guarantee in itself biosecurity for any single country without international cooperation and assisting those in need. States Parties in emergency and distress need to be assisted in an organized manner by those being able to do so in detecting the occurrence of disease, managing the public health consequences, and communicating to other States Parties real-time public health risk assessments and recommendations. International cooperation is particularly important in our efforts to strengthen biosecurity on a global scale.*

He concluded by adding that:

*In conclusion I cannot but emphasize that this Review Conference will be decisive in shaping the mid-term perspective of the Biological Weapons Convention and ensuring that the BWC stays relevant in a rapidly changing political and scientific environment. As the Foreign Ministers of Hungary, the Russian Federation, the United Kingdom, and the United States underlined in their joint statement, there is a pressing need to enhance the effectiveness of the Convention, a key pillar of international security. Therefore the Eighth Review Conference is expected to agreeing on substantive measures that will significantly strengthen the Convention and contribute*

*in a measurable way to reducing the threat of biological agents being used as weapons.*

[PC/3 shows that Hungary submitted its CBM each year between 2012 and 2016 but these are not available on the public section of the website. In addition, Hungary made a submission in regard to Article X [INF.4] but not in regard to compliance [INF.2] or to Article VII [INF.3]. In regard to financial contributions [INF.1], Hungary is \$1,303 in credit.]

33. The next speaker was Ambassador Mrs. Rebeca Sánchez Bello of the Bolivarian Republic of **Venezuela** who spoke on behalf of the **Non-Aligned Movement (NAM) and other States Parties**. She said the NAM Group would like to re-emphasize its position as reflected in the Final Document of the XVII Summit of the NAM, which took place in September 2016, in Margarita Island, Venezuela, when the Heads of State or Government of NAM States Parties to the BTWC reaffirmed that:

*“... that the possibility of any use of bacteriological (biological) agents and toxins as weapons, should be completely excluded, and the conviction that such use would be repugnant to the conscience of humankind. They recognized the particular importance of strengthening the Convention through the resumption of the multilateral negotiations for a legally binding Protocol dealing with all Articles of the Convention, in a balanced and comprehensive manner, including through verification measures bearing in mind that the lack of such verification regime poses a challenge to the effectiveness of the Convention, and urged the party rejecting negotiations to reconsider its policy. They also stressed the importance of universal adherence to the Convention and welcomed the recent accession of the Islamic Republic of Mauritania to the Convention. They reiterated their call to promote international cooperation for peaceful purposes, including scientific-technical exchange. They underlined the importance to maintain close coordination among the NAM States Parties to the Convention and highlighted that the BTWC 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.*

*The Heads of State or Government of NAM States Parties to the BTWC welcomed the active participation by NAM States Parties in the Seventh BTWC Review Conference held in Switzerland from 5-22 December 2011, to advance their positions on this Convention, particularly their key role in the adoption of the important decisions related to the implementation of Article X of the BTWC, especially by emphasizing the need for enhancing international cooperation, assistance and exchanges in toxins, biological agents equipment and technology for peaceful purposes, bearing in mind the Action Plan on the implementation of 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 further encouraged the BTWC States Parties to implement the Article X, as set forth in paragraphs 50-61 of the Final Document of the Seventh BTWC Review Conference. They also welcomed the outcome of the SReview Conference and in particular its decision to include cooperation and assistance as one of the Standing Agenda Items, with a particular focus on strengthening cooperation and assistance under Article X, as well as*

*the Conference's decision to establish a database system to facilitate requests for and offers of exchange of assistance and cooperation among States Parties, and the establishment of a Sponsorship Programme, funded by voluntary contributions from States Parties, in order to support and increase the participation of developing States Parties in the meetings of the inter-sessional programme in the framework of the BTWC.*

*The Heads of State or Government of NAM States Parties to the BTWC emphasized the importance of the BTWC role in the international legal architecture related to WMD and in particular in the total prohibition on all biological and toxin weapons. They further emphasized the need for enhancing, without restrictions, international cooperation and assistance and exchanges in toxic biological agents equipment and technology for peaceful purposes without any discrimination, in conformity with the Convention. They reaffirmed that the respective mandates of this Convention and other international organizations should be respected, while utilizing the experiences of the relevant multilateral organizations dealing with human and animal health on issues that are of direct relevance to the Convention, and that no actions should be taken to undermine the convention and/or interfere with its mandate.”*

She then went on to add that:

*6. The Group would like to reiterate its deep concern about the potential use and/or threat of use of biological agents and toxins as an instrument of war and terror. In this regard, the Group feels that there is a great necessity and urgency for the States Parties of the BTWC to work towards strengthening and improving the effectiveness and implementation of this Convention so that together we can fully address this concern.*

*7. We strongly believe that the universal adherence to and further strengthening of the Convention will make a significant contribution to advancing further in the field of disarmament on the basis of universal, multilateral, non-discriminatory and transparent negotiations with the goal of reaching general and complete disarmament under strict international contr*

Her statement then added that:

*11. Pending a consensus on a comprehensive legal binding instrument on the balanced and non-discriminatory implementation of all provisions of the Convention. The Group reaffirms that the Review Conference of the States Parties, as the forum to make substantive and procedural decisions, constitutes as the only authority for reviewing the operation of the Convention with a view to ensuring that the purposes of the Preamble and provisions of the Convention are being realized.*

*12. The Group of NAM and Other States Parties to the BTWC attaches great importance to the issue of international cooperation as the first priority of the Group.*

*13. However, we continue to believe that there is need for an effective mechanism to ensure the full, effective and non-discriminatory implementation of Article X. In this regard, the Group submitted a Working Paper on measures for full, effective and non-discriminatory implementation of Article X.*

*14. The enhancement of international cooperation for the use of biological agents for peaceful purposes is an essential part of compliance with the Convention and is crucial for the realization of the purpose and objective of the Convention.*

*15. There should be no hindrance to peaceful activities, such as vaccine development, which are important for developing countries for meeting their public health needs. There is need for equitable benefits from international cooperation in this area, keeping in mind the need for ensuring appropriate and affordable support for developing countries. We also are of the view that the developing countries need to meet their needs for cost-effective, affordable and quality assured medicines and vaccines including through which may include the consideration of provisions such as compulsory licensing or price controls amongst others.*

*16. Any measures identified within the framework of the Convention to mitigate biological risks should be implemented in a manner to ensure that legitimate peaceful activities including international cooperation would not be hampered.*

The statement then goes on to say that:

*17. While the Group recalls its position on proposals related to compliance assessments, it reiterates that such proposals should not distract the attention of States Parties away from strengthening the Convention in all its aspects including the need for a verification mechanism. Effective international action against biological threats needs to be universal, legally binding, and nondiscriminatory. In addition, this cannot be achieved without strengthening national capacity.*

....

*19. NAM notes that there have been recent advances demonstrating the increasing sophistication of synthetic biology, together with other enabling technologies, which have benefits, together with the potential for uses contrary to the provisions of the Convention. All states must conduct such activities in a transparent manner, in order to build the confidence of other States Parties.*

*20. These recent developments once again highlight the need to conclude a legally binding instrument to strengthen the Convention in all its aspects. In the past, useful work has been done in this regard under the BWC in the Ad hoc Group and NAM continues to attach high importance to preserving and eventually resuming that work.*

*21. NAM stresses that the national implementation under Article IV of the Convention requires commitments towards the implementation of all provisions of the Convention. In this regard, NAM is of the firm view that the full, effective and nondiscriminatory implementation of Article X is of high importance.*

Then, in regard to Article VII, the statement said

*24. NAM reiterates its support for the recommendation of the Seventh Review Conference on Article VII. In this regard, it reaffirms that providing and/or supporting*

*timely assistance in accordance with Article VII is a legal obligation of States Parties. While noting that States Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, NAM reaffirms that this should not be imposed as a precondition for either provision or receipt of assistance. To this end, a detailed procedure and mechanism for a timely, effective and adequate response needs to be developed. NAM further believes that the lack of a comprehensive Protocol to strengthen implementation of all aspects of the Convention has created a gap in the provision of prompt and effective assistance under Article VII to States Parties to the BWC.*

The statement then said that

*26. At this stage I would like to emphasize that the delicate balance reached in the previous Review Conferences outcomes should be maintained. We highlighted that the BTWC 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. We hope that this delicate balance will be preserved through the entire work of the Eighth Review Conference.*

*27. The Group of NAM and Other States Parties to the BTWC believe that CBMs are a voluntary provisional tool of transparency in the implementation of the Convention. They cannot be a tool to assess compliance for which the only method is a legally binding mechanism with verification provisions.*

Then in regard to the ISU, the statement said:

*31. The Group of NAM recalls that the ISU established to provide the necessary administrative support for the implementation of some aspects of the Convention mandated to it. 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, would require further examination. We reemphasize the importance of equitable geographical representation in its recruitment process, along with principles such as rotation and neutrality, particularly as developing countries State Parties also share the burden of the ISU budget.*

[PC/3 shows that Venezuela has not submitted a CBM between 2012 and 2016. In addition, Venezuela has not made a submission in regard to compliance [INF.2], to Article VII [INF.3] or to Article X [INF.4]. In regard to financial contributions [INF.1], Venezuela is \$30,051.14 in arrears.]

34. Ambassador Högni Kristjánsson of **Iceland** then spoke on behalf of the **Nordic countries – Finland, Iceland, Norway and Sweden** – saying that:

*Now, as we have embarked upon the Eighth Review Conference of the BTWC, it is paramount that we make good progress on the substantive issues, and achieve results that will strengthen the Convention regime. We need to be forward-looking and at the same time realistic in assessing what is concretely achievable at this important stage of life of the Convention.*

Then in regard to science and technology, he said:

*As we have previously stated we consider it important to establish structures that contribute to a better inter-sessional functioning of the Convention, and which strengthen the ability to take collective action in between the Review Conferences. This would be of particular importance in the area of Science and Technology (S&T). In this regard Finland, Norway and Sweden tabled a paper in April, WP.7, that provides some elements in terms of science and technology review. A variety of useful proposals on this important theme have been tabled by States Parties and Academia and we are working under the skillful guidance of the Friend of the Chair, Switzerland, to reach one common approach to be agreed on by States Parties at the Review Conference.*

*Our approach to science and technology review is flexible. However, it is paramount that we can reach an outcome, which will be effective as regards to keeping the BTWC at pace with the rapid advancement within life sciences and biotechnology.*

Then in regard to national implementation and compliance he said that:

*National implementation is a key element of the Convention and efforts to strengthen administrative and judicial means are welcome. Developing codes of conduct and conducting intensive training are some of the key measures to mitigate the risk of non-state actors accessing the materials, equipment and knowledge that could be used to develop biological or toxic weapons.*

*States Parties should be able to demonstrate compliance through information exchange and the increased transparency of their implementation activities. This can be achieved through co-operation and on-site visits, and we find the peer review pilots carried out by some States Parties very interesting in this regard. Common guidelines for this voluntary mechanism could be established, in the context of the BTWC, benefitting from the experiences that have already taken place. Any work that assists States in submitting their CBM forms in a timely and robust manner is supported by the Nordic countries, as this mechanism is a crucial tool in creating confidence in compliance.*

He then went on to stress the importance of strengthening the Secretary-General's mechanism for investigation of alleged use, for progress under Article VII and for a robust implementation of Article X and an enhanced database. He concluded by saying:

*Finally, Mr. President, we need to take decisions in terms of the intersessional process. A set of interesting working papers have been tabled on this topic, highlighting the importance of addressing national implementation, co-operation and assistance and science and technology review as essential parts of this process. We expect these initiatives to guide our work forward during the review conference.*

[PC/3 shows that Iceland has not submitted a CBM between 2012 and 2016. In addition, Iceland

has not made a submission in regard to compliance [INF.2], to Article VII [INF.3] or to Article X [INF.4]. In regard to financial contributions [INF.1], Iceland is \$1,531.56 in arrears. However, the other Nordic countries – Finland, Norway and Sweden – have **all** submitted their CBMs each year between 2012 and 2016 and these are **all** available on the public section of the website. In addition, they have **all** submitted contributions to compliance [INF.2], to Article VII [INF.3] and to Article X [INF.4]. In regard to financial contributions they are **all** in credit: Finland \$4,567.87, Norway \$4,171.00 and Sweden \$4,704.00]

35. Ambassador Yusuke Shindo of **Japan** then spoke as Japan was the Chair in 2016 of the **G7 Global Partnership (GP) against the Spread of Weapons and Materials of Mass Destruction** delivering a statement on behalf of the 30 members of the GP (Australia, Belgium, Canada, Chile, the Czech Republic, Denmark, the European Union, Finland, France, Georgia, Germany, Hungary, Ireland, Italy, Japan, Kazakhstan, the Republic of Korea, Mexico, the Netherlands, New Zealand, Norway, the Philippines, Poland, Portugal, Spain, Sweden, Switzerland, Ukraine, the United Kingdom and the United States). The statement said:

*Established in 2002, the GP is an initiative to prevent terrorists, or states that support them, from acquiring or developing weapons of mass destruction. In 2011, it identified biological security as a collective programming priority and, in 2012, established a BioSecurity sub-Working Group (BSWG) consisting of all GP members. In addition to the GP members, representatives from international organizations such as World Health Organization(WHO), the World Organization for Animal Health(OIE), the Food and Agriculture Organization(FAO), and the Biological and Toxin Weapons Convention (BWC) Implementation Support Unit (ISU) also participate in GP meetings contributing to discussions and deliberations that led to the agreement in 2012 on five BSWG Deliverables, notably with regard to the nonproliferation of biological weapons.*

*The Global Partnership places great importance on preventing biological threats, regardless of cause, through the funding of projects in bio-security in collaboration with its partner countries' and relevant international organizations and initiatives. Particularly as the threat of biological weapons persists, it is important for relevant sectors to regularly share up-to-date information and collaborate to enable effective international response to major public health emergencies.*

*GP members regard international cooperation and assistance as one of the most important activities to build and strengthen the global capacity to respond to biological threats, and have worked together to provide and coordinate such assistance. The GP provides assistance to countries of relevance to Article X of the BWC, recognizing that such support is critical to achieving our shared objectives under the Convention. This work, together with many other activities that GP members carry out, is therefore a major contribution to Article X. A working paper on GP contributions of relevance to Article X will be submitted to the ISU. [BWC/CONF/VIII/WP.21 dated 21 November 2016 submitted by thirteen GP States Parties]*

*Through international cooperation with many countries around the world, GP members also address other important aspects of the BWC, such as national implementation, including the promotion of education and awareness raising. They thereby support and reinforce the Convention's objectives with regard to prohibiting the development,*

*production, acquisition, transfer, retention, stockpiling and use of biological and toxin weapons.*

*GP members believe the Partnership's cross-regional nature is an important element in its strength and encourage Parties to the Convention to work across the traditional boundaries of geography, politics and economic development to reach consensus in ways that can help strengthen the BWC. One approach is to identify the areas in which many states have a common interest in making progress and then working together to help all countries find the ways and means to reach that common goal. By leveraging GP members' collective commitments, this unified approach can help achieve a positive outcome at the Eighth BWC Review Conference.*

[PC/3 shows that Japan submitted its CBM each year between 2012 and 2016 and these are all available on the public section of the website. In addition, Japan made a submission in regard to compliance [INF.2] and Article X [INF.4] but not in regard to Article VII [INF.3]. In regard to financial contributions [INF.1], Japan is not shown as being either in arrears or in credit.]

36. Nikolay Ovsyanko, Deputy Head of International Security and Arms Control Department of the Ministry of Foreign Affairs, of **Belarus** then spoke on behalf of the **Collective Security Treaty Organization (CSTO) – Armenia, Belarus, Kyrgyzstan, Kazakhstan, Russia and Tajikistan** – saying that in order to preserve the value of the BWC, it is necessary to agree on practical measures to improve the efficiency of its implementation. The CSTO are convinced that the best way in this regard is through the development and adoption of an additional legally binding Protocol relating to all the provisions of the Convention in a balanced and comprehensive manner. The CSTO regretted that over the past 15 years, States Parties, against the wishes of the vast majority, have not been able to reach an agreement on the resumption of the multilateral negotiations on the development of the Protocol suspended in 2001. Because of this, the risk of use of biological agents as weapons has increased because of the rapid progress in the fields of science and technology with the potential dual-use. The CSTO calls on participating States to continue joint efforts, leading to the achievement of the objective of strengthening the BWC to secure a legally binding basis. In addition, the CSTO also advocate the adoption of support measures aimed at improving the implementation of the Convention.

The CSTO statement went on to urge the implementation of the proposal to establish a BWC format mobile medical and biological unit saying that this proposal represents a new approach to improve the implementation of the Convention at the international level, harmoniously combining the principles of collective security and cooperation for peaceful purposes. This convergence will create the institutional framework needed to strengthen the BTWC in several important areas. The statement went on to say in regard to science and technology, that there is a need to raise awareness of the risks related to the dual-use research, and at the same time facilitate the full use of the latest achievements of biotechnology for peaceful purposes. In this context, the CSTO supports the idea of creating in the BWC format a Scientific Advisory Committee as an effective and representative body working in the interests of all participating States. The statement concluded by saying that during the VIII Review Conference, the CSTO are ready to consider any proposal that could strengthen the Convention and improve its implementation on a non-discriminatory basis. The CSTO called upon all States Parties to adhere to the same constructive approach with a view to the decisions to work in the interest of strengthening the BWC.

[PC/3 shows that Belarus submitted its CBM each year between 2012 and 2016 but none of them are available on the public section of the website. In addition, Belarus did not make a submission in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Belarus is \$618.64 in arrears.]

37. Ambassador Rosemary McCarney of **Canada** then spoke on behalf of the **JACKSN group (Japan, Australia, Canada, the Republic of Korea, Switzerland, and Norway)** saying that:

*A substantive PrepCom was new territory for the Convention. It allowed States Parties to engage early on issues of substance. We believe it was handled exceptionally well, and increased the chances of a positive Review Conference outcome.*

The statement went on, in regard to science and technology, to say:

*A thorough review of developments in the field of science and technology by technical experts should become part of the BWC's annual operations. The technical experts should be mandated to examine these developments and make recommendations on how potential risks associated therewith might be mitigated as well as how potential benefits for the Convention could be leveraged. Such a review mechanism will enable States Parties to make well informed decisions to strengthen the implementation of the norm against biological weapons, taking into account other political considerations as necessary. The JACKSN group welcomes the many proposals that have been submitted on this issue, which underline the strong interest of States Parties to make progress in this area.*

*Equally important when discussing science and technology is to ensure that scientists are not – accidentally or deliberately – contributing to biological weapons proliferation with their research. Effective legal measures, as required under Article IV, ensure that access to harmful pathogens is limited to those who will use them for legitimate, peaceful purposes, in a safe and secure manner. Efforts should also be made to ensure that scientists are aware of the potential dual-use implications of their research, and mitigate any additional risks that it may create, without unnecessarily hampering work for peaceful purposes. Canada's PrepCom proposal [BWC/CONF.VIII/PC/WP.25] on effective oversight of research facilities and awareness of dual-use risks offers a useful way forward in this regard.*

Then, in regard to national implementation, the JACKSN statement said:

*7) JACKSN members have actively engaged in efforts to strengthen national implementation measures, a cornerstone of the BWC, both domestically and in support of other States Parties. We have also worked on improving transparency to provide additional confidence and reassurance that national implementation measures are effective in achieving the aims of the Convention, including preventing Non-State Actors acquiring biological weapons. The cross regional working paper supported by 14 delegations, tabled at the PrepCom by a number of JACKSN and other countries, offers some useful ideas to promote reassurance in this regard. Furthermore, the JACKSN group welcomes the work done by Canada with the United States, Mexico, Chile, and Ghana on an Implementation Review exercise during 2016,*

*in which national experiences and best practices were shared. The JACKSN group urges States Parties to take all possible steps to ensure their domestic legislation comprehensively implements the BWC, and to share their experiences, best practices, and lessons learned, either through working papers, discussions at BWC meetings, or through the conduct of voluntary exercises with other States Parties. Several JACKSN countries have co-sponsored working papers on national implementation, including initiatives to share best practices and increase transparency thereon.*

The JACKSN statement then went on to address CBMs saying that:

*14) The JACKSN group also wishes to stress the vital importance of the Confidence-Building Measures (CBMs). We hope that the Review Conference can agree to put in place the electronic CBM platform created as a result of the support from the European Union. The electronic platform would facilitate CBM preparation and submission, and also make them easier to study, improving their effectiveness as a tool to improve confidence that States are in compliance with their obligations.*

*15) At the PrepCom, Australia, Canada, Japan, Malaysia, Republic of Korea, and Switzerland brought forward from the 2013 Meeting of States Parties a proposal on a step-by-step approach to CBM participation. States that have not submitted CBMs would be encouraged to prepare partial reports, which could be incrementally expanded upon over several years. We believe States Parties should seriously consider endorsing this idea at the Review Conference as a means to enhance CBM participation. JACKSN countries also stand ready to provide support on CBM completion. Canada has offered CBM assistance on the Article X database, and has prepared guidance material in this regard.*

Finally, in looking forward to the next Intersessional Period, the JACKSN statement said that:

*Nevertheless, weaknesses remain in the intersessional process that make it hard to agree on common understandings and effective actions. JACKSN countries call for amendments to the intersessional meeting structure for the 2017 to 2020 period that can lead to actionable, consensus outcomes that build upon one another from year to year. Australia, Canada, and Japan [PC/24 by Canada and PC/37 by Australia and Japan] put forward proposals at the PrepCom aimed at improving the intersessional process. JACKSN members support granting the annual Meeting of States Parties additional decision-making authority in clearly defined areas to ensure that effective actions can be taken in a timely manner. We look forward to working with other delegations in order to develop an intersessional meeting structure and format that is agreeable to all.*

*17) It will be critical, however, for states parties to acknowledge that a better structured intersessional process will inevitably place a greater resource burden on the ISU. We need to factor this into the final agreed outcome at this Review Conference. We all know the ISU was not funded to do what it is currently mandated to do, and this has placed enormous strain on its personnel and resources. We need to ensure the ISU emerges from this Review Conference with a more secure and better resourced funding base,*

*commensurate with any increased expectations and ambitions placed on the ISU as the result of a decision by States Parties. We also call on all States Parties that have not yet done so to pay their assessed contributions in a timely manner, as outstanding dues can negatively affect the operation of the BWC, as it has affected other UN-based Conventions in recent months.*

[PC/3 shows that Canada submitted its CBM each year between 2012 and 2016 and these are all available on the public section of the website. In addition, Canada made a submission in regard to compliance [INF.2], Article VII [INF.3] and Article X [INF.4]. In regard to financial contributions [INF.1], Canada is \$26,506.77 in credit.]

38. This completed the statements made on the morning of Monday 7 November on behalf of groups of States Parties. A further group statement was made on the morning of Tuesday 8 November by the Lao People's Democratic Republic on behalf of **ASEAN**. In addition the **European Union**, which has since the Seventh Review Conference in 2011 participated in BTWC meetings as an international organisation and not, as formerly, a group of States Parties, circulated copies of its intended statement in advance at this opening session of the General Debate. This useful innovation meant that the EU statement was available in the conference room at the same time as statements were given by groups of States Parties. There were, consequently, in effect seven group statements made at the Eighth Review Conference – three more than the four group statements made at the Seventh Review Conference – as statements were made at the Eighth Review Conference on behalf of ASEAN, the G7 Global Partnership and the Nordic countries. It is also noted that at the Eighth Review Conference, Canada spoke on behalf of the JACKSN group rather than, as at the Seventh Review Conference, on behalf of the JACKSNZ group as New Zealand had unfortunately withdrawn from the JACKSNZ group.

39. Thomas M. Countryman, Acting Under Secretary of State for Arms Control and International Security then spoke on behalf of the **United States** saying that:

*Biological weapons have been used in the past, and there is clear and troubling evidence that terrorist groups, individuals, and states continue to pursue them. Advances in the life sciences and the increasing availability of materials, equipment, and knowledge, have placed biological weapons within reach of more actors than ever before.*

*This is why we must all make a concerted, sustained effort to support, and fund, and use the impressive array of tools we have developed to counter the threat posed by state and non-state actors.*

*Together, we can take decisive action to strengthen the Convention's implementation, to enhance confidence in compliance, to develop capacity to respond to biological weapons use by state and non-state actors, and to enhance international cooperation.*

He went on to say in regard to national implementation that:

*I emphasize first that there is no substitute for effective national implementation, and many States Parties still have much work to do. One in four States Parties has not prohibited development or production of biological weapons in their domestic law; one in three has no prohibition on possession of biological weapons – or transfer of such*

*weapons to others. And, despite the requirements of UN Security Council Resolution 1540 and the Terrorist Bombing Convention, one in eight States Parties has no legislation which criminalizes the use of biological weapons.*

and in regard to compliance added that:

*I stress second that we must acknowledge that some concerns exist about some States Parties' compliance with the Biological Weapons Convention.*

*In a national working paper, we have proposed ways to strengthen confidence, to improve the confidence-building measures and create a wider set of options for addressing inevitable questions about the operation of the Convention.*

Then, in regard to use, he said that:

*And third, while States Parties to the BWC are steadfast in their determination to prevent any use, we still must prepare for this horrific possibility.*

*This Conference should state unambiguously that use of biological weapons under any circumstance is unacceptable, that allegations of such use should be investigated promptly, and that those responsible for the use of such weapons will be held accountable.*

*States Parties should also take steps to enhance national and international capabilities to detect, investigate, and respond to the use of such weapons rapidly and effectively. This includes developing practical approaches to coordinate international assistance and response, recognizing it will not always be clear whether an outbreak is deliberate or natural.*

On international cooperation and assistance he said:

*The revolutionary advances in the life sciences hold tremendous promise for tackling the most serious health challenges facing humanity. That promise drives the United States in its efforts to facilitate the fullest possible exchange of equipment, materials, and information for the use of biological agents and toxins for peaceful purposes.*

*As we seek to increase collaboration in life sciences, we must all take the steps to ensure that the tools and materials produced in these fields are used only for peaceful purposes.*

He then concluded by saying that:

*The rapid pace of innovation in the life sciences and the evolving threat environment will require that the States Parties to the BWC take action more often than once every five years. We need to collaborate and anticipate more often and more purposefully.*

*We know there will be many proposals over the coming weeks on which we will find broad agreement. That's not the problem. The challenge ahead of us is to make progress in areas in which we disagree. To accomplish this, we need a new, more vigorous approach to our work between Review Conferences.*

*We must find a way past our differing, and sometimes conflicting, agendas, in order to be able to assure our citizens that we are taking the necessary and pragmatic steps to make the Convention stronger and more effective.*

*If we fail to come to consensus this month, it will not damage this Convention. It will not damage the international nonproliferation regime. This Convention – and compliance with its requirements – will remain strong. But we can do more. We can agree that we should not settle for an unproductive status quo. And we can take practical, meaningful steps to improve our cooperation.*

[PC/3 shows that the USA submitted its CBM each year between 2012 and 2016 and these are all available on the public section of the website. In addition, the USA made a submission in regard to compliance [INF.2] and Article X [INF.4] but not in regard to Article VII [INF.3]. In regard to financial contributions [INF.1], the USA is \$429,103.15 in credit.]

40. Ambassador Ewa Walder of **Sweden** then spoke saying that Sweden subscribes to the statements to be made by the European Union, and those made by Iceland on behalf of the Nordic Countries and by Japan on behalf of the members of the Global Partnership. Sweden in a national capacity wished to add that:

*New technical advances in the life sciences hold promise to help control some of the most prevalent diseases facing mankind. But some of them also pose challenges to the biological weapons convention. Sweden has submitted a working paper on the rapid development over the past five years of DNA sequencing and associated applications, such as high-throughput sequencing. Such technologies hold great promise for public health, and also for the forensic analysis of outbreaks of communicable disease. At the same time, it is vital to monitor such technologies for the risks that they may pose to the convention through potential harmful applications.*

She went on to add that:

*So what lessons can be drawn for the biological weapons convention from the Ebola crisis? Sweden would find it highly appropriate to establish an open-ended working group on Article VII implementation. Such a working group could help coordinate assistance designed to increase States Parties' abilities to strengthen biosecurity and capacities to deal with outbreaks of contagious disease, in line with the Indian-French initiative. It could also consider the potential role of the treaty in cases of outbreaks resulting from nefarious intent, as well as appropriate working relations with other key mechanisms such as the World Health Organisation new emergency response organisation, the UN Office for the Coordination of Humanitarian Affairs and the Secretary General's Mechanism.*

The Swedish statement then went on to say:

*It is incumbent upon us to preserve and strengthen the biological weapons convention as a bulwark against increasing risks. Sweden shares the objective of the European Union and most other States Parties to achieve an enhanced inter-sessional process, including a mechanism to monitor scientific developments of relevance to the Convention. In this regard, Finland[sic: as reported above, Iceland gave the Nordic group statement] referred*

*to the working paper submitted by three Nordic countries on science and technology. We hope that this and similar contributions will help facilitate a substantive outcome, which will enable States Parties to engage in a more focused review of relevant scientific advances. Sweden looks forward to engaging with other States Parties over the coming weeks in order to reach a successful outcome. Sweden is willing to discuss a possible strengthening of the ISU, if the inter-sessional process is improved.*

[PC/3 shows that Sweden has submitted CBMs each year between 2012 and 2016 and these are all available on the public section of the website. In addition, Sweden has submitted contributions to compliance [INF.2], to Article VII [INF.3] and to Article X [INF.4]. In regard to financial contributions Sweden is \$4,704.00 in credit.]

41. Ambassador Mohamed Auajjar of **Morocco** then spoke saying that Morocco calls upon States Parties to the Convention to address the real dangers of the acquisition of biological weapons in an inclusive manner and to promote international cooperation. The World Health Organization (WHO) could play an important role, particularly through the establishment of a partnership between biosafety and public safety experts to avoid threats in the future. In the same framework, the development of transparency and confidence-building measures is strongly recommended in order to frame the use of dual-use biochemical and biological technologies and to prevent their proliferation, in compliance with the provisions of Article X including the right of States Parties to own and transfer biological materials for peaceful purposes and economic and technical development. Morocco also stresses the importance of strengthening operational capacities, particularly in the areas of biological emergency response, bio-terrorist threat and epidemics, including the establishment of mobile biomedical units. The statement went on to say that it would also be desirable to consider concrete measures on biosecurity, bio-defense and epidemic surveillance, including the development of a Code of Conduct for scientists. It then said that Morocco urges States Parties to redouble their efforts to achieve the universality of the Convention and to work towards the establishment of an additional protocol, to strengthen its verification regime.

The statement went on to say that in terms of cooperation, a Regional Office for the Prevention of Nuclear, Radiological, Biological and Chemical Risks (CBRN) for countries bordering the Atlantic coast of Africa was inaugurated in March 2013. This regional office, established in Rabat within the framework of the cooperation between Morocco and the European Union has made it possible to carry out projects to address the deficit of institutional capacities of many countries with regard to the management of CBRN risks and also to contribute to the identification and implementation of national action plans for the prevention of these risks.

[PC/3 shows that Morocco submitted its CBM in 2012, 2013 and 2015 but not in 2014 or 2016 but none of these are available on the public section of the website. In addition, Morocco did not make a submission in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Morocco is \$513.39 in arrears.]

42. **Iraq.**

[PC/3 shows that Iraq submitted CBMs each year between 2012 and 2016 but none of these are available on the public section of the website. In addition, Iraq made submissions in regard to compliance [INF.2] and Article X [INF.4] but not in regard to Article VII [INF.3]. In regard to financial

contributions [INF.1], Iraq is \$330.00 in credit.]

43. Peter Jones, Director Defence and International Security, Foreign and Commonwealth Office, of the **United Kingdom** then spoke saying that the United Kingdom wished to align itself with the statement to be made by the European Union. He then went on to thank the President for:

*his sterling efforts during the successful Preparatory Committee process that will hopefully have paved the way for a substantive outcome. We are most grateful too for the important contribution made by the Implementation Support Unit to our preparatory work. The Preparatory Committee meetings demonstrate conclusively that as States Parties we are capable of changing the way we work – we should take that mindset into our deliberations over the next three weeks.*

He then said that this Review Conference:

*presents a vital opportunity to break out of the unproductive debates of the past. We must focus on making the Convention work for the future – this isn't about procedure; it is about preventing the use of biological weapons and the horrific consequences of any biological weapon attack.*

He went on to say that:

*We worked hard at the Seventh Review Conference to devise a new method of working intersessionally. However, despite some early modest achievements, overall the intersessional work programme was a disappointment. We must do better now. The solution is straightforward: we need improved decision making powers in a new and better structured intersessional programme. Such powers are essential if we wish to see effective action. We are not talking about taking away any powers; decisions would still be made by consensus. We have presented our ideas in more detail in our Working Papers and in the statements we gave at the Preparatory Committee meetings.*

*In our opinion a re-run of the last intersessional programme would mean another four years of underachievement and would prolong our collective failure to make the Convention more effective. In other words, a rerun of the 2012–2015 intersessional programme would not be a satisfactory outcome for the UK or for anyone who wishes to see the Convention fulfilling its potential.*

In regard to the advances in science and technology, he said:

*To address these challenges, we must set up interlinked meetings each year with experts to review and make recommendations on science and technology, and to assist in capacity building to combat infectious disease, particularly to improve our ability to respond to any actual use of a biological or toxin weapon. And we must meet as States Parties to take decisions on these issues, and to address universality, national implementation and other means for enhancing compliance with the Convention's obligations.*

Further in regard to decisions, he said:

*Some assert that only Review Conferences are empowered to take decisions. There is no rule that states this, nor is there any agreement from any of the seven previous Review Conferences that codifies such a view. Throughout the history of the Convention, States Parties have frequently delegated decision-making authority to other gatherings, without the need to refer back for final approval to a Review Conference, including in 1987, 1994, 1997, and at last year's Meeting of States Parties we decided to create a new Preparatory Committee structure.*

*We, as States Parties, can decide - by consensus - whatever we – believe is the right forward path. It is just a matter of aspiration, will and courage. Indeed, as the Non-Aligned Movement and Other States argued at the reconvened Fifth Review Conference in November 2002: 'The States Parties are sovereign and as masters of their own fate they can together and at any time decide on further work that may be required.'*

*We agree. For anyone apprehensive about decision making in intersessional periods, we repeat – no decisions will be taken without consensus.*

He concluded by saying that:

*So, at this Review Conference we have arrived at another fork in the road: the choice of the way ahead, as ever, lies with us. And that choice is between continued frustration or constructive engagement for pragmatic and effective action. I urge us all to take the latter choice.*

[PC/3 shows that the United Kingdom submitted CBMs each year between 2012 and 2016 and all of these are available on the public section of the website. In addition, United Kingdom did make a submission in regard to compliance [INF.2] and Article X [INF.4] but not in regard to Article VII [INF.3]. In regard to financial contributions [INF.1], United Kingdom is \$25,378.00 in credit.]

44. Milan Gojkovi , Minister Counsellor, Arms Control and Non-proliferation Coordinator, Ministry of Foreign Affairs of the Republic of **Serbia** then spoke saying that Serbia aligns itself with the statement to be made by the European Union. He then outlined some of the activities being undertaken by Serbia in fulfillment of the commitments under the BTWC. These included:

*Serbia continues to submit regularly its Annual declarations on Confidence Building Measures. We do see the importance of increasing participation in the CBM process.*

*An adequate attention is being given to raising the awareness and promotion of the BTWC, particularly regarding the issue of the threat of bio-terrorism. These topics are part of the education program at the Military Academy and Security Studies. The intention is to include them in the educational programs of other academic institutions.*

He then went on to say that:

*A record high number of submitted proposals, working and concept papers is encouraging and demonstrating the importance that the State Parties are attaching to the further advancing of the Convention implementation, development of new mechanics to secure adequate and efficient evaluations and to catch up with the rapid development of life science and biotechnology. We do see the necessity to restructure the next Inter-*

*sessional program, as well as to make progress on the implementation of the Article X of the BTWC.*

[PC/3 shows that the Serbia submitted CBMs each year between 2012 and 2016 and that for 2015 is available on the public section of the website although those for 2012, 2013, 2014 and 2016 are not. In addition, Serbia made submissions in regard to compliance [INF.2], Article VII [INF.3] and Article X [INF.4]. In regard to financial contributions [INF.1], Serbia is \$353.69 in credit.]

45. Ambassador Toshio Sano of **Japan** then spoke saying that Japan aligns itself with the statement made by Canada on behalf of the JACKSN. He went on to say that:

*First, we believe it is time to improve the intersessional process (ISP) to make the BWC more responsive to a fast changing world. As the threat of biological weapons is deeply connected to the rapid development of science and technology, it is important for the intersessional process to be more flexible and effective. In this context, Japan and Australia submitted a working paper 37 entitled “New ideas for the intersessional programme”, in which we proposed to give more decision-making mandates to the Meeting of States Parties (MSP). By giving further mandates to the MSP, States Parties can make necessary consensus-based decisions in a timely manner.*

*Second, we believe it is necessary to make the scientific and technological development review framework more efficient and effective in order for the Convention to respond to up-to-date biological threats. An open-ended working group, which Japan and Australia proposed to establish in our working paper, can be a suitable forum to review the scientific and technological development related to the BWC.*

*Although the rapid advancement in the field of life science has benefited mankind, it can also increase the biological threats caused by their misuse or illicit use. It is important for all scientists to recognize the risks of their research. Therefore, Japan supports the idea of encouraging biosecurity education and awareness-raising in developing a code of conduct for relevant professionals.*

*Third, Japan would like to emphasize once again the importance of strengthening national implementation of the Convention. In order to reflect the recent development of life science and maintain its effectiveness, relevant domestic regulations and legislations, biosafety and biosecurity measures, and an export control system need to be regularly reviewed. Enhancing transparency of BWC implementation and increasing mutual confidence among relevant actors are also important to reinforce the BWC. Japan resubmitted a working paper 36 entitled “Step-by-step approach in CBM participation” along with Australia, Canada, Malaysia, Republic of Korea, and Switzerland. We believe this approach may help reduce some burdens which States Parties have actually faced and promote an incentive for them to participate in CBMs. Japan expects an action to take place along with an ongoing discussion about further CBM participation and voluntary measures for strengthening confidence among States Parties on BWC.*

*Fourth, we believe it will be meaningful to strengthen our collaboration with international organizations. In this context, Japan submitted a working paper 29 entitled*

*“Strengthening Cooperation with International Organizations.” The BWC can be more effective if the cooperation among States Parties and relevant international organizations, including WHO, OIE and FAO is strengthened. We recommend creating a mechanism to facilitate close communication between the BWC States Parties and relevant international organizations and strengthening the mandate and capacity of the ISU. With its enhanced capacity, we expect the ISU to facilitate coordination among States Parties and relevant international organizations so that we can effectively counter public, animal, or plant health emergencies relevant to the Convention.*

*Fifth, we must be cautious about threats by non-state actors. In this regard, we believe that it is important to have domestic legislation, regulations on the transfer of BWC relevant materials, and national biosecurity measures.*

[PC/3 shows that Japan submitted its CBM each year between 2012 and 2016 and these are all available on the public section of the website. In addition, Japan made a submission in regard to compliance [INF.2] and Article X [INF.4] but not in regard to Article VII [INF.3]. In regard to financial contributions [INF.1], Japan is not shown as being either in arrears or in credit.]

#### 46. The **United Arab Emirates**.

[PC/3 shows that the United Arab Emirates has not submitted its CBM in any year between 2012 and 2016. In addition, the United Arab Emirates did not make a submission in regard to compliance [INF.2], Article VII [INF.3], or Article X [INF.4]. In regard to financial contributions [INF.1], the United Arab Emirates is \$17,238.78 in arrears.]

47. This concluded the Monday morning session of the General Debate. The Secretary-General, Mr. Daniel Feakes, said that there would be two side events:

- Germany: *The Wiesbaden Process - Enhancing the Role of Industry in Combatting the Proliferation of WMD* -- 13.00-15.00 Room XXIV
- Disarmament Dynamics: *Civil Society Briefing: Understanding the BWC Eighth Review Conference* -- 13.00 -15.00 Room XXV

The President then said that the Monday afternoon session would resume at 3.00 pm with the statement made by Brazil.

#### ***Monday afternoon 9 November 2016***

48. Minister Neil Benevides, Chargé d’Affaires a.i. Permanent Representation of **Brazil** to the Conference on Disarmament then spoke saying that:

*In the coming three weeks, the great challenge we have before us is how to find a compromise between the different proposals submitted during the preparatory process. A great deal of effort and flexibility will be required in order to strike the right balance between those who advocate vigorous action so as to strengthen the BTWC in all its provisions and those who prefer a more gradual and focused approach.*

*With a view to contributing to a successful Review Conference outcome, Brazil hosted*

*last August a workshop for Latin American countries. I would like to take this opportunity to thank our partners from the European Union and the United Nations Office for Disarmament Affairs for co-organizing and supporting the event. We believe the regional workshop enabled a better understanding of the BTWC challenges and enhanced the regional dialogue on the issues at stake during this Review Conference.*

*In our view, the Eighth Review Conference offers a unique opportunity for States Parties to examine key issues related to the implementation and effectiveness of the BTWC, such as the need for progress towards the institutionalization of the Convention, the lack of a verification mechanism and the increasing demand for transparency and cooperation for the peaceful uses of biotechnology. We regret there is still no consensus to resume the negotiation of a verification Protocol to the Convention, suspended in 2001. Brazil was an active participant in those efforts, which took place in the context of the VEREX process. We believe the BTWC should be able to establish effective and non-discriminatory measures to verify compliance and deal with violations to its provisions.*

The statement went on to say that:

*Firstly, we would like to declare our support to the Russian proposal to establish an open-ended working group to elaborate appropriate measures to strengthen the Convention with a view to drafting recommendations for a legally binding instrument. Notwithstanding, we believe such initiative could include the consideration of effective verification measures.*

*Regarding the review of developments in science and technology, it is important to stress the need to seek a balance between security concerns and access to technological advances. We agree that States Parties should take action to ensure a comprehensive and coherent oversight of life sciences work, provided that such concerted effort does not jeopardize the transfer of technology, materials and equipment for peaceful purposes, hampering the economic and technological development of States Parties. Efforts to mitigate risks of accidental release or misuse of biological microorganisms should be proportionate to the risks assessed and should not restrict scientific research for peaceful purposes.*

*Brazil fully supports the institutionalization of the BTWC. Yet we cannot agree with a fragmented approach to pursue such a goal. We understand, for example, that the establishment of a Scientific Advisory Committee should take place in the context of broader efforts to promote the institutionalization of the Convention. Hence I would like to express Brazil's support to the proposal contained in working document WP.2/Rev.2, entitled Proposal for the establishment of a Scientific Advisory Committee. The document submitted by Russia during the preparatory process clearly outlines the parameters for the activities of a possible advisory body and points out that the experts should be nominated by regional groups. We therefore see merit in the Russian proposal as it reaffirms the primacy of States Parties in the Scientific Committee's discussions and ensures geographical balance in its composition.*

*In addition, Brazil supports the spirit of document WP.3 submitted by the United States,*

*especially regarding the provision that a science and technology body should be geographically diverse and representative of all States Parties and that special arrangements, such as a voluntary fund or a line item in the ISU budget, could be made to ensure broad cross-regional representation and avoid an unbalanced makeup of the body.*

*Brazil also subscribes to the two proposals submitted by China and Pakistan, contained in documents WP.31 (Proposal for the Development of the Template of Biological Scientist Code of Conduct under the Framework of Biological Weapons Convention) and WP.32 (Establishing a Non-proliferation Export Control and International Cooperation Regime under the Framework of the Biological Weapons Convention). We understand that a scientific code of conduct should be an important guideline for countries willing to voluntarily adapt them to their national reality. Due to the sensitive nature of dual use items, Brazil also holds the view that obligations on export control in the biological field should derive from universal and legally-binding instruments. We therefore fully support the proposal to establish a working group to discuss, during the next intersessional period, a multilateral, non-discriminatory and legally-binding export control regime under the framework of the Convention.*

[PC/3 shows that Brazil submitted its CBM each year between 2012 and 2016 but none of them are available on the public section of the website. In addition, Brazil made a submission in regard to compliance [INF.2] and but not in regard to Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Brazil is \$267,248.34 in arrears.]

49. Ambassador Julio Herráiz of **Spain** then spoke saying that Spain aligns itself with the statement to be made by the European Union. The statement went on to say that since 2011, Spain has contributed actively to the work carried out in the intersessional period. Most of these initiatives have been aimed at strengthening the implementation of the Convention at the national level, as well as cooperation with other States Parties on biosafety and, in particular, on biosecurity. To this end, Spain has organized or participated in workshops and seminars generally aimed at Spanish speaking countries. It has done this with a constructive and transparent attitude, which has enabled the participants to address the strengths and weaknesses, learning from each other in the framework of effective cooperation.

The statement went on to mention the working papers submitted by Spain at the meetings of the Preparatory Committee and at this Review Conference. The document *Voluntary Visits under the Convention* [BWC/CONF.VIII/PC/WP.28], which is co-sponsored by Chile, presents a mechanism for improving the implementation of Article V, which promotes mutual cooperation, transparency and compliance with the Convention between States Parties, since such visits should be the subject of prior consensus among the interested parties. The usefulness of this experience has been confirmed through several meetings with Latin-American countries within the framework of the Global Health Security Agenda on Biosafety and Biosecurity. It is a possible model to follow, which is not exclusive but complementary to other alternatives already proposed by other delegations under the Convention. These transparency exercises are set out in a document [BWC/CONF.VIII/WP.35], which Spain subscribes to, where the different exercises and their conclusions are presented in an explanatory way. Spain hopes that this succinct compilation will be of assistance to other delegations and that the Convention will be able to continue this type of exercises in the next intersessional period.

The statement then added that the second document presented by Spain is entitled *The Review of Science and Technology in the Convention: Elements for a politically independent process*. [BWC/CONF.VIII/PC/WP.27]. Spain believes that the creation of a Scientific Committee is necessary in order to keep the States Parties to the Convention promptly informed of the advances in science and technology relevant to it, while providing a mechanism that allows the evaluation and possibly recommendation of possible measures that, because of their universal scope, reduce the risk that such advances could cause in regard to the potential misuse of biological and toxin weapons.

The statement then said that Spain would like to focus on other issues on the review process of the Convention. Spain would like to emphasize that a set of effective and responsible measures of national implementation is essential for the success of our efforts, especially in the field of biosafety and biosecurity. Spain has submitted other working documents in the last two years, highlighting the *Code of Conduct for scientists and facilities* and a tool, in the form of a questionnaire, for the evaluation of facilities that operate with biological agents. In addition, Spain has proposed a set of measures to improve the biosecurity of biological agents, materials and facilities.

The statement then noted that Confidence-Building Measures are the only element of the Convention, under Article V, to strengthen the implementation of the Convention at the national level and facilitate the exchange of relevant information between States Parties. Spain considers that the CBMs can be improved, and advocates that this be addressed during this Review Conference, improving their application at the national level.

[PC/3 shows that Spain submitted its CBM each year between 2012 and 2016 but none of them are available on the public section of the website. In addition, Spain made a submission in regard to Article X [INF.4] but not in regard to compliance [INF.2] or Article VII [INF.3]. In regard to financial contributions [INF.1], Spain is \$14,569.00 in credit.]

50. Ambassador Deepak Dhital of **Nepal** – which had deposited its instrument of ratification of the BTWC three days previously on 4 November 2016 – then spoke saying that Nepal aligned itself with the statement made by Venezuela on behalf of the NAM. Nepal then said that:

*My delegation would like to take this opportunity to thank the EU and other agencies including the BWC Implementation Support Unit, UNODA and VERTIC for the cooperation extended to us on the key issues of BTWC ratification and national implementation. The EU Extended Assistance Programme for the national implementation of BTWC, in particular, was useful to create renewed awareness about this Convention among the stakeholders, which paved way for a smooth ratification process.*

The statement went on to say that:

*Building confidence among State Parties assumes critical importance for full compliance and promoting cooperation under the Convention. The six defined areas of confidence building measures adopted by the 7th Review Conference provide valuable framework for States Parties for timely reporting of their national implementation efforts. These CBMs can be more effective in combination with a stronger verification regime in case of*

*potential non-compliance by State or non-State actors. States parties with less capacity for surveillance, detection and prevention of attacks by biological and toxin weapons remain extremely vulnerable to the ill-designs by some unscrupulous elements, including terrorists. In such circumstances, assistance for their protection should be forthcoming from States Parties without having to undergo through cumbersome procedure. We therefore think that the provisions under article VII of the Convention need further augmenting in the interests of poor and vulnerable countries.*

*Rapid advances in the biological science and technology related to the Convention, particularly in areas like virology, toxicology, immunology and pathogenicity, etc. have brought both opportunities and challenges in the way of peaceful uses of regular and modified biological agents and toxins. The dual-use nature of the synthetic biology products and the risk of these products falling in the wrong hands always remain a big challenge and a lurking threat. A well-regulated and controlled trade of these products and transfer of technology only for prophylactic, protective and peaceful purposes, especially in the interests of the developing countries, including LDCs [Least Developed Countries], would serve the larger and far-reaching objective of this Convention. There is a very rich potential for peaceful and beneficial development as well as trade in products related to the Convention, which in our view, gives a clear distinction to this Convention. So, our common understanding and collective efforts should be directed to maximizing this opportunity for the welfare and advancement of humankind.*

The statement then added that:

*Bio-safety and bio-security as well as bio-risk management are critical issues for us as a country very rich in biodiversity and biological resources development potential. We also lay emphasis on strengthening the methods and capacities for surveillance, detection and control of outbreaks of epidemic and pandemic diseases at the national, regional and international levels. We feel a strong need to develop technical capacity in these important areas. Nepal looks upon the provision under article X of the Convention as an opportunity for all who stand for peaceful use of biological toxins and agents through international cooperation. Receiving support from international community for advancement of bio sciences related to the Convention, particularly in the realms of development and advancement of biotechnology, immunology, toxicology, pathogenicity, etc. would prove an extra incentive in our efforts for effective implementation and compliance of the Convention.*

[As such a recently ratified State Party, PC/3 does not include information on Nepal and Nepal was not a State Party when the background documents on compliance [INF.2], Article VII [INF.3] or Article X [INF.4] were compiled. Likewise, in regard to financial contributions [INF.1], Nepal is not included.]

51. Mikhail Uliyanov, Director-General, Department for Non-Proliferation and Arms Control, Ministry for Foreign Affairs, of the **Russian Federation** then spoke saying that:

*BWC's inherent discrepancies, its legal gaps are well known. This includes the absence of the prohibition of the use of biological weapons and the lack of basic elements necessary to ensure success of any disarmament treaty, like a verification mechanism*

*and a clause on an international organization designed to contribute to the implementation of the Convention. Despite high expectations, the talks held in the second half of the 1990s did not remedy the above mentioned and other deficiencies. The halt in the negotiating process in 2001 seriously damaged efforts undertaken by many countries willing to ensure viability of the BWC regime.*

*Russia together with the overwhelming majority of States believes that the BWC efficiency could be enhanced through the adoption of a universal, legally binding, non-discriminatory protocol relating to all articles of the Convention, in particular verification, in a balanced and comprehensive manner. Wishing to resume the work in this regard, in December 2015 Russia alongside China, Belarus and Armenia initiated talks on a new legally binding instrument. The suggested compromise-based and balanced negotiating mandate includes confidence-building measures (CBMs), national implementation, promotion of international cooperation for peaceful purposes, assistance and protection from biological weapons, investigation of their alleged use, monitoring of scientific and technological developments. The adoption of such a mandate at the Review Conference would be a breakthrough in strengthening the Convention.*

The statement went on to add that:

*For a more effective implementation of the Convention, a special role could be attributed to the realization of the Russian concept of establishing Mobile Biomedical Units in its frame to deliver protection against biological weapons, investigate their alleged use, and to suppress epidemics of various etiology. The basic components of the concept are well known – this year we submitted three working papers and held two open discussions on the issue in Geneva. For further detailed study of the Mobile Units concept, we suggest the Review Conference to act on establishing an open-ended ad hoc working group. ....*

*For better monitoring of scientific and technological developments related to the Convention, Russia submitted its draft decision on establishing a scientific advisory committee. Underpinned by a successful international example in the OPCW and ensuring an equitable geographical representation, the Committee has an effective contribution to make in addressing the challenges lying before it for the benefit of all States without exception.*

*In order to improve CBMs so that they reflect the realities of our time, the Russian delegation circulated two new documents. The first refers to establishing a new form of Military Biomedical Activity Conducted Abroad. The second relates to defining vaccine production facilities for animal protection.*

*We are ready for a constructive consideration and support of other States' proposals which are designed to make a real difference in strengthening the BWC. In particular, we are encouraged by the Chinese initiative on establishing under the Convention's umbrella an international export control mechanism.*

[PC/3 shows that the Russian Federation submitted its CBM each year between 2012 and 2016 but none of are available on the public section of the website. In addition, the Russian Federation made a submission in regard to compliance [INF.2] but not in regard to Article VII [INF.3] or Article

X [INF.4]. In regard to financial contributions [INF.1], the Russian Federation is \$99,991.09 in arrears.]

## 52. **Kuwait**

[PC/3 shows that Kuwait did not submit any CBMs between 2012 and 2016 but none of are available on the public section of the website. In addition, Kuwait did not make a submission in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Kuwait is \$2,420.51 in credit.]

53. Ms. Susanne Baumann, Deputy Federal Government Commissioner for Disarmament and Arms Control, Federal Foreign Office, **Germany** then spoke saying that Germany fully aligns itself with the statement of the European Union to be made later in the General Debate. The German statement went on to say that:

*It is an outstanding achievement of the international community that it has been able to agree on multilateral treaties regarding weapons of mass destruction. The BTWC has been the first of these treaties, and, keeping in mind a changing security environment, not the least important of them. The danger of a use of biological agents as a weapon, in particular by terrorist groups, is to be taken seriously. Therefore, we must join efforts in making the BTWC more efficient and effective!*

*Germany is fully supportive of all efforts to strengthen the Convention. In our view, three points are of particular relevance for this Conference: Universalization, national implementation, and confidence in compliance.*

The statement then said in regard to these three particular points that:

*First, universalization: We welcome the adherence of further countries to the Convention. This is an important step on our pathway to universalization. However, work remains to be done until we achieve this goal.*

*Second, national implementation: The effectiveness of the Convention depends on national efforts of its member states. Germany sees a natural link between national implementation of the BTWC's obligations and compliance: States parties have to implement the treaty's provisions in their national law in order to honor their treaty obligations. Sound national implementation, including outreach to all stakeholders and effective export controls, therefore is a precondition for every State Party to be able to ensure its own compliance. It may also be an indication for others of the state of compliance. And it may facilitate international cooperation by assuring all parties involved that agents, materials and knowledge will only be used for legitimate purposes and in appropriate ways.*

*We see partnership programs as a powerful tool in order to improve national implementation through long-term projects in the field of biosafety and biosecurity. The sharing and elaboration of best practices, laboratory standards, and legislation are essential tools in order to translate the provisions of the Convention into useful regulations that serve their purpose of making science and technology safer and more beneficial to humankind.*

*Cooperation and national responsibility are both crucial to make a sustainable impact.*

*Regarding national implementation, the role of industry is essential. We see industry as a key stakeholder in assisting governments to combat the proliferation of weapons of mass destruction in the context of Security Council Resolution 1540. This is why we institutionalised a global dialogue with representatives from industry under the framework of the so-called Wiesbaden Conferences, which we presented during our Side Event earlier today. Corporate compliance in regards to the trade of biological dual use items is the first line of defence, especially if they could be misused for WMD purposes.*

*Third and final, confidence in compliance: As we do not yet have a verification mechanism in place, we depend on alternative ways of demonstrating compliance. We are convinced that the transparent demonstration of national implementation of the BTWC helps boost confidence in States Parties' compliance with and commitment to the BTWC.*

*Germany, therefore, decided to conduct a peer review visit in August 2016 at the Bundeswehr Institute of Microbiology, a military facility declared under the Confidence-Building Measures submitted by Germany. Our aim was to emphasize the military aspect of the convention – which does not always figure as prominently as it should - by conducting this visit in a military facility. Showing that increasing transparency is possible without violating necessary measures of military or national security is one of the reasons we conducted this exercise.*

*Not as a substitute for verification, but as an alternative way of demonstrating compliance, this on-site visit opened several new doors that we explored together with participants from all regional groups. We identified on-site compliance visits as a useful tool to improve transparency and to exchange good practices amongst the participants.*

Then in regard to the future, the statement said that:

*Therefore, we are of the firm conviction that States Parties to the Convention need to be able to decide on collective follow-up actions in the case of urgent matters.*

*In 2011, a long list of elements was compiled to be addressed at the intersessional meetings. However, the time constraints of the intersessional meetings as well as the lack of a decision-making mandate for the Meeting of States Parties have limited the discussions to mere exchanges of information, when really; they should enable in-depth analysis and the development of concrete follow-up action. Consequently, a new and more focused intersessional work programme including an institutionalised mechanism to review scientific and technological developments relevant to the BTWC is overdue.*

[PC/3 shows that Germany submitted its CBM each year between 2012 and 2016 and all of these are available on the public section of the website. In addition, Germany made submissions in regard to compliance [INF.2], Article VII [INF.3] and Article X [INF.4]. In regard to financial contributions [INF.1], Germany is \$34,991.00 in credit.]

54. Nikolay Ovsyanko, Deputy Head of International Security and Arms Control Department of the Ministry of Foreign Affairs, of **Belarus** then spoke saying that during the next three weeks, our task is to consider the results of the intersessional process over the past five years and to

decide on ways to strengthen this important international instrument. The statement went on to say that universalization of the Convention is more relevant than ever in the current environment. The decisions of this review conference must be based on the interests of the entire international community and respond to the challenges posed by rapid advances in science and technology, institutionalization and operationalization of the Convention, to counter biological agents falling into the hands of non-State actors, as well as the improvement of export controls in respect of biological agents.

The statement went on to add that Belarus supports the efforts of the international community for the operationalization of the Convention, including the establishment of mobile medical and biological units to provide assistance in case of use of biological weapons, the investigation of such use and control of epidemics of various origins, as well as the creation of a Scientific Advisory Committee in the framework of the BTWC, to monitor research and scientific and technological developments in the fields of biology and medicine with potentially dual-use technology. At the same time a key element in ensuring a safer world especially in regard to disarmament and non-proliferation is to strengthen national legislation. It is necessary for national legislation to effectively confront challenges and threats, including in the field of biosafety and biosecurity and to prevent the ingress of biological agents into the hands of terrorists.

The statement concluded by drawing attention to a peer review meeting held in August 2016 in Minsk with the assistance of the OSCE and the UN Office for Disarmament Affairs to address the implementation of UN Security Council resolution 1540, which for the first time took place in a trilateral format: Belarus, Kyrgyzstan, Tajikistan. Considerable attention was paid to the strengthening of national systems in the field of biosafety and biosecurity.

This peer review showed that Belarus has the potential and development in the field of biosafety and biosecurity and is ready for their use in the implementation of real confidence-building measures between the countries involved in regard to compliance with the BWC.

[PC/3 shows that Belarus submitted its CBM each year between 2012 and 2016 but none of are available on the public section of the website. In addition, Belarus did not make a submission in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Belarus is \$618.64 in arrears.]

55. Ambassador Sra. Anayansi Rodriguez Camejo of **Cuba** then spoke saying that Cuba endorses the statement made by Venezuela on behalf of the Non-Aligned Movement. The statement went on to say that since 2001, when the negotiations were about to conclude but were unjustly interrupted by one State Party, the international community has aspired to the adoption of a legally binding multilateral protocol to strengthen the Biological Weapons Convention in a comprehensive and balanced way, including through a verification mechanism. This would be the only effective and sustainable way to strengthen the Convention and guarantee its strict implementation. It is incumbent upon the Eighth Review Conference to adopt a clear mandate to resume, without further delay, in a working group open to the participation of all States Parties, the negotiations of the Protocol, with a view to its formal adoption at the latest in the Ninth Review Conference.

The statement went on to say that promoting international cooperation, without unilateral and discriminatory restrictions or limitations, for the economic and technological development of

States Parties, particularly developing States, is essential to meet the current challenges. Cuba therefore calls for the adoption, at this Review Conference, of an action plan to ensure the full, effective and non-discriminatory implementation of Article X of the Convention. Such an action plan should include, as proposed by the Non-Aligned Movement, the establishment of a Standing Committee on Cooperation, including a dispute settlement mechanism in the context of Article X. Adoption under the Convention on Biological Weapons of a multilateral export control mechanism, would be an important step in eliminating all restrictions on the free exchange of equipment, materials and scientific and technological information for the use of biological agents and toxins for peaceful purposes. The main obstacle facing Cuba for broader and more effective international cooperation and assistance in the field of biological activities is the blockade imposed by the United States for more than 50 years. This is addressed in the Cuban Working Paper WP.4.

The statement then added that Cuba emphasized the need to preserve the central role of Review Conferences in decision-making within the review process of the Biological Weapons Convention. With regard to discussions on the program of work for the next intersessional period 2016-2021, Cuba requested that the proposed guidelines contained in the Cuban Working Paper WP.3 be taken into account. Cuba also said that consideration of new developments in science and technology is important in the context of the Biological Weapons Convention. At the same time, measures to limit the exchange or use of agents, materials, equipment and information for peaceful purposes should not be derived from consideration of the subject. It is necessary to reduce the growing gaps between developed and developing countries in the fields of biotechnology, genetic engineering, microbiology and other related areas.

[PC/3 shows that Cuba submitted its CBM each year between 2012 and 2016 but none of them are available on the public section of the website. In addition, Cuba made submissions in regard to compliance [INF.2] and Article X [INF.4] but not in regard to Article VII [INF.3]. In regard to financial contributions [INF.1], Cuba is \$900.12 in arrears.]

56. Ambassador Fu Cong of **China** then spoke saying that:

*Biosecurity concerns the very existence of a nation, the stability of a country and the development of the whole society. It also has far-reaching impacts on regional security and even on global strategic balance. Faced with interwoven multiple challenges such as the threat of biological weapons, bioterrorism, and epidemic communicable diseases, all countries have increasingly come together under a common mission with shared interests when dealing with biosecurity.*

*As the first international treaty banning an entire category of weapons of mass destruction, the Convention is an important platform for the maintenance of international biosecurity and strengthening biosecurity governance. Since its entry into force, the convention has been playing an indispensable role in completely prohibiting biological weapons, nonproliferation of biological weapons and enhancing cooperation in the field of biology. Over the last 5 years, under efforts made by all sides, the universalization of the Convention has continued to improve, the Implementation Support Unit has functioned smoothly, and discussions during ISPs have deepened. All parties have further converged on the consensus of strengthening biology science and technology review, enhancing capacities of responding to bio risks, and advancing relevant international*

*cooperation. Common interests have also been expanding.*

*Against the backdrop of rapid developments in biotechnology and bioindustry, this conference will focus its discussions on the crucial issue of international biosecurity governance and is mandated with an important historical task of deepening cooperation in biosecurity. The most urgent calls for this conference are finding common grounds among diverging views, translating initiatives into actions, and comprehensively strengthening the Convention's mechanism.*

The statement went on to add that:

*China proposes that the international community should follow the concepts of fairness and effectiveness, balance and order, cooperation and mutual assistance, as well as taking all factors into consideration in addressing biosecurity issues. While designing a solid top-down structure for domestic biosecurity, common efforts should also be devoted to the development of global biosecurity public products in a bid of building a global biosecurity shield.*

*The Convention is an organic integrity which covers different areas and concerns several sets of rights and obligations. Any action which might divert the Convention's implementation or, even result in its imbalance is not conducive to the objective of improving global biosecurity. China has always been of the view that the best way of enhancing the effectiveness of the Convention is to negotiate and agree on a protocol which includes a verification mechanism and is legally binding for the purpose of comprehensively strengthening the Convention. Only through open and transparent intergovernmental negotiations and defining a globally applicable legal mechanism, we can practically achieve "fairness and effectiveness" and defend the shared interests of all State Parties to the highest degree.*

The statement then added that:

*Nonproliferation and international cooperation are two main obligations defined by the Convention which are mutually complementary and mutually supportive. Only when nonproliferation is thoroughly done, exchanges in biotechnology can be carried out in a reassuring manner. Only when cooperation in biotechnology is substantively advanced for the practical benefits of all parties, a comprehensive and solid system of nonproliferation can be established. Regrettably, the prevalent approach we have observed is that a lot of attention is still unduly focused on nonproliferation, yet international cooperation is neglected. Double standards and discriminatory approaches have become barriers in biotechnology cooperation. We have to re-prioritize implementation, advance nonproliferation and international cooperation in a balanced manner and pave the way for biotechnology cooperation.*

*The Convention requires State Parties to strengthen bioscience and biotechnology review. In doing so, we have to take into account two aspects of biotechnology. One concerns security, the other relates to development. Moreover, due consideration has to be given to national contexts and the needs of international biosecurity governance. When establishing a national biotech management regime and setting up a risk*

*assessment and early warning mechanism, parties should also share useful experience in bio risk management to ensure the Convention keeps pace with the development in bio science and technology. Parties should start working at different levels covering the government, organizations and science researchers to strictly prohibit the abuse of biotech, so that it can benefit all mankind ...*

*Based on the aforementioned concepts and position, China takes a constructive stand to get extensively engaged in the process of this RevCon. We actively promote the establishment of a Non-proliferation Export Control and International Cooperation Regime under the Framework of the Convention and make tireless efforts in building a bridge of bio cooperation to address the gap between the south and the north. We actively promote the initiative of the Template of Biological Scientist Code of Conduct under the Framework of the Convention, which is set to raise researchers' awareness of biosecurity in multiple areas, ranging from research project planning and approval, research findings dissemination, science and technology promotion, to international cooperation. Presently, the draft of this template is ready. We are willing to discuss it with all parties for its further improvements. We firmly support all initiatives of restarting the negotiation of the protocol and support the proposals made by Russia of establishing mobile biomedical units under the framework of the Convention as well as setting up a Scientific Advisory Committee. We welcome new proposals and new measures to comprehensively strengthen the Convention.*

The statement then concluded by saying:

*Over the last 5 years, China has strictly followed the Convention's provisions and practically advanced its implementation. China has further enhanced relevant legislation and regulations, improved safety management of bio labs, strengthened response to communicable disease outbreaks, established an inter-sectoral ministerial implementation mechanism, incessantly improved the nonproliferation mechanism and steadily advanced a top-down set-up of biosecurity.*

*China attaches great importance to international cooperation in biosecurity, committed to enhancing international exchanges of biotechnology for peaceful purposes and actively providing external assistance. In fighting the 2014 Ebola outbreak in West Africa, China organized the largest-scale biosecurity international operation ever recorded in the Chinese history, which sent nearly 1200 healthcare personnel, quarantined and treated over 900 cases and trained over 13,000 local disease prevention and medical personnel. A biosecurity lab was also built with our assistance. The Chinese government highly values the unique role played by NGOs in strengthening biosecurity.*

*A new cycle of review marks a new start and represents new hope as well as new expectations. China will maintain the concepts of fairness and effectiveness, balance and order, cooperation and mutual assistance, as well as taking all factors into consideration so as to deepen cooperation in biosecurity with all parties; and strive to make new contributions in advancing the Convention's implementation and in setting up a just and rational global biosecurity order.*

[PC/3 shows that China submitted its CBM each year between 2012 and 2016 but none of them

are available on the public section of the website. In addition, China has made submissions in regard to compliance [INF.2] and Article X [INF.4] but not in regard to Article VII [INF.3]. In regard to financial contributions [INF.1], China is \$25,194.00 in credit.]

57. Archbishop Ivan Jurkovi of the **Holy See** then spoke saying that:

*We are confronted today with unprecedented complexity in the international security system: breakthroughs in life sciences are posing increasingly difficult challenges to the implementation of the BWC; traditional and non-traditional security threats are more and more intertwined; the threat of the illegal acquisition, production and use of biological agents by terrorists is increasing; the frequent spread of pandemics threatens global health and security*

The statement went on to say that:

*The BWC is an essential pillar of international disarmament and security and its Preamble affirms that the use of biological weapons “would be repugnant to the conscience of mankind and that no effort should be spared to minimize this risk”. Using life to indiscriminately destroy life, using science to spread death instead of curing diseases and alleviating suffering, is contrary to human dignity.*

*The very nature and purpose of the BWC framework offers a chance to underline and understand the direct link between disarmament and development, and their mutually reinforcing relationship. The right to participate in the fullest possible exchange of equipment, materials and scientific and technological information about the use of bacteriological agents and toxins for peaceful purposes is set out in Article X of the BWC, with the understanding that safety, security and non-proliferation are an essential part of the equation. In this regard, an effective implementation of Art. X could also serve as a good incentive for the universalization of the membership of the BWC.*

*The recent naturally occurring outbreaks of diseases are an example of the relationship between disarmament and development: they highlight the limitations of the national and international response. We know how quickly these outbreaks can spread across borders and how vulnerable public health systems are, especially in the poorest countries; a response that would likely be even more difficult and strained in the case of an intentional use of biological weapons, especially if it occurred during an armed conflict.*

*For these reasons, it is important that State Parties continue and strengthen support for capacity-building in States Parties in need of assistance through international cooperation, while coordinating and creating synergies with international and regional organizations and stakeholders. Given their very nature, diseases do not respect borders, so it is in everyone’s interest that our neighbors can rely on robust national health systems. In this regard, development is truly another name for peace and justice.*

*Additionally, the lack of an institutional mechanism for assistance under the BWC must be reassessed: there is a need for clear procedures when submitting requests for assistance or when responding to a case of alleged use of biological or toxin weapons. This is of the utmost importance, considering that there are no specific direct provisions*

*for the victims of such attacks.*

The statement then added that:

*Advances in science and technology and international cooperation and assistance are strictly interconnected and lie at the very heart of the BWC. As we witness more remarkable breakthroughs in life sciences through more sophisticated genetic engineering and synthetic biology, the BWC finds itself operating within a rapidly changing scientific and technological context. These advances bring positive opportunities for peaceful uses, for new treatments and cures for diseases or for improvements to the environment; but the same knowledge and equipment can be too easily diverted for hostile purposes. Because of this dual-use nature, a systematic and periodic review of science and technology in relation with the BWC is needed if we want to avoid seeing our Convention become irrelevant.*

*In this regard, education plays a crucial role in addressing the issue of misuse at its roots. National codes of conduct and ethical training should be developed and respected. All stakeholders should join forces: scientists, universities, industries, government, and international agencies should all together feel responsible for the use of biotechnology to promote life and an integral human development. As Pope Francis reminds us: "...we need constantly to rethink the goals, effects, overall context and ethical limits of this human activity, which is a form of power involving considerable risks." (Laudato Si', 131)*

The statement concluded by saying that:

*The ISU should be strengthened, in particular through the addition of technical expertise concerning crucial aspects of the BWC: namely, international assistance and cooperation and the Science and Technology review process.*

*Disarmament and non-proliferation instruments are only as successful as State Parties' commitment to implement them. Today's complacency is tomorrow's catastrophe.*

[PC/3 shows that the Holy See has not submitted its CBM for any of the years between 2012 and 2016. In addition, the Holy See did not make a submission in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], the Holy See is \$37.96 in arrears.]

58. Col. Jose Embang Jr., CBRN National Focal Point, of the **Philippines** then spoke saying that the Philippines associates itself with the statement of the Non-Aligned Movement (NAM) delivered by Venezuela, the statement of the Global Partnership against the Spread of Weapons and Materials of Mass Destruction delivered by Japan, and the statement of ASEAN to be delivered by the Lao People's Democratic Republic. The statement went on to say that:

*... the Philippines notes the progress made on promoting the Convention since the 7th Review Conference. We recognize efforts to pursue the universalization of the Convention. Since 2011, ten (10) States have joined the Convention, increasing the number of State Parties from 165 to 177. We welcome the record number of CBM (Confidence Building Measure) notifications registered in 2015, and take the view that while this is important in appreciating the norms-building mandate of the Convention, we*

*should continue to build on CBMs to further develop compliance mechanisms under the Convention. We appreciate the work of the Implementation Support Unit (ISU) in the monitoring of our collective efforts and the invaluable contributions of scholars and scientists to the inter-sessional process. We appreciate the role of the Sponsorship Program in enabling developing countries to participate in the various meetings. We join other State Parties in calling for the full development of the database system which had been initialized for the purpose of facilitating cooperation and assistance.*

The statement then added that:

*The Philippine government has been actively engaged in advancing the biosecurity and biosafety cooperation agenda in the Asia Pacific region with its international partners. The Philippines is now an active member of the Nuclear Security Summit, the Global Initiative to Combat Nuclear Terrorism, the Proliferation Security Initiative, and the Global Partnership against the Spread of Weapons and Other Materials of Mass Destruction. This web of partnerships synergizes its national implementation of the Convention as well as bilateral and regional engagements on CBRN issues.*

*In the Association of Southeast Asian Nations (ASEAN), in particular the ASEAN Regional Forum, the Philippines has co-chaired since 2009, with the United States and Australia, workshops on the themes of bio-threat reduction, bio-risk management, disease surveillance, detection, preparedness and response. Since 2013, the Philippines has served as the host of the EU CBRN Center of Excellence in Southeast Asia.*

*The Philippines' National CBRN Action Plan uses a unified approach to build the capacity of the country to counter act the risks associated with CBRN materials, whether these are of natural, accidental or intentional/criminal origin. It establishes priority actions for enhancing capabilities to predict, prevent, prepare for, and perform mitigating activities on CBRN incidents and disasters and to conduct post-action activities. In this context, the government has implemented a package of administrative measures to support the strategic framework for policy and operational coordination among relevant agencies and stakeholders.*

*Based on our national experience, the Philippines is of the view that we should endeavor to foster closer collaboration and synergy between and among international organisations such as INTERPOL, World Customs Organization, World Health Organization (WHO), World Organization for Animal Health, and the Food and Agriculture Organization (FAO), as biosecurity and biosafety are cross-cutting issues that necessitate a holistic and coordinated response.*

[PC/3 shows that the Philippines has not submitted its CBM for any of the years between 2012 and 2016. In addition, the Philippines did not make a submission in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], the Philippines is \$786.56 in arrears.]

59. Ambassador Victor Moraru of the **Republic of Moldova** then spoke saying that the Republic of Moldova aligns itself with the statement to be delivered by the European Union. The statement went on to say that:

*The round of annual meetings 2012-2015 and the preparatory process of this Review Conference, gave us the opportunity to discuss and identify mechanisms and many practical actions designed to respond to new challenges in the field of non-proliferation and to fulfil all other objectives that fall under Convention's scope.*

*From this perspective, my delegation notes with appreciation the record number of working documents submitted by States Parties. Some of those documents have identified, in our opinion, areas of common ground which need to be crystallized in the Conference's Final Document.*

*Like other States Parties, the Republic of Moldova favours a new substantive work programme that addresses the limitations of previous intersessional programmes through the adoption of enhanced arrangements for further progress under that work programme, with a view to strengthening the effectiveness of the BWC.*

*To this end, we support the proposals of transforming the annual Meeting of Experts into more dedicated, governmental experts-led meetings on key topics in the format of Open-Ended Working Groups whose outcomes could feed into the Meeting of States Parties (MSP).*

*This would also imply a well-delineated MSP's decision-making capacity or mandate to agree upon specific tasks as appropriate for the working groups. In particular, my delegation supports the establishment of two working groups: one to address the topic of relevant advances in science and technology and the other to address the reassurance related issues, including Article X and CBMs.*

The statement then added that:

*While recognising that there is no consensus regarding verification issue at this stage, we need to achieve consensus on options that may contribute to an increase in confidence in compliance.*

*The Republic of Moldova regards the confidence building measures (CBMs) as an important instrument to build confidence in compliance. We welcome the proposals aimed at increasing their direct relevance to the core objectives of transparency. As a country that participates regularly in CBMs, we join the calls upon all States Parties to increase their participation in the CBMs process and to strengthen it.*

*We agree with other delegations that a more in-depth substantive process, a more action-oriented annual meeting, and a strengthened ISU would require some measure of oversight, coordination, and planning. From this angle, we see the value and favour the establishment of a representative Steering Group as proposed, inter alia, in the Working Paper 9 submitted by the USA.*

*The Republic of Moldova fully supports the prolongation of the Implementation Support Unit's mandate for a further five years. While the issue of the renewal the*

*ISU's mandate is closely interlinked with the future design of the Intersessional Process, we also believe that that ISU needs to be strengthened in view of its increased contribution to BWC implementation.*

The statement then concluded by noting that:

*My delegation welcomes the approaches that seek to enhance cooperation and assistance, particularly under Article X and believes that resource mobilization, capacity building, coordination with relevant international and regional organizations are of utmost importance for the strengthening of Article X's implementation. The Republic of Moldova is very appreciative of the support extended to countries in need of assistance by the European Union, USA and other States Parties, directly as well as through international organizations. As a beneficiary of international cooperation and assistance under Article X, the Republic of Moldova was able to improve its capability in the fields of disease surveillance, detection, diagnosis and combating of infectious diseases and to integrate its efforts in this area into various regional emergency and disaster management plans. In the preparation of this Review Conference, we submitted to ISU three reports - on the national compliance, implementation of articles VII and X, that contain detailed information on this account.*

[PC/3 shows that the Republic of Moldova has submitted its CBM for each year between 2012 and 2016 and these are all available on the public section of the website. In addition, the Republic of Moldova made submissions in regard to compliance [INF.2], Article VII [INF.3] and Article X [INF.4]. In regard to financial contributions [INF.1], the Republic of Moldova is \$41.74 in arrears.]

60. Ambassador John Quinn of **Australia** then spoke saying that:

*Australia strongly believes in the value of a transparent, collaborative, inclusive Review Conference process. We also underline the importance of all States Parties looking beyond their own regional grouping, and finding ways to collaborate across the whole BWC membership.*

*With this in mind, we want to foster a RevCon process that helps take the BWC agenda forward.*

*The BWC's intersessional meetings have provided a forum to bring together our respective domestic security, health, law enforcement and scientific communities (communities which are not traditionally engaged in disarmament treaties) and facilitated increasing levels of cooperation and collaboration on national, regional and global efforts against biological-related security threats.*

He then went on to add that:

*The Intersessional Process, however, is not perfect, and I think many of us here would agree that we have not done enough substantive work on issues critical to the ISP mandate over the past 5 years. For example, biological science and technology review, a key focus of the 7th RevCon Final Declaration is underdone, particularly noting the rapid rate of technological change we are currently experiencing. Similarly, national*

*implementation and even Article X exchanges, need to be more useful and collaborative. The idea of open ended working groups to address these issues is potentially one way to make much-needed progress.*

*Secondly, the Intersessional Process is considerably weakened by its lack of decision making authority. As we concluded at the Seventh RevCon, “States Parties will consider the work and outcomes of these meetings at the Eighth RevCon and decide on any further action”. In other words, there is no mandate for the annual Meeting of States Parties to “agree actions as appropriate”. We are restricted to waiting for the RevCon.*

*Thirdly, the Implementation Support Unit remains a modest structure and we have placed an almost unsustainable burden on its capacity to deliver on the tasks we have set it. At the 7th RevCon, we agreed on a budget embodying zero real growth subject only to variations for inflation, yet we have mandated additional tasks to the Unit. We believe that even a modest supplementation of the ISU budget could have a dramatic impact on its scope to undertake new tasks, and to enable us to proceed with an ambitious agenda for the next ISP.*

*Finally, the ISP does not have any flexibility to cater for new issues in a substantive way. As we know, the RevCon accords a mandate for the selection of one or two topics, for formal discussion at each year’s Meetings of Experts (MX), even if a range of topics could be discussed in general terms. This lack of flexibility on the selection of the main topics meant that potentially more topics relevant to biosecurity issues were not adequately addressed during the course of the current ISP.*

*Australia, as one of the co-facilitators on the ISP and ISU, along with Pakistan looks forward to working closely with colleagues to come up with a transformative agenda for the next ISP.*

[PC/3 shows that Australia has submitted its CBM for each year between 2012 and 2016 and these are all available on the public section of the website. In addition, Australia made submissions in regard to compliance [INF.2], Article VII [INF.3] and Article X [INF.4]. In regard to financial contributions [INF.1], Australia is \$18,413.41 in credit.]

61. Ambassador Mme. Alice Guitton of **France** then spoke saying that France associated itself with the statement to be made by the European Union. She then said that the challenge of the Eighth Review Conference was simple: to preserve the authority and strengthen the effectiveness of the prohibition of biological weapons. The impossibility, fifteen years ago, to build consensus around a protocol should not stop States Parties from moving forward. During these three weeks, States Parties will need to collectively make concrete and realistic decisions. It is necessary to set ambitious targets for the next five years for the Convention. It is essential for France that the final document that is adopted at the end of the Review Conference should be as concrete as possible.

She then said that France had a number of priorities. **First**, to increase transparency and confidence in the implementation of the Convention. She recalled that France had proposed five years ago at the Seventh Review Conference the voluntary, peer review mechanism. France was pleased to note that the organization of the pilot exercise in December 2013 in France has

aroused the interest of other delegations which have organized their own exercises. Many voluntary transparency exercises have been organized with similar objectives:

- Firstly, to improve national implementation through the exchange of good practices between experts;
- Secondly, to build trust between States Parties by fostering the measures put in place by States Parties;
- Finally, to develop international cooperation in order to identify the needs of each country.

She went on to state that, aware that these exercises still raise certain questions, France stands ready to respond. France is convinced that the progressive implementation of these exercises will enable the Convention to go forward. These voluntary transparency exercises are a priority for the next five years. Moreover, France will support initiatives to reinforce the climate of confidence among States Parties. In this context, France calls for an increase in the number and the quality of Confidence-Building Measures submitted by States Parties. More broadly, France supports initiatives to enhance transparency among States Parties through the implementation of consultative processes.

The **second** priority of France will be to continue and intensify the discussions around Article VII of the Convention. France believes that Article VII is an essential article of the BTWC which must be given enhanced operational implementation. For this reason, France, together with India, proposed the creation of a database for offers of assistance in the framework of Article VII of the Biological Weapons Convention [BWC/CONF.VIII/PC/WP.38/Rev.1]. Moreover, in order to evaluate different scenarios in which Article VII might be used, France will organise on 8 November 2016 a table-top exercise involving experts of different countries. The statement went on to add that it was necessary to also bear in mind that Article VII applies only in cases of violation of the Convention. While there are common features, there are also differences in the way a natural health crisis, such as that of Ebola, or a crisis linked to a deliberate act could be managed. The development of national capacities, in coordination with relevant international institutions, is clearly essential for improving the response to a deliberate act.

The **third** priority, which seems crucial to France for this Review Conference is the strengthening of the Intersessional Process, which must become both more robust and more flexible. In particular, the scientific and technical review process so far has been useful, but it needs to be improved. It is necessary to implement a review process with a better structured approach to the prevention of risks related to advances in the life sciences. Furthermore, States Parties should be able, during the intersessional period, to take decisions, particularly on the agenda or in the light of current events so as to improve the relevance of the work done. The Intersessional Process must therefore be flexible, but it must also be more robust in order to address in a balanced manner themes likely to advance the Convention. In addition, the Implementation Support Unit needs to be renewed. The performance of its staff is remarkable. Broadening its scope should be the logical consequence of the progress that should be made in the course of the coming three weeks.

The **fourth** priority for France is the issue of cooperation and assistance. France promotes a concrete approach to the question of assistance and international cooperation, as well as a targeted approach on what is needed in the context of the objectives of the Convention. France considers it necessary to carry out work collaboratively to enhance and improve the database

that was agreed five years ago at the Seventh Review Conference. Article X should be a working theme for the next Intersessional process. On a national level, France has identified two particular areas for work:

- Cooperation on the creation of robust bio-safety and bio-security regulatory bodies;
- Exchange on good laboratory practices to enhance safety and the effectiveness of containment facilities, together with the provision of training adapted to the needs of other States Parties.

Finally, the statement noted that France is the depositary of the Geneva Protocol of 1925. This instrument is still fully relevant today and France welcomed the two recent ratifications by the Former Yugoslav Republic of Macedonia and Colombia. France encourages all international efforts to increase the universalization of the Protocol and in 2016 France has itself launched approaches to those States which are not yet Parties. France has also called for the continuation of the withdrawal of reservations under the Protocol. In addition, France attaches great importance to the effectiveness of the Secretary General's mechanism in case of alleged use of biological and chemical weapons. France, like other countries, has organized several exercises for experts to be mobilized under this mechanism. France said that it was necessary to continue to work for the operational implementation of this mechanism, which has proved its effectiveness.

In conclusion, France welcomed the progressive universalisation of the Convention and called for continued efforts to give this norm a universal authority and credibility.

[PC/3 shows that France has submitted its CBM for each year between 2012 and 2016 but none of these are available on the public section of the website. In addition, France made submissions in regard to Article VII [INF.3] and Article X [INF.4] but not in regard to compliance [INF.2] [in contrast to the Seventh Review Conference when France made a contribution to the INF. paper on compliance]. In regard to financial contributions [INF.1], France is \$27,405.00 in credit.]

62. Ambassador Ms. Deyana Kostadinova of **Bulgaria** then spoke saying that Bulgaria aligns itself with the statement of the European Union to be delivered later. The statement went on to say that:

*As the potential risk stemming from the biological agents and toxins continues to pose significant challenges to our security, the BWC is more relevant than ever. The full review of the operations of the BWC provides us with a unique opportunity to agree on steps that will strengthen the Convention and reaffirm its relevance and effectiveness in a rapidly changing security environment.*

*We are looking forward to productive deliberations aimed at achieving consensus for a successful outcome of the Eighth Review Conference, in areas such as building confidence in compliance, strengthening national implementation, supporting universal adherence to the BWC.*

*Full compliance with the provisions of the Convention and strengthened national implementation are needed in order to increase the effectiveness of the BWC. With the current lack of consensus on the issue of verification, we support work towards pragmatic approaches, identifying options that could achieve similar goals. We believe that*

*confidence in compliance and greater transparency can be enhanced by means of exchange of information, experience and best practices, and voluntary peer review process. In this regard we also fully support the Working paper BWC/CONF.VIII/WP.16, submitted by the EU, on enhancing the effectiveness of the consultative provisions of Article V of the Biological Weapons Convention. In view of rapidly developing science and technology, a strengthened consultative process would contribute to the solving of arising problems related to the “objective of, or in the application of the provisions of, the Convention”.*

The statement went on to add that:

*A key element in enhancing transparency and mutual trust are the confidence-building measures; regular submission of Confidence Building Measures (CBMs) reports is important national tool on implementation and compliance. We support work towards increased relevance and comprehensiveness of the CBMs-forms. The Implementation Support Unit's (ISU) supportive role in compiling CBMs is of significant value.*

*Full and effective implementation of the BWC provisions could be further enhanced through improvement of national legal and enforcement frameworks, where necessary, including biosafety and biosecurity measures. An effective national export control system is also an important requirement when we aim at strengthening the national implementation. There are also other ways and means in this regard that could be considered, like promoting compliance with the UN Security Council resolutions 1540 and subsequent resolutions, raising awareness, training and educational programmes for those with access to biological agents and toxins relevant to the BWC, voluntary adoption of codes of conduct.*

*The Secretary-General's Mechanism for investigation of alleged use of chemical and biological weapons is a unique tool for carrying out prompt investigations in case of a violation of the BWC. As the allegations of biological weapons use should be investigated effectively and without delay we all have to work to strengthen this mechanism. My country has provided contribution with both qualified experts and laboratories to the relevant rosters.*

*Universal adherence of all States to the BWC and to disarmament and non-proliferation of biological and toxin weapons remains key priority and we support the adoption of an action plan on universalisation, coordinated by the ISU.*

The statement then concluded by saying that:

*In order to realize the full potential of the BWC as a meaningful political instrument for disarmament and non-proliferation we need to ensure that its operations live up to this task. In this regard we support a new substantive work programme that addresses the limitations of the previous intersessional programmes and is more operational and focused. We also fully share the need to reinforce the existing structures that with enable more effective implementation of the Convention, including defining of appropriate degree of decision making authority for the States Parties between the Review Conferences.*

*We support the strengthening of the role of the Implementation Support Unit and ensuring that its mandate, resources and staffing correspond appropriately to any decision that we could agree upon for the intersessional period. In order to keep abreast with the progress in life sciences, we support development of a more effective system to review scientific and technological developments and their impact on the BWC. In this regard, the annual experts meetings could be adapted so as to be able to adequately react to the recent developments and make recommendations to State Parties. There are proposals in this regard and we believe a common view could be fostered how to handle this expertise in a more effective manner.*

[PC/3 shows that Bulgaria has submitted its CBM for each year between 2012 and 2016 and those for 2014, 2015 and 2016 are available on the public section of the website. In addition, Bulgaria made submissions in regard to compliance [INF.2] and Article X [INF.4] but not in regard to Article VII [INF.3]. In regard to financial contributions [INF.1], Bulgaria is \$230.00 in credit.]

63. Ambassador Henk Cor van der Kwast of the **Netherlands** then spoke saying that in addition to the statement to be made by the EU, the Netherlands wished to make the following points:

*As we are all defining our hopes and expectations for the 8th RevCon here today, let me quote your predecessor as Chair of the 7th Review Conference, my fellow countryman, Ambassador Paul van den IJssel: "A positive outcome means two things: consensus, but also ambition. I hope we all agree that we should be guided by ambition when we are determining our aims for the RevCon. At the same time we should keep an eye on what is doable and realistic." These words still hold true today. The main aim of the Netherlands for the 8th RevCon is to secure an outcome that further strengthens the Convention. In our view, this outcome should contain the following six elements.*

#### **1) Supporting national implementation**

*First, it is essential to strengthen national implementation of the Convention if we are to successfully contain the risks of biological weapons. This can for example be done through creating criminal legislation and/or establishing appropriate biosafety and biosecurity measures. ....*

#### **2) Enhancing compliance with the Convention by building confidence**

*Second, in the absence of a binding verification protocol, it is important to build confidence by sharing information between States Parties in order to enhance compliance. The inter-sessional process has identified innovative approaches to strengthen compliance, such as the **Peer Review Mechanism**, a voluntary transparency exercise: this Peer Review Mechanism is a concrete initiative to enhance national implementation, to improve compliance through confidence-building and increased transparency amongst States Parties, and to strengthen international cooperation while respecting national sovereignty. Previous Peer Review exercises in France, Germany, Spain, Canada, Chile, Ghana, Mexico, the United States and the BENELUX countries have proven to be valuable to increase awareness amongst national stakeholders and provide for a mutual learning experience. The BENELUX approach to the peer review concept involved declarations in the form of the BTWC Confidence Building Measures,*

*CBMs, written and oral consultations and on-site visits to relevant facilities. A formula for success!*

### **3) Promoting universality**

*Third, the ultimate goal is to have a universally legally binding Convention. ....*

### **4) Giving decision making power to the intersessional proces**

*Fourth, enhancing the effectiveness of the Convention and responsiveness of it to new scientific developments is a responsibility of all States Parties. The five year intervals between review conferences and therefore between the opportunity to take binding measures are a serious obstacle in increasing the BTWC's effectiveness. Therefore the Netherlands believes that we should make the most of every meeting of States Parties by giving it decision-taking power.*

### **5) Incorporating developments in Science and Technology**

*Fifth, rapid and significant developments in the life sciences are accompanied by growing concerns about possible misuse of life sciences for terrorist or criminal purposes. Dual-use research poses biosecurity risks. Therefore, advances in biological science and technology should be taken into account in the proceedings of the BTWC. ....*

*Several proposals have been put forward by states in the run-up to this RevCon to enlarge the engagement of scientific experts and create a more structured arrangement for reviewing S&T developments within the framework of the BTWC. The Netherlands fully supports these objectives. We hope that these proposals can now lead to a flexible, open and geographically diverse structure that renders specialized advice to States Parties on developments in S&T relevant to the Convention.*

### **6) Strengthening the ISU**

*Sixth, the Netherlands supports strengthening the role of the ISU, by prolonging its mandate, expanding its staff and strengthening its tasks in the implementation of the next inter-sessional work programme. Given the tremendous work done by the ISU, we are in fact helping ourselves by expanding its capacities.*

[PC/3 shows that the Netherlands has submitted its CBM for each year between 2012 and 2016 and those for 2014. 2015 and 2016 are available on the public section of the website. In addition, the Netherlands made submissions in regard to compliance [INF.2], Article VII [INF.3] and Article X [INF.4]. In regard to financial contributions [INF.1], the Netherlands is \$2,502.72 in credit.]

64. Ambassador Jorge Lomónaco of **Mexico** then spoke saying that this Review Conference is held in the framework of a significant momentum and paradigm change for the UN with the adoption of Agenda 2030 for Sustainable Development, which implies the growing recognition of the need to prevent conflicts and their effects. The statement went on to say that it is crucial to strengthen the implementation of international instruments on disarmament, non-proliferation and international humanitarian law, such as the BWC, and to consolidate the regime established by the Convention. It then added that this year, which marks the 41st anniversary of its entry into

force, and the Review Conference that brings us together in this room, should be used to reach minimum agreements to establish the necessary tools to verify the implementation and compliance of this important disarmament instrument. However, regrettably, this Review Conference comes at a troubled juncture as it is disturbing to hear recent reports on the use of chemical weapons by state and non-state actors, and this raises a flag of caution about the risks of biological weapons being used.

The statement then said that this risk is latent because of the availability and accessibility of scientific and technological findings in the natural sciences. This cycle of examination developed in parallel with new pandemic and epidemic outbreaks such as those of Ebola and Zika, which have shown the potential impact of these diseases on the functioning of states and societies, as well as the importance and necessity of setting the conditions for responses to health emergencies in an efficient and timely manner. States Parties must seize the opportunity offered by this Review Conference to take decisions in favour of the Convention, exchange information on the development and application of new scientific discoveries in the field of biology/bacteriology, and foster cooperation and transparency, to prevent a catastrophe caused by biological weapons.

The statement then added that Mexico's commitment to concrete progress on disarmament is complemented by global efforts to prevent the proliferation of nuclear weapons and related dual-use goods. Mexico's contribution in this regard even exceeds its obligations under international law, as illustrated by its participation in the Australia Group. The measures implemented by the Mexican Government in the area of export control are a practical step towards the implementation of its legally binding commitments, such as the BWC and the regime under Security Council resolution 1540, to prevent proliferation.

The statement then said that the absence of a multilateral verification mechanism for this Convention is undoubtedly one of the most important pending subjects within the framework of the BWC. The principles of transparency, irreversibility and verification, which have been agreed upon as the basis for disarmament actions, should be applied in a cross-cutting manner for all weapons of mass destruction. Mexico regrets that a verification mechanism for the BWC could not be implemented and implemented. Mexico urges all parties to define, in a creative and effective manner, multilateral frameworks to verify the implementation of the Convention and to be consistent with contemporary international reality. However, Mexico emphasizes that the absence of a verification mechanism is not an excuse to stop fulfilling the commitments and obligations acquired under the Convention by all States Parties. It is in this context that the submission annually of the Report on Confidence Building Measures represents an important tool to facilitate the implementation of the Convention. Given their voluntary nature, they do not replace the multilateral mechanisms that could be developed to verify compliance with the Convention. However, these measures represent an important contribution to international security, since they contribute to transparency and international cooperation. Mexico urges all parties to submit their CBM reports. Mexico hopes to share with the Conference the lessons learned from Mexico's "*Workshop on Confidence- Building Measures: Filling the Report*" on its own initiative in 2015. This workshop, resulted in improved inter-agency communication, which is necessary to assess compliance with the Convention, given the multisectoral nature of its provisions. This exercise also enabled Mexico to publish its report on Confidence-Building Measures for the first time in 2015. Likewise, Mexico commends the organization of various international voluntary exercises to evaluate the implementation of the Convention which have

taken place in this intersessional period. Mexico has participated in several of them with the aim of consolidating contacts between the States Parties to facilitate international cooperation, both in capacity building and in the achievement of shared goals. These exercises have also led to a strengthening of coordination at the national level and a broader and more comprehensive understanding of the various aspects of biological weapons, as well as other related areas such as monitoring of biological weapons, infectious diseases, conservation of global public health, bio-security and bioterrorism.

[PC/3 shows that Mexico has submitted its CBM for each year between 2012 and 2016 and those for 2015 and 2016 are available on the public section of the website. In addition, Mexico made submissions in regard to compliance [INF.2] and Article X [INF.4] but not in regard to Article VII [INF.3]. In regard to financial contributions [INF.1], Mexico is \$12,067.36 in arrears.]

65. Ambassador Tehmina Janjua of **Pakistan** then spoke saying that Pakistan associates itself with the statement delivered by Venezuela on behalf of NAM States Parties. The statement went on to say that:

*Pakistan ratified the BWC in 1974 as a non-possessor State. We remain committed to its full implementation, for which we have instituted comprehensive legislative, regulatory and administrative measures. We attach great importance to the safety and security of biological agents, facilities, technologies and equipment. Taking necessary steps in conformity with BWC and International Health Regulations, Pakistan has introduced stringent bio-safety and bio-security measures. We have strengthened our export controls and brought them in full conformity with the Australia Group. Pakistan's comprehensive reports to the UNSCR 1540 Committee provide a detailed matrix of information on all these procedures, mechanisms and legislations as well as on their enforcement.*

*Pakistan is also part of the Global Health Security Agenda (GHSA) and has developed a five-year GHSA roadmap to achieve the Agenda's eleven targets with a view to countering biological threats, whether naturally occurring, accidental or deliberate.*

The statement then said that:

*Our top priorities, therefore, should include the universalization of the Convention, and enhancing the implementation of all articles of the Convention in a balanced, non-discriminatory and comprehensive manner.*

*Pakistan believes that the most credible and sustainable method of strengthening the Convention is through multilateral negotiations towards a legally binding Protocol, including on verification provisions, dealing with all the Articles of the Convention. Pakistan, however, recognizes the difference of opinion over the need for such a legally binding Protocol. In the absence of consensus on this matter, my delegation will continue to engage constructively to explore progress where consensus is possible by focusing on areas that unite us.*

Then in regard to Article X the statement said:

*We attach special importance to Article X of the Convention concerning transfer of*

*knowledge and technology for peaceful uses of biology. In recent years, advances in the field of biological sciences have opened up new avenues for the peaceful application of bio-technology as well as international cooperation in this area. The fulfillment of our obligations under BWC and the establishment and maintenance of effective bioethics, bio-safety and bio-security standards as well as focus on dual use education, should contribute towards enhancing international cooperation.*

*We believe that there is an urgent need for States Parties to work together to develop procedures to promote full, effective, and non-discriminatory implementation of this Article. In this regard, Pakistan supports NAM's proposal for developing an Article X compliance mechanism.*

The statement went on to add, in regard to Article VII, that:

*The discussions on strengthening the "implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties" during the last Inter-Sessional Programme has helped in developing a better collective understanding of this issue. We believe that it is extremely important for affected States Parties to receive timely and adequate assistance. The provision of such assistance should not be conditional on the action or finding by the UN Security Council with respect to the investigation of alleged use. Assistance should be provided promptly on the basis of the request by the affected state. This requires a detailed mechanism for catering to such requests in a timely and effective manner. Concrete and practical measures in this regard should be considered by the States Parties at the RevCon.*

It concluded with the following on science and technology:

*Pakistan values the importance of holding regular reviews of the developments in science and technology related to the Convention. We note the significant interest in this subject that is evident from the number of proposals that have been presented. We support the establishment of a States Parties-led, inclusive and representative mechanism under the Convention for reviewing science and technology related developments. Pakistan believes that S&T review should provide impetus not only to enhanced awareness regarding the risks posed by new technologies, but also towards enhanced international cooperation and sharing of such technologies for peaceful purposes. We firmly believe that the potential dual-use nature of emerging technologies in itself should not be used as a pretext for proscribing or restricting their availability to developing countries for permitted purposes.*

and added the following in regard to the Working Papers submitted to the Review Conference:

*We hope that all States Parties will see the value and utility of the concrete and practical proposals contained in these Working Papers. In our view, they will go a long way in strengthening the implementation of the Convention in diverse areas. We, therefore, sincerely hope that all States Parties will be in a position to support them.*

[PC/3 shows that Pakistan has submitted its CBM for 2012 but not for 2013, 2014, 2015 or 2016

and that the CBM for 2012 is not available on the public section of the website. In addition, Pakistan did not make submissions in regard to compliance [INF.2] [in contrast to the Seventh Review Conference when Pakistan made a contribution to the INF. paper on compliance], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Pakistan is \$747.71 in credit.]

66. Ambassador Geert Muylle of **Belgium** then spoke saying that Belgium aligns itself with the statement that will be delivered by the European Union. The statement went on to say that:

*My country therefore welcomes the progress made towards **universalization** since the Meeting of State Parties in 2015 and supports the adoption of an action plan on universalization coordinated by the ISU.*

*Belgium wishes to stress that, in the framework of our Convention, both the question of a permanent **Science and Technology review** as well as that of risk assessment and risk management remain central issues to be addressed. Belgium looks forward to substantiated and focused exchanges on evolutions in science and technology in the field of life science. We support in this respect the strengthening of a collective review process, that should be both technical in nature and geographically representative.*

It then added that:

***Enhancing transparency** and building confidence in compliance is another important issue. I would like to refer in this respect to the Working Paper on “Building confidence through voluntary transparency exercises” that will be circulated shortly on a behalf of a group of 13 countries having engaged in such voluntary transparency exercises.*

*Drawing from its experience in the framework of the Benelux peer review exercise presented at the MSP 2015 through its Benelux Working Paper, Belgium favors a **voluntary peer review process** based on the existing CBMs exercises. It is not in favor of a new reporting system that would require extra investments from States Parties.*

*Such voluntary peer review processes do not only strengthen common understanding on CBMs and implementation, they also contribute to reinforcing capabilities of States Parties in the field of implementation and reporting.*

*Centering the peer review exercises on existing CBMs favors their reproducibility and paves the way to a standardized compatibility between different peer review exercises.*

The statement then went on to say that;

*In line with the final document of the 7th Review Conference and, in particular, the discussion on Art. IV, Belgium remains convinced of the importance of implementing voluntary **management standards on biosafety and biosecurity**, of encouraging **the promotion of a culture of responsibility** amongst relevant national professionals and of the voluntary development, adoption and promulgation of codes of conduct. Belgium would also like to stress the importance of raising awareness amongst live science **students and researchers on biosafety and biosecurity**.*

*Concerning the **future inter-sessional program**, Belgium is open to organizational proposals which take into account the role and structure of the ISU and the current financial constraints. These proposals should be aimed at strengthening the professional community around the BTWC and develop convergence amongst provisions of the Convention as for example the CBMs and the Science and Technology review.*

[PC/3 shows that Belgium has submitted its CBM for each year between 2012 and 2016 and these are all available on the public section of the website. In addition, Belgium made submissions in regard to Article X [INF.4] but not in regard to compliance [INF.2] or Article VII [INF.3]. In regard to financial contributions [INF.1], Belgium is \$8,791.53 in credit.]

67. Ambassador Amran Mohamed Zin of **Malaysia** then spoke saying that Malaysia associates itself with the statement of the Non-Aligned Movement delivered by Venezuela, and the statement of the Association of Southeast Asian Nations (ASEAN) to be delivered by Lao People's Democratic Republic. The statement went on to say that:

*3. The existence of biological and toxin weapons, their proliferation, as well as potential misuse constitute a serious threat to international peace and security. The threat is ever growing. The UN Secretary-General highlighted this point in his message to the Conference this morning. There is therefore a need for cooperation between States Parties for collective security, socio-economic progress, and for the fight against infectious diseases and threats of bio-terrorism - all in all effective cooperation in the implementation of the BWC.*

*4. Malaysia is committed to the adherence and implementation of all obligations under the BWC. We believe that effective implementation of the Convention requires a non-discriminatory and balanced approach to all its provisions, as reflected in the NAM's principled position, namely, that the BWC forms a composite whole, and while it is possible to address related issues separately, it is necessary for all the inter-linked elements of the Convention be dealt with in a balanced and comprehensive manner, whether they relate to regulation, compliance or promotion.*

After outlining some steps taken by Malaysia the statement went on to add that:

*7. This Conference is an excellent opportunity for States Parties to adopt tangible and effective modalities to further strengthen BWC implementation and move the process forward into the 2017-2020 Intersessional Process (ISP). The various common understandings of the past 2012-2015 ISP, together with the proposals put forward during this Conference, should provide a plethora of ways to achieve this objective. As this Conference is required to make important decisions on the upcoming ISP, allow me briefly highlight the issues, which Malaysia believes are most pertinent:*

*7.1 Firstly – the annual Meeting of States Parties (MSP) needs to be maintained. The MSP is necessary for States Parties to share views and consider the Convention, as well as reports of the various mechanisms to be formed. The MSP should also have a mandate to make recommendations to the Revcon, and a mandate to take decisions on issues of pressing concern, with clear language regarding this in the Revcon outcome;*

*7.2 Secondly – Malaysia supports the establishment of stand-alone mechanisms on Science and Technology (S&T) and on Article X (Cooperation), in place of the former format in the ISP of Meetings of Experts (MXP);*

*An S&T mechanism has to be expert-driven and non-political. Participation in the mechanism should be open-ended to allow the widest possible participation of experts from all State Parties. The mechanism should contribute to a better understanding of S&T and how they relate to the BWC.*

*The duration of an S&T mechanism should be commensurate with topics to be discussed, to allow sufficient time to consider and elaborate the issues in a particular year, yet mindful of the resource constraints that would be placed on States Parties to attend these meetings. Due to the dynamic nature of biological issues, it is unfeasible to pre-determine topics on science and technology which are relevant to the Convention for discussions over the next five years.*

*The report of the S&T mechanism should be scientific-based, that reflects majority and minority, and should be referred to the MSP. The report could include recommendations on the topic for the following year, as well as issues of pressing concern for the consideration and action of the MSP.*

*As regards an Article X Cooperation Mechanism, it should be able to identify and address needs in terms of equipment, materials and information; mobilise resources, including financial resources; facilitate development of human resources; and coordinate cooperation. Participation in such a mechanism should be open-ended, and its report should reflect the discussions within the mechanism, and include recommendations for the consideration and action of the Meeting of State Parties.*

*7.3 Thirdly – the Confidence-Building Measures (CBMs) have been a useful tool in enhancing transparency and building confidence among States Parties. Malaysia believes this Review Conference should call for further analysis of the existing format of the CBMs to ensure practicality, ease the reporting burden on States Parties, and thus increase participation in its submission; and*

*7.4 Finally – the Implementation Support Unit (ISU) has proven itself to be a key part of the Convention's framework. Malaysia therefore believes that the ISU needs to be provided with adequate resources to conduct its work effectively, based on the mandate that will be decided upon at this Conference.*

*8. The lack of a verification and compliance mechanism remains a main challenge for the effective implementation of the BWC. While being cognisant of the difficulties to achieve forward movement on this crucial issue, Malaysia is still convinced of the necessity for resumption of negotiations on a legally-binding verification regime.*

*9. In the absence of such a regime, the key challenge for BWC compliance is for the States Parties to provide reassurance that the basic obligations under the Convention are being met. Reassurance can be achieved through reporting on national implementation;*

*demonstrating willingness to co-operate in resolving alleged breaches; providing assistance in the event of a biological incident; and facilitating the fullest possible exchange of relevant equipment, materials as well as scientific and technological information for peaceful purposes. Malaysia and Australia, with a cross-regional group of countries, have submitted Working Papers on this subject in the past ISP. We believe that this subject of reassurance continues to have relevance in our deliberations moving forward.*

[PC/3 shows that Malaysia has submitted its CBM for each year between 2012 and 2016 but none of these are available on the public section of the website. In addition, Malaysia did not make submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Malaysia is \$3,889.15 in arrears.]

68. Ambassador D.B. Venkatesh Varma of **India** then spoke saying that India associates itself with the statement made by Venezuela on behalf of the Non-aligned Movement and Other States. The statement went on to say that:

*5. This Review Conference is an important opportunity for us to review the implementation of the Convention and adopt a forward looking declaration, taking into account not just compliance of State Parties of their obligations under the Convention but also to address emerging challenges emanating from proliferation trends, including the threat posed by terrorists or other non-state actors gaining access to biological agents or toxins for terrorist purposes. India intends to host a Summit meeting in 2018 on countering WMD-Terrorism.*

*6. India is committed to the full implementation of the BWC. We believe that States Parties must ensure that their obligations under the Convention are fully implemented. Verification of compliance is critically important for States Parties to be collectively reassured that the provisions of the Convention are being realized. In this context, India supports the objective of a multilaterally agreed mechanism for verification of compliance that provides the assurance of compliance by States Parties and act as a deterrent against non-compliance. India shares the widespread interest amongst States Parties to strengthen the effectiveness and improve the implementation of the Convention through the negotiation and conclusion of a Protocol for that purpose covering all provisions of the Convention. The Review Conference will provide an occasion to assess whether there is sufficient political will and support for taking this forward on the basis of consensus.*

*7. CBMs are an important transparency measure to enhance trust but are not a substitute for an effective mechanism for verification of compliance. CBMs are not declarations and cannot be treated as such for assessing non-compliance. India is willing to look at proposals to update CBM formats related to the object and purposes of the Convention and in a manner that do not impose an undue burden on State parties. India has been up to date in submission of its CBMs. States Parties should live up to their commitments to submit CBMs, and this should be underlined by the Review Conference.*

*8. Review of new scientific and technological developments of relevance to the Convention is mandated by Article XII. India had submitted a Working Paper with specific proposals on conducting S&T review at the last Review Conference. We are willing to give*

*consideration to various proposals, including the one tabled by the Russian Federation. There is need for reaching common understandings on a framework and criteria for assessing risks of relevance to the Convention. In our view, measures taken to mitigate biological risks should be proportional to the assessed risk and not hamper legitimate peaceful activities including international cooperation. Further, there should be no hindrance to peaceful activities such as vaccine development, which are important for developing countries for meeting their public health needs. As a major vaccine producer, India supports international efforts for ensuring timely and affordable access to vaccines, including during public-health emergencies.*

The statement then went on, in regard to Article X and Article III, to say that:

*9. The full and effective implementation of Article X of the Convention is important to generate equitable benefits for States Parties, in particular developing countries and we hope that the Review Conference will respond to this need through concrete measures. In pursuance of the decision of the last Review Conference, India submitted a Working Paper in December 2014 containing its National Report on Article X Implementation. We have submitted an updated National Report on Article X Implementation as a Working Paper - WP 7, for this Review Conference. While India continues to attach high importance to the full and effective implementation of Article X, we believe that strengthened implementation of Article III would ensure that cooperation envisaged under Article X is taken forward in mutual confidence.*

*10. Effective national export controls are important tools to prevent the misuse of biological agents and toxins for purposes prohibited by the Convention or falling into the hands of terrorists, which is a major concern for the international community. India is committed to maintaining effective export controls matching the highest international standards.*

*11. Recognizing the importance of building broad-based support for strengthening implementation of Article III, India joined the United States in submitting a Working Paper in 2015 entitled 'Strengthening Implementation of Article III of the BTWC'. This Working Paper has been reissued as WP 1 of the Eighth Review Conference with specific suggested language for an appropriate decision at this Conference. In our view, a forward looking cooperative approach, as contained in this Working Paper, is better at finding common ground than those that only deepen old divisions.*

Then, in regard to Article VII, the statement added that:

*12. Article VII assistance is a legal obligation under the Convention. It is clear that the lack of a comprehensive Protocol to strengthen implementation of all aspects of the BWC has created a gap in the international community's capacity to respond effectively and provide assistance to States Parties exposed to dangers as a result of violation of the BWC. India and France proposed in 2015 the establishment of a database for assistance in the framework of Article VII and have tabled a revised Working Paper- WP 38/Rev 1, for this Review Conference. We see this as an operational and concrete tool providing an incentive for the Convention's universalization. We hope that appropriate decisions can be taken at the Eighth Review Conference to establish the database.*

The statement then concluded by saying that:

*13. The Review Conference will provide an opportunity for us to look back at the last inter-sessional process and look to the future operation of the Convention. When first established a decade ago, the inter-sessional process was intended to be an interim phase to help get through a difficult period. It has achieved better than expected success, creating a vibrant community of States Parties, Intergovernmental Organizations, academic institutions and NGOs. But it is also clear that the global regime against biological weapons and other risks to health security cannot be strengthened without strengthening the Convention and its universalization.*

*14. The long-term sustainability of the Convention should be rooted in legally binding measures with all State Parties endowing collective confidence in the Convention rather than pursuing measures to protect their specific national interests. In this, the BWC could draw inspiration from the success of the CWC. We are aware that achieving this goal will take time. In the meantime, we should look for practical and pragmatic solutions on specific issues for follow up in the inter-sessional period, while maintaining the integrity of Review Conference decisions which should be taken by consensus. Appropriate decisions on taking forward universality and on an effective and a representative ISU – fit for purpose and with adequate financing, would also need to be taken.*

[PC/3 shows that India has submitted its CBM for each year between 2012 and 2016 but none of these are available on the public section of the website. In addition, India made submissions in regard to compliance [INF.2], Article VII [INF.3] and Article X [INF.4]. In regard to financial contributions [INF.1], India is \$2,040.92 in arrears.]

69. This completed the Monday afternoon session of the General Debate. Mr. Daniel Feakes said that the meeting of the NAM Group scheduled for 6.00 pm had been cancelled and would be held on Tuesday morning at 9.00 am.

### ***Tuesday morning 10 November 2016***

70. The Tuesday morning session saw the continuation of the General Debate with a further group statement on behalf of ASEAN followed by statements by States Parties.

71. Mr. Bovonethat Douangchak, Chargé d’Affaires, of the Lao People’s Democratic Republic then spoke on behalf of **ASEAN** saying that:

*3. During the ASEAN Regional Forum Ministers’ Meeting held in July 2016, ASEAN Member States acknowledged that transparency and confidence-building measures (TCBMs) and progress on global nuclear disarmament and non-proliferation can play a role in improving the security environment of the Asia-Pacific region.*

*4. We take note the spirit embodied in United Nations Security Council Resolution (UNSCR) 1540, unanimously adopted by the fifteen members of the United Nations Security Council in 2004, which affirmed the need to address the proliferation of nuclear, chemical and biological weapons, and their means of delivery. Following this important*

*resolution, we welcomed the open consultations held at the United Nations Headquarters in June 2016, which provided a venue for Member States to consider the implementation of this resolution further. The ASEAN continues to call for implementation of principles stipulated by UNSCR 1540.*

*5. ASEAN would like to stress the need to enhance assistance, capacity-building, provision of technology as well as un-earmarked funding to developing countries, upon their request, and for States in a position to do so to render technical or financial assistance to requesting States, as appropriate.*

The statement then went on to say that:

*6. With regard the BWC, the ASEAN Member States, through the ASEAN Regional Forum and in coordination with other States, continue to conduct workshops focusing on bio-threat reduction, bio-risk management, disease surveillance, detection, preparedness and response.*

*7. The CBRN Center of Excellence network established a regional secretariat in Southeast Asia in 2013 to enhance the capacity of the ten ASEAN states in mitigating CBRN-related risks. This was an initiative of the European Union, and jointly implemented by the European Commission Joint Research Centre and the United Nations Interregional Crime and Justice Research Institute (UNICRI). This Regional Secretariat ensures cooperation and coordination in South-East Asia and supports efforts to identify CBRN risk mitigation needs, develop National CBRN Action Plans and formulate and implement regional project proposals.*

*8. ASEAN recognizes the importance of confidence-building measures (CBM) provided by States in order to build transparency.*

*9. ASEAN believes in promoting and achieving universality of this Convention in order to move forward in the field of disarmament. We, therefore, encourage all States to join and accede to the BWC.*

*10. ASEAN recognizes the necessity of multilateral negotiations and notes the lack of a verification measure, the latter which poses a challenge to the effectiveness of the Convention.*

*11. On the implementation of Article X, ASEAN places great importance in enhancing international cooperation, assistance and exchanges in toxins, biological agents equipment and technology for peaceful purposes. These include production of drugs, medicines, and vaccines life-saving achievements especially for developing countries.*

[PC/3 shows that the Lao People's Democratic Republic has not submitted its CBM for any of the years between 2012 and 2016. In addition, the Lao People's Democratic Republic did not make submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], the Lao People's Democratic Republic is \$1,176.37 in credit.]

## **72. Indonesia**

[PC/3 shows that Indonesia has submitted its CBM for 2015 but not for any of the other years between 2012 and 2016 and that the CBM for 2015 is not available on the public section of the website. In addition, Indonesia did not make submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Indonesia is \$1,176.37 in credit.]

73. Katy Donnelly, Deputy Permanent Representative to the Conference on Disarmament, of **New Zealand** then spoke saying that:

*New Zealand remains of the view that the BWC is an integral part of the disarmament and non-proliferation fabric and an indispensable tool in global efforts to stem the spread of weapons of mass destruction. Building on the excellent work undertaken during the preparatory process, this Review Conference provides an opportunity to take stock of the Convention and its application in today's international environment.*

*It is clear that developments in science and technology have rendered biological weapons easier to acquire and use – a trend that is likely to continue into the foreseeable future. The BWC must remain capable of responding to these developments in an appropriate, timely and effective manner. New Zealand is grateful to those delegations that submitted papers on Science and Technology Developments during the preparatory process. We look forward to the adoption of a decision at this Review Conference establishing a transparent and inclusive process for the provision of systematic advice to States Parties on such developments.*

*New Zealand believes that effective national implementation remains the cornerstone of the BWC. 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 practices in this regard. We recognise that many delegations have made recommendations on how to strengthen CBMs, including with respect to further improving the reporting template. New Zealand is hopeful that this Review Conference will take decisions that facilitate greater confidence regarding full implementation of the Convention by all States Parties.*

*Assistance and cooperation – as envisaged in Article X of the Convention – are also key elements in the full realisation of the Convention's objectives. We welcome the focus during the preparatory process on practical measures to enhance assistance and cooperation, including with respect to the existing database, and look forward to constructive consideration of such proposals at this Review Conference.*

The statement then went on to say that:

*As recent outbreaks of disease have demonstrated, the international community has a long way to go before it can be considered sufficiently prepared to overcome challenges in global health security. The devastating human costs of Ebola and Zika virus, alongside their significant economic, social and political repercussions, must serve as a stimulus for improved global preparedness for natural, accidental and*

*deliberate disease. We note that, earlier this year, the World Economic Forum named biological weapons as one of the top three technologies that will negatively transform warfare. Against this backdrop there is no room for complacency or for failure.*

It then concluded by adding that

*In addition to the effective use of this Review Conference, then, New Zealand also encourages States parties to consider how the interval between Review Conferences could be used more productively. We are deeply appreciative of the many working papers that have been put forward seeking improvements in the BWC's intersessional process. While we recognise that the Review Conference remains the ultimate decision-making body, New Zealand is supportive of efforts to enable important decisions to be taken in a timelier manner, including by annual Meetings of States Parties. We look forward to constructive consideration by this Conference of the proposals that have been made to this end.*

*The Implementation Support Unit has proven itself to be an indispensable part of the Convention's framework. We note the need for a measured enhancement of the ISU to ensure that it can undertake the activities mandated by States parties in a full and effective manner. We welcome the proposals that have been put forward in working papers on this issue and hope that a compromise can be reached on a suitable way forward.*

[PC/3 shows that New Zealand has submitted its CBM for each year between 2012 and 2016 and that these are available on the public section of the website. In addition, New Zealand did not make submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4] [in contrast to the Seventh Review Conference when New Zealand made contributions to the INF. papers on compliance and on Article X]. In regard to financial contributions [INF.1], New Zealand is \$2,241.67 in credit.]

#### 74. **Republic of Korea**

[PC/3 shows that Republic of Korea has submitted its CBM for each year between 2012 and 2016 and but none of these are available on the public section of the website. In addition, Republic of Korea did not make submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Republic of Korea is \$9,771.00 in credit.]

75. Ambassador Naci Kuru of **Turkey** then spoke saying that:

*We are of the opinion that it is important to establish structures that contribute to effective functioning of the Convention, and to strengthen its implementation in all its provisions. In this regard, Review Conference provides a good opportunity. We hope to find areas of consensus across the board to strengthen the BWC.*

*Taking this opportunity, we can assess the achievements of the 7th Review Conference recommendations and decisions. It is obvious that more should be achieved. It was evident during the preparatory process, there is a gap especially in efforts to catch up*

*with the developments in the field of science and technology. Lack of a remarkable increase on the level of CBM reports provided, seem to be another challenge. Stepping up universalization efforts maybe another area to concentrate. We think that these areas as well as some others might necessitate more careful consideration of the intersessional work program and decision making mechanism. We support efforts aimed at establishing stronger structures that would enable a better functioning of the Convention, including taking decisions between Review Conferences. More focused assessment of scientific and technological developments with regard to the Convention is also needed.*

The statement went on to say that:

*We share the expectations towards having better Exchange of CBMs both in terms of quality and quantity. We welcome submissions of reports by 80 State Parties, but despite the improvement, submission level has not reached a desirable stage yet. Turkey has submitted CBM reports regularly. We continue to encourage all States Parties to do the same.*

*On the other hand, a verification regime in the Convention would be useful for its purpose. Turkey believes that an improved system like the one in Chemical Weapons Convention might strengthen the efficacy of the Convention. Cognizant of the differences of opinion on the matter, States Parties should focus on strengthening current mechanisms of the Convention.*

The statement then added that:

*Turkey is aware of the positive developments in science and technology which have brought many benefits to areas such as health, environment and agriculture. However, we are also conscious of the adverse effects that come with this progress.*

*Science and technology is also highly pertinent to Article X of the Convention. Turkey believes that the language and spirit of Article X provide a solid foundation for international cooperation. We believe that improved implementation of this article would be essential in building confidence between the international society, and in developing the capacities that work to prevent and contain epidemics. We welcome various working papers submitted on this important topic.*

*In principal, we support regular review of science and technology by experts. In this regard, all papers under this topic include valuable inputs and it would be beneficial to carve out areas of converging ideas. We see merit in establishing a working group on this matter. Although, details such as participants, working methods, agenda etc. should be a matter of further discussion.*

*Moreover, Turkey supports strengthening the implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties. We welcome the recent working papers submitted in this regard as well.*

*Last but not least, strengthening the ISU would be an important outcome of this Review Conference. We would like to take this opportunity to commend the ISU for the successful work it has conducted in the preparation process for the Conference.*

[PC/3 shows that Turkey has submitted its CBM for each year between 2012 and 2016 and all of these are available on the public section of the website. In addition, Turkey did not make submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Turkey is \$6,508.00 in credit.]

76. Ambassador Jānis Krieviņš of **Latvia** then spoke saying that Latvia fully subscribes to the statement by the European Union to be made later. The statement went on to say that:

*I would like to stress Latvia's commitment to the objectives of the Convention. It is necessary not only to preserve, but also to strengthen and advance the Convention. We must work to ensure that the BTWC is relevant and effective in the context of developments in science and technology, and also work to ensure the broadest possible geographic coverage by promoting the universalization of the Convention.*

....

*Latvia attaches particular importance to building and sustaining confidence in compliance. Taking into account the lack of consensus on verification, we believe work should be pursued in those directions, where there is a possibility to reach an agreement.*

*As of 2002 Latvia has submitted the annual confidence building measure (CBMs) forms to demonstrate our compliance with the provisions of the Treaty. Welcoming the growing number of CBMs submitted each year, we would like to express our hope*

*that this trend will continue. CBMs are a tool to demonstrate compliance with the Convention, developing mutual trust and creating transparency.*

*In regard to the content of the CBMs Latvia supports increasing the relevance and comprehensiveness of the CBM forms as formulated in more detail in the position of the EU relating to the Eighth Review Conference, submitted as an official document.*

*Another opportunity to enhance transparency and build confidence in compliance is through the consultation provisions of the Article V of the Convention. In this regard Latvia would like to highlight the Official Document submitted by the European Union "Enhancing the effectiveness of the consultative provision of Article V of the Biological and Toxin Weapons Convention".*

The statement went on to add that:

*Latvia believes it is necessary to strengthen the role of the Implementation Support Unit (ISU), as well as strengthen the ISU itself. A strengthened ISU would allow for extended action and improved efficiency in various fields, such as - but not necessarily limited to - universalization and outreach, submission and compilation of CBMs, a robust intersessional work programme. This would benefit us - the State Parties of the BTWC.*

[PC/3 shows that Latvia has submitted its CBM for each year between 2012 and 2016 and all of these are available on the public section of the website. In addition, Latvia did not make submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Latvia is \$230.00 in credit.]

#### 77. **Kazakhstan.**

[PC/3 shows that Kazakhstan has submitted its CBM for 2015 and 2016, but not for 2012 to 2014, and neither of these is available on the public section of the website. In addition, Kazakhstan did not make submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4] [in contrast to the Seventh Review Conference when Kazakhstan made a contribution to the INF. paper on compliance]. In regard to financial contributions [INF.1], Kazakhstan is \$2,315.20 in arrears.]

78. Ambassador Karol Mistrík, Director, Department for Disarmament and Counter Terrorism, Ministry of Foreign and European Affairs of **Slovakia** then spoke saying that Slovakia aligns itself with the statement to be made later by the European Union. The statement went on to say that:

*We attach great importance to the universalization of the BTWC. It is essential to reach out those states that have not yet legally committed themselves to the Convention and its obligations. We should also search for further ways how to coordinate all existing efforts to foster this goal.*

*We think that national implementation of BTWC responsibilities and strengthening the national capacities to deal with potential outbreaks of diseases is fundamental. Effective and comprehensive national legislation, continuous capacity building and effective national export control are key prerequisites to fulfil the BTWC's obligations.*

*We do have our own experience in this regard.*

The statement then said that:

*Concerning the intersessional process, we believe its functioning would be enhanced and it would bring better results if formal collective action could be taken also in the cycle during the Review Conferences. This process should be able to better accommodate scientific and technological developments and should allow for the in-depth substantive discussion.*

*Slovakia supports the strengthening of the Implementation Support Unit (ISU) and the prolongation of its mandate. We are also in favour the ISU to engage in additional duties with regard to universalization, action-oriented inter-sessional process, as well as science and technology developments. However, it would be hard to request more responsibility and workload without sufficient ISU's staff manpower.*

*Slovakia attaches particular importance to the confidence-building measures (CBMs) as a tool for enhancing transparency and confidence in compliance with the Convention and regularly submits its CBMs national declaration to the ISU and State Parties. We think, the State Parties should get as much of the CBMs and we should increase their relevance and comprehensiveness also through the streamlining of the CBM forms.*

*Finally, let me also touch upon the potential risk of abusing of highly toxic and infectious biological agents by the terrorist groups and other non-state actors. We have to use the full potential of the Convention to tackle this issue. We are in favour of strengthening the capabilities of the UN Secretary-General's Mechanism for investigation of alleged use of chemical and biological weapons. These might improve its effectiveness and utility, and at the same time, support the relevant provisions of the BTWC.*

[PC/3 shows that Slovakia has submitted its CBM for each year between 2012 and 2016 but none of these are available on the public section of the website. In addition, Slovakia made submissions in regard to compliance [INF.2], Article VII [INF.3] and Article X [INF.4]. In regard to financial contributions [INF.1], Slovakia is \$838.00 in credit.]

79. Ambassador Andre Pung of **Estonia** then spoke saying that Estonia fully aligns itself with the statement to be made later by the European Union. The statement went on to say that:

*The Eighth Review Conference provides us with an opportunity to **further strengthen the effectiveness of the Convention and improve its implementation** in order to better address the challenges of the changing nature of biological weapons threats. In this respect, Estonia is dedicated to achieving progress, especially in the following priority areas.*

*We expect the Eighth Review Conference **to further enhance the intersessional process** as well as to support the Ninth Review Conference to be held no later than 2021. We believe that the next substantive intersessional work programme should be more action-oriented and responsive to challenges we have to address collectively. We therefore support establishing stronger structures that will enable a better functioning of the Convention, including the possibility of taking decisions upon collective actions during the intersessional process.*

*We support the prolongation **of the mandate of the Implementation Support Unit** for further five years. We have all benefited from the useful work of the ISU and I would like to take this opportunity to thank the Implementation Support Unit for the hard work they have performed in support of the Convention. We also support the strengthening of the role of the ISU and a rational extension of its activities in order to support the implementation of a revised and hopefully strengthened intersessional work programme.*

***Robust national implementation measures**, including relevant judicial and criminal provisions, biosafety and biosecurity measures, effective export control and enforcement, are pivotal for an increase in confidence in compliance and for the success of the Convention as a whole.*

*Further strengthening of national implementation is contributing to compliance with the obligations under **UNSC Resolution 1540**, which is relevant to the elimination of the risks of biological and toxin weapons being acquired or used for terrorist purposes. We believe the **biological threats vis-à-vis non-state actors and terrorism** should be addressed within the existing international framework by strengthening the existing tools, including the BTWC itself, and by strong national implementation. [Emphases in original]*

The statement went on to add that:

***The Confidence-Building Measures** continue to be the only vigorous tool that gives a degree of confidence and transparency in compliance with the Convention among States Parties. We also support other options to contribute to an increase in confidence in compliance, including enhancing the effectiveness of the consultative provisions of Article V of the Convention and transparency about cooperation and assistance related to the Article X.*

*As part of our commitment to the CBM process, Estonia has submitted the CBM forms regularly since becoming a member of the Convention in 1993. Our CBM submissions are published on the ISU website and we encourage other states to do likewise. In this regard we would like to see the process to be further modernized in order to better serve the purpose of transparency – CBMs should be public by default and not by application of the Member State as it is the case today. We also call upon States Parties who have not yet submitted their confidence-building measures to do so on a regular basis.*

*Finally, Estonia supports the **UN Secretary General's Mechanism** for investigation of alleged use of chemical and biological weapons through further development of its operational capabilities as a means of strengthening Articles VI and VIII. [Emphases in original]*

[PC/3 shows that Estonia has submitted its CBM for each year between 2013 and 2016 but not for 2012 and that those for 2013, 2015 and 2016 are available on the public section of the website but not the one for 2014. In addition, Estonia made submissions in regard to Article X [INF.4] but not in regard to compliance [INF.2] or Article VII [INF.3]. In regard to financial contributions [INF.1], Estonia is \$192.00 in credit.]

80. Ambassador Milorad Šepanović of **Montenegro** then spoke saying that Montenegro fully aligns itself with the statement to be made later by the European Union. The statement went on to say that:

*Having prescribed for the total ban on the development, production, acquisition and use of biological weapons, the Convention is the cornerstone of our efforts to preserve international peace and security. For those reasons, Montenegro remains fully committed to its universalization. We look favourably on the EU's proposal with regards to the adoption of an action plan on universalisation, coordinated by the ISU, and periodically evaluated.*

*My Government attaches a great importance to promoting compliance with the Convention. In our view, establishing and advancing confidence that State Parties will truly abide by their commitments, is essential to ensuring the integrity of this treaty regime. We place a great value on the CBMs and consultative processes under Article V of the Convention as both valuable instruments to help generate transparency in this regard. Let me remind you that this year Montenegro has submitted its CBMs and thus reaffirmed its commitment to prevent microbiological and other bio-agents and toxins from ever being developed and used as weapons.*

*Furthermore, a successful implementation of the BWC is the best recommendation for its universalization. This year, Montenegro has adopted a National Action Plan for Strengthening the Mitigation of Chemical, Biological, Radiological and Nuclear (CBRN) Risks. Since 2014, we have been implementing the Action plan for the Resolution 1540. By adopting the National Strategy for Non-proliferation of the Weapons of Mass Destruction in September this year, we have completed a national strategic framework for efficiently implementing disarmament obligations, including those related to the BWC.*

*Let me inform you also that Montenegro, Côte d'Ivoire, Kenya and Uganda have submitted a Working Paper to the Review Conference with a view to highlight the benefits of developing and implementing National CBRN Action Plans. Capacity-building activities based on the National CBRN Action Plans can make substantial contributions to bolstering national measures to implement the BWC, in line with Article IV of the Convention. They are also essential for the implementation of the UN Security Council Resolution 1540. Likewise, the National Action Plans serve as useful instruments for ensuring that cooperation and assistance – in the context of Article X of the Convention – is performed efficiently, without duplication of efforts and focusing on States' most crucial capacity gaps. Montenegro, together with UNICRI is organizing a Side Event on this topic on the 10th of November, which will represent an opportunity for Montenegro and other states to share their experience in producing and implementing National CBRN Action Plans within the framework of the European Union CBRN Risk Mitigation Centres of Excellence initiative. Against this background, we expect that the Conference will recognize in its Final Declaration the value of adopting National CBRN Action Plans as a way to foster more effective implementation of the Biological Weapons Convention.* [Emphases in original]

The statement then went on to add that:

*As the biological weapons represent one of the most severe threat to the world nowadays, we believe that additional efforts should be made towards conducting efficient assessments with a view to catch up with the scientific developments, which may have implications for the BWC. We believe that international cooperation is of a paramount importance in case a State Party is exposed to danger due to a misuse of biological agents by any state or non-state actor. For that reason, we support the efforts aiming to strengthen the implementation of the Article VII of the Convention.* [Emphasis in original]

*Allow me to reiterate our firm support to the Biological Weapons Convention. We stand ready to contribute to its strengthening and ensuring that this Convention remains one of the most valuable components of the international non-proliferation and disarmament framework. In that regard, we support all efforts towards establishing structures for a better functioning of the Convention, which will enable State Parties to take substantive actions in the period before the next Review Conference. This includes prolongation of the mandate of the ISU, strengthening its role, and increase in its staff accordingly.*

[PC/3 shows that Montenegro has submitted its CBM for 2016 but not for 2012 to 2015 and that the one for 2016 is not available on the public section of the website. In addition, Montenegro did not make made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Montenegro is \$36.79 in arrears.]

#### 81. **Peru**

[PC/3 shows that Peru has submitted its CBM for the years between 2013 and 2016 but not for 2012 and none of its CBMs are available on the public section of the website. In addition, Peru did not make submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Peru is \$1,034.78 in credit.]

#### 82. **Thailand**

[PC/3 shows that Thailand has submitted its CBM for the years between 2012 and 2014 and for 2016 but not for 2015 and none of its CBMs are available on the public section of the website. In addition, Thailand did not make submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Thailand is \$1,407.34 in arrears.]

83. Ambassador Carla Maria Rodríguez Mancía of **Guatemala** then spoke saying that Guatemala associates itself with the statement made by Venezuela on behalf of the Non-Aligned Movement and other States Parties. The statement went on to say that the universalization of the Convention strengthens the prohibition regime and aids the maintenance of international peace and security. That is why Guatemala welcomes the recent accessions of Angola, Côte d'Ivoire, Liberia and Nepal to the Convention and calls upon all other States that are not parties to accede to the Convention.

The statement then said that Guatemala also recognizes the need to continue promoting the more active participation of the scientific community and other international public health organisations to consider advances in science and technology in accordance with the provisions and objectives of the BWC.

Guatemala then said that they believed that the Review Conference is the right place to resume negotiations of a legally binding multilateral protocol to strengthen the Convention in a comprehensive and balanced way, including assistance and cooperation. The statement went on to add that Guatemala reiterates its commitment to the fulfilment of all the provisions of the Convention and calls for the improvement and broadening of the participation of States Parties in the presentation of their national reports to contribute to the transparency and strengthening of the regime established by the Convention. It then concluded by saying that Guatemala reiterated their strong support for the Convention and their unequivocal commitment to its full implementation and, in the near future, its universalization.

[PC/3 shows that Guatemala has not submitted a CBM between 2012 and 2016. In addition, Guatemala did not make submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Guatemala is \$358.13 in arrears.]

#### 84. **Panama**

[PC/3 shows that Panama has not submitted a CBM between 2012 and 2016. In addition, Panama did not make submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Panama is \$1,070.40 in arrears.]

85. Ambassador Ms. Beatriz Londoño Soto of **Colombia** then spoke saying that Colombia associates itself with the statement made by Venezuela on behalf of the Non-Aligned Movement.

The statement went on to say that Colombia is encouraged by the unprecedented number of proposals submitted for consideration at this Review Conference. This is a sign of the dynamism with which the States Parties assume the challenge of preparing for the next five years.

The statement then noted that on 24 November 2015, the *"Geneva Protocol of 1925 on the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and Bacteriological Methods of Warfare"* entered into force for Colombia, a supplementary instrument to the Biological Weapons Convention. Furthermore, in the five-year period since the Seventh Review Conference, Colombia has worked on implementing the Convention nationally in its practical, field-level aspects and has received the strong support of the national authorities concerned. With helpful support from the European Union, UNLIREC (United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean) and VERTIC, Colombia has been working towards the establishment of a national authority to lead in the implementation of the Convention. At the same time, Colombia has been fulfilling all the obligations arising from the Convention. This includes regulations that prohibit possible criminal behaviour and regulates the authorization of the controlled and peaceful use of biological agents and toxins. Since 2011 Colombia has been presenting in a timely and comprehensive manner the reports on Confidence-Building Measures, a tool that has allowed Colombia to follow-up on the national implementation of the Convention and promote the joint work of state entities with responsibilities in this field.

The statement then added that Colombia considers it important to strengthen or implement policies aimed at controlling imports, exports and transshipments of dangerous goods. Colombia agrees that all actions taken to control the risks of proliferation and terrorism using biological weapons are indispensable for ensuring the security of each State Party to the Convention. It is also appropriate that States Parties encourage national measures to account for activities with biological materials that are carried out in their territory to avoid possible diversion to actors who intend to use it for hostile purposes.

[PC/3 shows that Colombia has submitted a CBM in 2012 and then each year between 2014 and 2016 but not in 2013 and that none of these are available in the public section of the website. In addition, Colombia made submissions in regard to compliance [INF.2], Article VII [INF.3] and Article X [INF.4]. In regard to financial contributions [INF.1], Colombia is \$6,182.05 in arrears.]

86. Ambassador Vinicio Mati of **Italy** then spoke saying that Italy aligns itself with the statement by European Union to be made later. The statement then said that:

*As recently noted by the UN Secretary-General, the international community needs to invest more resources in the international architecture dealing with biological weapons. The Biological and Toxin Weapons Convention is a fundamental component of this architecture, and every possible effort should be made to strengthen its regime.*

*The following three weeks give us a valuable opportunity to do so. We should aim for a strong outcome that clearly outlines our goals for the next review cycle and identifies the most effective way to concretely strengthen implementation of the Convention.*

It then went on to add that:

*Universalization of the BTWC remains one of Italy's top priorities. The broader the membership of the Convention, the more effective its regime. Therefore, we urge, once again, the States that have not yet acceded to or ratified it to do so without delay.*

*Confidence-Building Measures are essential to promote the purposes of the BTWC. They help demonstrating compliance with its commitments, and are key to increasing mutual trust and transparency. We support renewed efforts to increase participation in the CBMs process, and to allow States to make better use of the exchanged information. We are also open to discussing other potential means to foster transparency and facilitate the exchange of best practices, such as voluntary peer reviews.*

*Italy also firmly supports strengthening implementation of Articles VII and X of the Convention. National preparedness is essential in cases contemplated in Art. VII, but so is international assistance. We believe it is important to identify concrete ways to strengthen each State Party's capability to respond rapidly and effectively to Art. VII emergencies, including through the identification of a possible mechanism for the provision of assistance.*

*Italy is also actively engaged in international assistance and cooperation activities falling under Art. X implementation. These include programmes on controlling infectious disease, ensuring emergency interventions and biomedical treatment. We remain convinced that effective international cooperation and assistance, relating to both Art. VII and X, must rely on increased coordination with relevant international organizations, such as the WHO and the ICRC. The BTWC does not operate in a vacuum; its ties with the issue areas and regimes that are fundamental for its effectiveness must be maintained and strengthened.*

The statement then said that:

*The BTWC operates in a highly dynamic scientific and technological context. In this fast paced environment, it is essential to endow the Convention with the tools and procedures necessary to respond more rapidly to emerging needs and challenges.*

*In this view, Italy is keen on discussing ways to strengthen the intersessional work programme. We see merit in giving priority to more focused and in-depth discussions, and in favouring greater involvement of experts. We are also open to the possibility of conducting this work, or parts of it, in the format of Working Groups or Coordination mechanisms, similarly to other disarmament and arms control regimes. We also deem it useful to discuss ways to better outline the respective roles of the different components of the intersessional process, including the annual Meetings of Experts and Meetings of the States Parties.*

*An important element in the intersessional work programme will consist in the review of scientific and technological developments potentially relevant for the Convention. Several proposals were presented on how to make this process more effective and systematic, which provide a rich and productive basis for our discussions.*

[PC/3 shows that Italy has submitted a CBM in each year between 2012 and 2016 and that none

of these are available in the public section of the website. In addition, Italy made a submission in regard to Article X [INF.4] but not in regard to compliance [INF.2] or Article VII [INF.3] [in contrast to the Seventh Review Conference when Italy made a contribution to the INF. paper on compliance]. In regard to financial contributions [INF.1], Italy is \$21,796.00 in credit.]

#### 87. Myanmar

[Myanmar became a State Party in December 2014 and PC/3 shows that Myanmar has submitted a CBM for 2016 but not for 2015 and that the CBM for 2016 is available in the public section of the website. In addition, Myanmar has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Myanmar is \$49.00 in credit.]

88. Mr. Sergii Shutenko, Director General for International Security of the Ministry of Foreign Affairs of **Ukraine** then spoke saying that Ukraine aligns itself with the statement to be made later by the European Union. The statement then said that:

*The BTWC is an arms control agreement that relates directly to public health, the environment, food security, and biodiversity. We consider the Convention to be also a proper multilateral basis for developing international cooperation in the field of biosafety and biosecurity, including scientific and technological clusters.*

*Unfortunately, Ukraine enters the Eighth BTWC Review Conference in the situation when our efforts to increase the effectiveness of our country's national system for biosafety and biosecurity, and to implement to a full scale the provisions of the BTWC are seriously impeded, first of all because of the external aggression, by inability to engage three crucial components of Ukraine's biosecurity system: the Ukrainian anti-plague station, the Crimean republican diagnostic laboratory in the city of Simferopol, as well as Donetsk and Lugansk regional sanitary and epidemiological stations.*

The statement then went on to say that:

*.... Now, 41 years later, we are facing other types of bio-risks, in particular, those arising from drug-resistant diseases, threats related to the progress in modern life sciences, unpredictable consequences of "dual use" scientific inventions, as well as new emerging and re-emerging dangerous infectious diseases such as the Ebola outbreak.*

*In this regard, the Eighth BTWC Review Conference is our key opportunity to engage in a dialogue on the proper functioning of the Convention under these circumstances and on ways to enhance it in connection with new challenges, including revising the Intersessional work programme, as well as to assess a number of possible compliance mechanisms to strengthen the Convention.*

*The Ukrainian side believes it is of utmost importance that the international community continues taking every effort to improve the effectiveness and universality of the Convention through promoting cooperation, exchange of good practices and relevant information in the spheres of biotechnology and biomedicine, as well as educational programs on biosafety and bioethics. Speaking on this subject, I would like to draw your attention to the working paper BWC/CONF.VIII/WP.10 titled "Awareness-raising,*

education, outreach: an example of best practice”, submitted to this Conference by Ukraine and the United Kingdom of Great Britain and Northern Ireland, which covers many relevant issues. Allow me to stress that the worldwide society must take joint efforts aimed at raising awareness among scientists working in the appropriate fields and spreading information on possible risks that may appear from lack of knowledge.

During this event we have an important task to sum up the five-year period of operation of the Convention and shape its future. Speaking about next Intersessional work programme we can state the fact that three previous intersessional periods have proven that State Parties can efficiently cooperate together on all matters relevant to the BTWC. What the Eighth Review Conference must ensure, however, is that all States Parties work jointly on actually strengthening the Convention and its implementation. Approaching this question, in our opinion, it is worth to consider enhancing the Authority of the Annual Meetings of the States Parties to make decisions, improving their capacity for in-depth substantive and technical discussions.

To tackle the issues before us we need, *inter alia*, to strengthen the Implementation Support Unit, ensuring that it's capable of covering all BTWC related matters in terms of manpower and other resources. In this regard Ukraine supports the prolongation of the ISU's mandate; the inclusion of further activities in its mandate; the developing a more effective system to review scientific and technological progress; the adoption of an action plan on universalisation, coordinated by the ISU; an adequate expansion of the current ISU staff to meet the new objectives and carry out activities mentioned above.

Another duty of the Eighth Review Conference is to consider the implementation of the Convention article by article. In this regard let me point out that Ukraine is among those states which have transmitted the 5-year review report on the implementation of the BTWC for this Conference, as well as continues submitting on a regular basis our national reports on the implementation of the Convention. We believe that Confidence Building Measures (CBMs) help to increase mutual trust, generate transparency and thus help to demonstrate compliance with this international instrument.

In this vein we trust it is necessary that the international community takes every effort to improve the effectiveness and universality of the Convention. Speaking about the effectiveness of the BTWC implementation, there is a need to find the most proper formats for active involvement of all interested parties, including non-governmental organizations, industry and academia, in this process.

The statement concluded by saying that:

.... In our opinion it is worth considering an initiative to encourage all those states which have ratified or acceded to the CWC also to ratify or accede to the BTWC.

Another step could be that the Eighth Review Conference adopts an Action Plan on Universalization with an interim objective of reaching 190 States Parties to the BTWC no later than the Ninth Review Conference in 2021.

*We have many complicated issues that demand our attention. What is our expectation regarding the future of the BTWC? What is the growing spectrum of potential biological threats? How can we balance the progress in the life sciences and the need for sufficient security? And last but not least, considering that appropriate biosecurity policy requires globalised governance of biosecurity threats, how should the international architecture of globalised biosecurity governance look like?*

[PC/3 shows that Ukraine has submitted a CBM for each year from 2012 to 2016 and that the CBMs for 2015 and 2016 are available in the public section of the website. In addition, Ukraine has made a submission in regard to compliance [INF.2] but not in regard to Article VII [INF.3] or Article X [INF.4] [in contrast to the Seventh Review Conference when Ukraine made a contribution to the INF. paper on Article X]. In regard to financial contributions [INF.1], Ukraine is \$485.00 in credit.]

89. Ms. Patricia Cullen, Deputy Permanent Representative to the Conference on Disarmament, of **Ireland** then spoke saying that Ireland aligns itself fully with the statement to be made later by the European Union. The statement went on to say that:

*Developments since the last Review Conference, such as the outbreak of the Ebola virus, and more recently the Zika virus, have clearly shown us that biological threats do not discriminate amongst victims and do not respect borders. Ensuring effective disease monitoring, detection, control and prevention is therefore an urgent imperative. The universalization and the full and effective implementation of the BWC are crucial steps to this purpose. In this regard, we welcome the recent accession of four new States Parties to the Convention – Angola, Côte d'Ivoire, Liberia and Nepal and we encourage others to join.*

*Yet another reason for strengthening implementation of the Convention relates to the worrying reports that some Non-State Actors are seeking to acquire or develop weapons of mass destruction, including biological weapons. The potential consequences of such groups obtaining and using these weapons should galvanise the international community's resolve to adhere to UN Security Council Resolution 1540. This concern should also be one of the key factors informing our work here and should be uppermost in our consideration as we develop the next inter-sessional work programme. [Emphasis in original]*

*Further, in an effort to enhance transparency and confidence, we undertook a review of our CBM returns in order to ensure that Ireland is doing all that we can to engender confidence with the Convention.*

*We have undertaken a number of other initiatives, which we believe demonstrate our commitment to international assistance and collaboration, as envisaged by Article X. These actions have been set out in the EU working paper on the implementation of Article X.*

The statement went on to add that:

*Ireland believes that now is the time to make real progress in relation to four issues: the inter-sessional process; the re-enforcement of the ISU; the science and technology review framework; and effective domestic implementation measures.*

*We see the current inter-sessional process as hampered to a degree by the lack of timely and effective decision-making procedures; and we believe that this ought to be addressed as a priority, so as to enable States Parties to mount effective and rapid responses to the ever-evolving threats, posed by disease outbreaks and the potential actions of non-state actors.*

*Furthermore, we sense that there is general agreement on the need to redouble our efforts to enhance transparency and build confidence, in terms of compliance with the Convention. A number of suggestions have been tabled in this regard, for example, measures which encourage the participation in, and enhancement of the existing Confidence Building Measures returns (CBMs). We also sense an openness to exploring other voluntary measures to enhance transparency, such as peer review mechanisms.*

*Advances in biological sciences and biotechnology are occurring on a daily basis, and there are many opportunities for the exploitation of such advances for peaceful purposes. However, these advances also carry inherent risk of dual use and require thoughtful and careful management. We feel that both the opportunities and risks posed by S&T developments have been recognised by our fellow States Parties and we believe that there would appear to be a tentative consensus emerging, in relation to the need to create a more substantive S&T review framework for the upcoming intersessional programme.*

*It is our belief that the ISU has played and will continue to play a critical role supporting the implementation of the Convention. Ireland recognises this role and was pleased to provide funding to support the ISU. We urge colleagues to bear in mind the resourcing constraints that the ISU faces, particularly when we set about crafting a new inter-sessional work programme. The ISU has very ably supported our work thus far; and we hope to see their role strengthened and enhanced, as we move forward.*

[PC/3 shows that Ireland has not submitted a CBM for 2012 or 2013 but has submitted CBMs for each year from 2014 to 2016 and these CBMs are available in the public section of the website. In addition, Ireland has made a submission in regard to Article X [INF.4] but not in regard to compliance [INF.2] or Article VII [INF.3] [in contrast to the Seventh Review Conference when Ireland made a contribution to the INF. paper on compliance]. In regard to financial contributions [INF.1], Ireland is \$2,048.00 in credit.]

#### **90. Algeria**

[PC/3 shows that Algeria has not submitted a CBM for 2012 or 2013 but has submitted CBMs for each year from 2014 to 2016 and these CBMs are not available in the public section of the website. In addition, Algeria has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Algeria is \$3,453.83 in arrears.]

#### **91. Venezuela**

[PC/3 shows that Venezuela has not submitted a CBM between 2012 and 2016. In addition, Venezuela has not made a submission in regard to compliance [INF.2], to Article VII [INF.3] or to Article X [INF.4]. In regard to financial contributions [INF.1], Venezuela is \$30,051.14 in arrears.]

92. Ambassador Mohsen Naziri Asl of **Iran** then spoke saying that Iran associated itself with the statement delivered by Venezuela on behalf of the NAM and other State Parties. The statement went on to say that:

*The Eighth BTWC Review Conference is a unique occasion for the objective review of the operation of the Convention and setting the agenda to preserve its non-discriminatory nature and to further its object and purpose, in a holistic manner.*

*Forty one year after the entry into force of the Convention, the international community still faces a great challenge on how to establish a comprehensive and legally binding system for strengthening the Convention at the spectre of yet threats of biological warfare either by terrorist groups or by states. This challenge combined with our operation review of the Convention, have made it all the more compelling to save the Convention from the scourge of divisive incremental engineering.*

*The BTWC, as the first multilateral treaty to ban an entire category of weapons of mass destruction, even though it remains the third most universal, 41 years after the entry into force one should ask why this disarmament treaty has been neglected and its implementation is yet doomed to narrow interpretation in terms of mere national measures?*

*We believe that a treaty, how much universalized it might be, if it lacks any comprehensive implementation mechanism, it would end up being a mere political declaration in the hands of some to impose their own discriminatory and unbalanced taking out of multifaceted Convention. In 2001, when legally binding protocol for the Convention, was blocked, strengthening of the Convention is yet captive of policy of one Party. Consequently, finding consensus on way of making the Convention more effective, has proven and continue to prove elusive even after almost two decades.*

The statement went on to add that:

*Much has been said that, at this juncture, as we are embarking on a comprehensive review of the operation of the Convention, "business as usual" is not supposed to be an option; likewise, many are also of the firm belief that piecemeal solutions and/or fragmented proposals are not also going to serve properly the best interest of the international community.*

*The rapid pace of scientific and technological development cannot be overemphasized. Likewise, attempts by some to harness the level of cooperation and restrict the others to benefit from such developments, cannot also be overestimated, either. This situation becomes even more critical by the lack of political will to establish an institutional mechanism for the follow-up, verification and review the implementation of the provisions of the Convention.*

*While it is widely acknowledged that the Use of Biological Weapons is contrary to the object and purpose of this Convention, nevertheless, regrettably its provision does not explicitly prohibit it. This, indeed, is a major legal gap that needs to be addressed. Along with the other parties, who are determined to exclude completely the possibility of the use of biological weapons, the Islamic Republic of Iran strongly calls for ensuring the total ban on the use of biological weapons by anyone, anywhere, and under any circumstances.*

*To that end, and in accordance with Article XI of the Convention, which provides for its amendment, during the Eighth Review Conference, Iran would reiterate its proposal for amending the Title and Article I of the Convention.*

*In the same sense, we strongly support NAM position in calling upon those States that continue to maintain reservations to the 1925 Geneva Protocol, to withdraw them without any further delay.*

*As far as the next inter-sessional process is concerned, according to Article XII of the Convention, the Conference of States Parties is the only political formula with the decision making power; it is important to note that after the failure of reaching an agreement on the Protocol in 2001, States Parties agreed to having an Inter-Sessional Programme, as an interim recipe for surpassing the very existing uninspiring stalemate, not as a process for the ultimate failure of the Convention, drum of which are being beaten by some during the Preparatory Process; it was not supposed to replace the Protocol, nor hamper having an implementation mechanism like any other International Conventions and Treaties.*

*herefore, the status of the ISP in this process is to provide a provisional forum for the discussions and consultations among SPs on different issues related to the Convention, in order to enhance the common understanding on its better implementation; and, that the Review Conference of States Parties is the sole authoritative forum to make substantive and procedural decisions, which constitutes the only effective method for reviewing the operation of the Convention with a view to ensuring that its object and purpose in the preamble and of its provisions are realized.*

*Likewise, Implementation Support Unit (ISU) is not an implementation body for the BWC, but a "supporting administrative unit ", which has provisionally come into existence by the decision of SP in 2006 with specific mandates. And, since the Convention does not have an structured implementation mechanism, the ISU might not have a status like a secretariat, with a desired mandate; therefore, the strengthening of ISU in terms of changing its structure, size, budget and staff commensurate with ambitious additional tasks should not come into contradiction with its raison d'être, and unless the BWC enjoys an implementation structure, having a body to act a secretariat is neither feasible nor even conceivable.*

*Hence, **Mr. President**, taking note of different proposals, the Islamic Republic of Iran strongly believes that: firstly, the most effective approach is a comprehensive one that provides for dealing with all provisions of the Convention in a balanced manner; and, secondly, the most pragmatic option to strengthen the Convention is through resuming the negotiations of a multilateral legally binding Protocol to the Convention. It is worth re-*

*emphasizing that until the momentum for negotiating of a legally binding instrument comes, any measures by the States Parties would have the value of merely being as voluntary measures in nature as agreed by the Fifth Review Conference.*

The statement then concluded by saying that:

*So, taking into account, different proposals related to procedural and substance, it is important to mention first and foremost several principle observation of my delegation on the current discussion of the RevCon:*

- ISP since its establishment in 2011, has been successful in achieving its objectives. Any structural change to the agreed framework would not be possible without deep analysis of its implication on the whole Convention and its States Parties as the main stakeholders.*
- Paradigm shift in changing the next ISP structure has no logic so far as the decision of the Fifth Review Conference is concerned;*
- Deficiency and uneven implementation of the BTWC is not redressed and recovered merely by discriminatory attitudes towards national measures;*
- Triggering negotiation of legal binding International institutional mechanism like CWC is key to reinforce the required national Implementation of the BTWC entangled with international implementation;*
- Full, effective and non-discriminatory implementation of regulatory aspects of Article X is also key in this endeavor to adapt national measures with necessary international legal binding regime undertakings;*
- Mere national decisions to authorize and control of peaceful exports, or otherwise, for partially implementing Article III & IV are contrary to Article X provisions on not to hinder transfer items and are doomed to further restrictions;*
- Export controls shall not compromise the full, effective and non-discriminatory implementation of Article X. Any national export control measures without an agreed international negotiated guidelines to ensure peaceful transfers, will eventually lead to denials, as it leaves the related transfer, to mere national arbiter, in contravention with provisions of the Convention;*
- Contending approaches towards strengthening the Convention, namely legal binding vis-à-vis divisive national measures, continue to remain unfinished challenge, until the resumption of multilateral negotiation for a comprehensive legally binding regime including verification is reinvigorated.*

[PC/3 shows that Iran has not submitted a CBM between 2012 and 2016. In addition, Iran did not make submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4] [in contrast to the Seventh Review Conference when Iran made a contribution to the INF. paper on compliance]. In regard to financial contributions [INF.1], Iran is \$27,251.34 in arrears.]

93. Ambassador Héctor Marcelo Cima of **Argentina** then spoke saying that universalization of the Convention is of fundamental importance in achieving the objectives and purposes of the Convention as a whole, since universality contributes to strengthening the non-proliferation of weapons of mass destruction. The statement went on to say that with regard to transparency and confidence at the regional level within the framework of the Convention, Argentina wishes to emphasize that this year marks the 25th anniversary of the Mendoza Commitment, a joint statement signed with Brazil and Chile to which Bolivia, Ecuador, Paraguay and Uruguay have adhered, whereby the seven countries pledged not to develop, produce, store, transfer or use chemical and biological weapons. This year, the seven countries have renewed this commitment and reiterated the right to use all peaceful applications of chemistry and biology for the economic and technological development and well-being of their peoples. The statement then concluded by saying that Argentina is convinced that this Review Conference should at least: add to biological disarmament and efforts against bioterrorism; call for all States to ratify or accede to the BTWC without delay; promote the use of regional, bilateral and multilateral frameworks for peaceful cooperation in the field of life sciences; formalization of intersessional work with substantive agendas; and reinforcement of interaction between academia and the BTWC.

[PC/3 shows that Argentina has submitted CBMs for each year from 2012 to 2016 but none of these CBMs are available in the public section of the website. In addition, Argentina has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Argentina is \$13,839.99 in arrears.]

94. This completed the morning session on Tuesday 10 November 2016. Mr. Daniel Feakes said that there would be a side event:

- Germany: *Confidence in Compliance - Peer Review Visits as a Useful Tool for Increased Transparency*-- 13.00-15.00 Room XXIV

and that there would be a meeting of the General Committee at 14.00 in Room XXV. He also reminded those present that a poster session would be held on Thursday 10 November at 18:00. The President said that the afternoon session of the General Debate would resume with a statement by South Africa.

### ***Tuesday afternoon 10 November 2016***

95. The afternoon session on Tuesday 10 November 2016 began with a statement from South Africa.

96. Ms. Ncumisa Pamella Notutela, Deputy Permanent Representative, of **South Africa** then spoke saying that South Africa associates itself with the statement made by Venezuela on behalf of the Non-Aligned Movement and Other States Parties. The statement said 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 agree that the only route to such a goal is through full time negotiations. South Africa is also open to other means of strengthening the Convention, and believes that such 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.*

The statement went on to say that:

*On the issue of Article X of the Convention, 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. .... South Africa also strongly believes, in line with Article X of the Convention that its implementation should not hamper economic and technological development of the peaceful uses of biological agents, but allow the beneficial elements of these agents to be developed to aid humanity.*

*.... The Assistance and Cooperation database was established with the aim of serving such a purpose but South Africa believes that the effectiveness and functioning of the database could be improved. There is a need for further discussions on this, because there seems to be a considerable amount of offers being made on the database but there is no matching taking place. States Parties may need to assess whether the reasons for the poor results are due to assistance offers not being relevant to States Parties needs or the requests and offers are not detailed enough.*

The statement then said that:

*In addition, there are a number of proposals that have been made by States Parties for the next intersessional process that may impact on the functioning of the ISU. It is important for States Parties to acknowledge that any increase in tasks would have an impact on the ISU capacity and budget. Since the extent of their tasks will only be known at a very late stage, it will not be possible to do proper planning to determine the correct human resource and budgetary requirements for the next 5 years. In this regard, South Africa believes that such planning can only be done properly after the Review Conference, and therefore, the Review Conference should decide on a budget for the first year to allow the correct functioning of the ISU. Thereafter, detailed planning in terms of the structure and the budget should be conducted during 2017 for approval by the Meeting of States Parties at the end of 2017, and this should be based on the mandate derived from the decision of this Review Conference.*

*The strengthening of the Convention should remain the objective of all States Parties and it is therefore useful to continuously take steps that further strengthen the implementation of the Convention. To achieve this, South Africa believes that the Intersessional Process should deliver more in terms of substantial issues, flexibility and responsiveness. The Convention, in terms of article XII, only makes provision for a Review Conference to be held 5 years after entry into force and it does not make any provision for structures to be utilised by States Parties in the implementation of the Convention. Decisions have been taken by the Review Conferences to strengthen the implementation of the Convention which includes having Review Conferences every 5 years and the establishment of the Intersessional Process. South Africa believes that there is benefit in formalising the BTWC structures and has submitted a paper highlighting the hierarchy of different structures. [BWC/CONF.VIII/PC/WP.21]*

[PC/3 shows that South Africa has submitted CBMs for each year from 2012 to 2016 but none of these CBMs are available in the public section of the website. In addition, South Africa has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4] [in contrast to the Seventh Review Conference when South Africa made contributions to the INF. paper on compliance and on Article X]. In regard to financial contributions [INF.1], South Africa is \$2,204.56 in arrears.]

#### 97. **Ecuador**

[PC/3 shows that Ecuador has submitted CBMs for each year from 2012 to 2016 but none of these CBMs are available in the public section of the website. In addition, Ecuador has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Ecuador is \$216.00 in credit.]

98. Ambassador Mme Sabrina Dallafior of **Switzerland** then spoke saying that Switzerland fully aligns itself with the statement delivered by the Ambassador of Canada on behalf of the JACKSN group. The statement went on to say that:

*Strengthening the Convention while it faces important challenges must be a common goal during this Review Conference. The Convention is particularly facing the significant acceleration of scientific and technological developments. This evolution questions many certainties and achievements. It is important that this Review Conference takes the necessary decisions to ensure that the Convention remains relevant in a rapidly changing environment. The task ahead of us is significant.*

*First and foremost, we must address the upcoming intersessional programme of the Convention. The intersessional process has been established to strengthen the effectiveness and improve the implementation of the Convention. However, the current set-up has not matched expectations. Promoting effective action has proven to be particularly difficult. The process could be significantly improved. It should be more responsive and more action-oriented in order to respond to changing challenges.*

*In this context, my delegation is also of the view that in light of the major developments in the scientific and technological field, special attention is required to monitor these advancements in the framework of the intersessional process. Adequate time and resources should be allocated to this question. We will continuously need to identify relevant developments, consider their implications, and identify any necessary individual or collective action. Switzerland is convinced that in order to succeed in this task, there is a need for a more systematic and sustainable approach than the current intersessional set-up was able to provide. Ensuring the continued effective implementation and relevance of the Treaty requires such a reinforced approach.*

*The last point I would like to mention in relation to the future set-up of the intersessional programme is the issue of the renewal of the BWC Implementation Support Unit's (ISU) man-date. In our view, the ISU has consistently proven its merit in supporting our collective goal and assisting States Parties in implementing the Convention. As we look at establishing a more robust and sustainable ISP, Switzerland stands ready to renew the*

*ISU's mandate, if not to strengthen it in line with the decisions that will be taken over the coming three weeks*

The statement then went on to say that:

*First, strengthening international cooperation and assistance is necessary to address the transnational challenges of modern biology. In an evolving, globalized world, no single country can prevent, detect and respond to all public health and security threats on its own. Switzerland continues to attach great importance to the implementation of this aspect, and considers that it must remain a key element of any new intersessional process. We are open to exploring ways to ensure effective implementation of this key pillar of the Convention.*

*Second, Switzerland welcomes the various debates and initiatives of recent years that seek to strengthen how BWC States Parties demonstrate and mutually assess compliance with treaty obligations. We believe that compliance is a very important issue for the sustainability of the BWC and that a lot certainly remains to be achieved in this field. In order to gradually approach this challenging aim, a variety of areas exist where action should be taken by the Review Conference. While Switzerland in principle supports the elaboration of a legally binding instrument that addresses the question of compliance, the conditions are not given at this stage to make progress in this direction. We should seek a pragmatic and effective way to advance on this question. My country is convinced that many of the necessary steps to strengthen the Convention can be achieved by leveraging practical proposals that were made during the last intersessional process.*

*The issue of transparency is closely linked to that of promoting compliance. The strengthening of the confidence-building measures and the identification of options for systematically assessing the information contained therein require our full attention. The CBMs continue to be the only tool to establish some degree of transparency and confidence among States Parties. However the system shows signs of fatigue and reveals a number of shortcomings. Participation in this politically binding and compulsory instrument remains relatively low. It will therefore be important to address this issue and to determine which corrective measures have to be taken. We should also continue to pursue and develop additional transparency measures. The pursuit of voluntary and exploratory approaches, such as the compliance assessment initiative or the peer-review mechanism, is a valuable undertaking in this regard and should be further developed and refined.*

[PC/3 shows that Switzerland has submitted CBMs for each year from 2012 to 2016 and that all of these CBMs are available in the public section of the website. In addition, Switzerland has made submissions in regard to compliance [INF.2], Article VII [INF.3] and Article X [INF.4]. In regard to financial contributions [INF.1], Switzerland is \$9,300.13 in credit.]

99. Professor Lela Bakanidze, Adviser on Nonproliferation at the National Center for Disease Control and Public Health of **Georgia** then made a statement on behalf of Georgia and Germany on cooperation and assistance under Article X. The statement said that:

*Georgia and Germany fully support scientific and technological cooperation, as laid down in Article X of the Convention. Both our countries are fully committed to the implementation of all provisions of the Convention and believe in awareness-raising, capacity building, networking, detection and diagnostic as suitable measures to increase biosafety and biosecurity.*

*Since 2013, Georgia and Germany have greatly expanded their bilateral cooperation in the field of biosafety and biosecurity. We were able to build up a Georgian-German network for detection and diagnostic of highly pathogenic agents and biosafety/biosecurity. The network is formed by the Institute of Microbiology of the German Bundeswehr and the National Center for Disease Control and Public Health (NCDC). It aims at establishing standardized detection methods for diagnostics and surveillance of highly pathogenic agents.*

*The close cooperation has been very fruitful, as both Georgia and Germany are highly committed to minimizing the risks associated with biological substances and pathogens. Our joint project illustrates that strengthening public health and promoting responsible approaches to research as to prevent the misuse of biological pathogens and scientific and technological exchange are not contradictory tasks but complementing endeavors which help mitigating of biosafety risks and biosecurity threats.*

[PC/3 shows that Georgia has submitted CBMs for each year from 2012 to 2016 but none of these CBMs are available in the public section of the website. In addition, Georgia has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4] [in contrast to the Seventh Review Conference when Georgia made contributions to the INF. paper on compliance and on Article X]. In regard to financial contributions [INF.1], Georgia is \$34.71 in arrears.]

[PC/3 shows that Germany submitted its CBM each year between 2012 and 2016 and all of these are available on the public section of the website. In addition, Germany made submissions in regard to compliance [INF.2], Article VII [INF.3] and Article X [INF.4]. In regard to financial contributions [INF.1], Germany is \$34,991.00 in credit.]

100. Ambassador Andrew. M. Kihurani of **Kenya** then spoke saying that Kenya associates itself fully with the statement made by Venezuela on behalf of the Non Aligned Movement (NAM). The statement went on to say that:

*The Review Conference will provide us an opportunity to take cognizance of the efforts made, challenges faced and lessons learned by States Parties in the implementation of the BWC since the last Review Conference in 2011. In doing so we will evaluate the operation of the Convention with a view to assuring that the provisions of the Convention are being realized in the desired manner. We take particular cognizance of the growth of consensus that various topics need to be given special consideration for review in this conference, including the intersessional process and its structure; monitoring advances in science and technology; reassurances on implementation of the Convention and the Confidence Building Measures regime, amongst others, in order for the Convention to be more effective. The related nature of these topics is also important. Consensus on the structure of work during the inter-sessional period, for instance, would enable the*

*Meetings of Experts and of States Parties held in between Review Conferences to devote more appropriate amounts of time to discussions on advances in scientific and technological developments relevant to the Convention, in keeping with the rapid rate of these advances, as well as the spirit and intent of Article X of the Convention.*

The statement then said that:

*We therefore look forward to contributing to a review of the Convention that will result in a more focused and substantive work programme in the intersessional period, including having a more flexible approach to setting the agenda during that period to make it more responsive to global trends and realities in scientific and technological developments.*

*Mr. President, the BWC as a key pillar in the disarmament and non-proliferation framework, aims at ensuring that toxins, biological agents and materials that could be used as weapons to cause devastation and mass destruction are eliminated or prohibited. However, at the same time, it makes provision for peaceful uses of those agents and materials. In that regard, many States Parties views regarding the application of the BWCs Articles III and X are fairly divergent, with some countries placing greater focus on Article III and others on Article X. We believe that the two Articles should be handled in a balanced manner, i.e. without over focus on one interpretation or the other. Furthermore, we consider that the establishment of a mechanism to oversee the implementation of the Convention's Article X would greatly contribute to a more balanced and non- discriminatory application of its provisions. Indeed, it may open up avenues for increased cooperation, on multilateral, rather than bilateral basis, hence benefitting more member states concurrently.*

The statement then added that:

*Advancements in the development of new medicines and vaccines are critical to responding to and eliminating diseases that affect large segments of our populations, such as Malaria, Tuberculosis and HIV. Consequently, sharing of research or scientific information and technology that would offer more effective, affordable and life-saving vaccines and medications should be encouraged and not obstructed by any provisions of the convention.*

*In the same vein, there is need to build the capacity of developing countries by transferring technology, materials and equipments to increase their bio-safety, bio-security and bio-sciences and technology capabilities and capacity. Building national and regional capacities will assist in addressing disease outbreaks and bio-threats, which it should be noted, do not respect borders.*

The statement concluded by outlining what Kenya had done to contribute to the CBRN Action Plans required by UN Security Council Resolution 1540, mentioning the Working Paper that Kenya had co-authored *Implementing of National CBRN action plans: Facilitating cooperation to strengthen capacities against bio-risk* (BWC/CONF.VIII/PC/WP.30), and saying that:

*We therefore request that this Review Conference considers encouraging and supporting the implementation of National Action Plans as a method of implementing and strengthening of the BWC.*

[PC/3 shows that Kenya has submitted CBMs for 2012 and for each year from 2014 to 2016 but none of these CBMs are available in the public section of the website. In addition, Kenya has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Kenya is \$605.45 in arrears.]

101. Ambassador Sra. Marta Maurás of **Chile** then spoke saying that Chile reiterated its commitment to strengthening the Convention, as Chile believes that its main weakness lies in the absence of a verification mechanism. Chile stresses the urgency of starting the discussion, with clear temporal scope and limits, on the possibility of initiating a negotiation process aimed at the implementation of a Verification Regime. In that sense, the Russian proposal is valuable, but Chile hopes that it will integrate the views of other regional groups and key countries within the Convention.

The statement went on to say that Chile supports the search for mechanisms of understanding for a shared understanding of the scope of scientific and technological cooperation, established in Article X. The current dynamic of non-compliance with this article, for political reasons, or technological capability must be overcome. To do this, it is necessary that the Convention be provided with practical, binding and non-discriminatory tools for the exchange of technology and knowledge. In the meantime, and until the Convention is provided with an effective Verification Regime, it must be ensured that Confidence-Building Measures continue to play their role in favour of transparency, helping to ensure that the obligations of the Convention are met. It is therefore very important to continue efforts to improve transparency. In that regard, Chile has participated in a peer review exercise (including on-site visits) led by the USA and Canada, which may be an example of good practices, and the report of which will be presented as a Working Paper to this Review Conference.

The statement then added that Chile recognizes that new generations of professionals, who in the future will be involved in matters related to the Convention, need to feel committed to the objectives and the care that must be taken regarding the dual use and non-proliferation of any type of weapon of mass destruction. A clear example of all this was a Biosafety Seminar that took place in Santiago, Chile, which was not only directed towards national entities but also open to the entire GRULAC region and attended by representatives of various countries in this region and also by the ISU. This event had a high impact, particularly in the academic sector and in the different universities throughout the country. From this seminar emerged permanent committees, which have defined lines of action and specific objectives, which in their own ways are leading to better fulfilment of the objectives and purposes of the Convention.

The statement then said that Chile feels strongly committed to any purpose that is conducive to security and protection against a malicious use of biological material, its concepts, mechanisms and activities and tasks proposed in that sense, including those that emanate from Resolution 1540 of the Security Council, with the willingness to participate and cooperate in each of them. Chile acknowledges the determined contribution of the Meetings of Experts to assess the progress of biological science and related technologies and their possible implementation with a view to full compliance with the Convention. Chile believes that these meetings should be

enhanced through establishing a synergy with bodies such as the WHO or the 1540 Committee. Chile believes that such a relationship should be permanent, and an opportunity for discussion should be created between global or regional bodies specializing in the control and prevention of biological threats or those Organisms that have as obligation to create response to biological or chemical events. There is a need to continue to encourage the active participation of civil society, the scientific academic world and industry, which contribute significantly to the implementation of the Convention.

Moreover, in regard to making good progress with the Convention, Chile wishes to emphasize the importance of ensuring the flexibility of the annual Meetings of States Parties agenda, where Member States should have the possibility of taking decisions, without waiting five years to do so on the occasion of the Review Conferences. Chile also supports the establishment of open and voluntary Committees or Permanent Groups to carry out intersessional work on matters of importance to the Convention.

[PC/3 shows that Chile has submitted CBMs for each year from 2012 to 2016 but none of these CBMs are available in the public section of the website. In addition, Chile has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Chile is \$6,465.69 in credit.]

102. Ambassador Nasser bin Mohamed Al-Ali of **Qatar** then spoke saying that

[PC/3 shows that Qatar has submitted CBMs for each year from 2012 to 2016 but none of these CBMs are available in the public section of the website. In addition, Qatar has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Qatar is \$660.91 in arrears.]

103. **Mali**

[PC/3 shows that Mali has not submitted CBMs for any of the years from 2012 to 2016. In addition, Mali has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Mali is \$135.83 in arrears.]

104. **Côte d'Ivoire**

[As a State Party which ratified the BTWC in April 2016, PC/3 does not include information on Côte d'Ivoire and it did not make contributions to the background documents on compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Côte d'Ivoire is shown as being neither in credit or in arrears.]

105. Ambassador Piotr Stachańczyk of **Poland** then spoke saying that Poland aligns itself with the statement to be made by the European Union. The statement then said that:

*What we need in disarmament, in its many aspects, is progress. A week ago in New York, the UN First Committee has adopted unanimously the resolution on BTWC sponsored by Hungary. This is a very important signal, and also landmark, for our considerations on this Convention. One can dare to say that the perspectives of progress in implementation of Biological and Toxin Weapons Convention are potentially the most promising.*

*It needs however our full mobilization and a sober approach. Since we know the problems, the next step is to agree which of them are most ready to be tackled and finally solved. Important in this exercise is to find and acknowledge the common denominator of the priorities of all States Parties.*

*Nevertheless, in many cases, too high level of ambition resulted in disappointment and frustration. It is especially relevant within such a sensitive field as disarmament. Let us, therefore, enjoy even smaller successes, which would open a window for constant improvements. We should, therefore, focus on selected, even very limited number of topics in order to achieve tangible and visible results.*

The statement went on to add that:

*There are four basic, among others, elements which, in our view, should constitute the core of the outcome of this Review Conference.*

*Firstly, universality of the Convention still remains a challenge. It is older than ... CWC but "less popular" among the states. It is time to change this. Both, multilateral and bilateral efforts are necessary in this regard.*

*Secondly, we need to speed up and enrich our common expertise, especially on key elements of implementation. It would be difficult to achieve it without a constant organic work during an intersessional process. The idea of establishing working groups perfectly matches this expectation. The group on science and technology is of outmost importance in this context.*

*Thirdly, since we have to do with a weapon of mass destruction, a further progress on Confidence Building Measures (CBMs) would be very welcomed. The quantitative and qualitative aspects of the reporting process should be fostered. Another possible step is a voluntary peer review mechanism. Poland participated in the last peer review organized in August by Germany. But, in fact, every initiative aiming at building and sustaining confidence in compliance is extremely valuable.*

*And fourthly, this particular Convention needs more robust operational capacity. It requires the prolongation and enhancement of the mandate of Implementation Support Unit. The role of the ISU could be strengthened and in this way allowing for taking on new tasks.*

[PC/3 shows that Poland has submitted CBMs for each year from 2012 to 2016 but none of these CBMs are available in the public section of the website. In addition, Poland has made a submission in regard to Article X [INF.4] but not in regard to compliance [INF.2] or Article VII [INF.3] [in contrast to the Seventh Review Conference when Poland made a contribution to the INF. paper on compliance]. In regard to financial contributions [INF.1], Poland is \$8,471.18 in arrears.]

106. Ambassador Encyla Tina Chishiba Sinjela of **Zambia** then spoke saying that Zambia associates herself with the statement made by Venezuela on behalf of the Non-Aligned Movement (NAM) and other States. The statement then said that:

*I am prompted to note from the onset that the current ISU mandate ends at this Review Conference. However, considering its importance, in renewing its mandate, I wish to echo suggestions by other delegations who have spoken before us, the need to strengthen the ISU to be fully functional in line with the challenges arising from the advancement of technology in this field, while taking into account the need to ensure geographical balancing in terms of representation.*

*The importance of the BWC cannot be over emphasised as witnessed in the adoption, on 28th October 2016 in New York, of the UN General Assembly resolution A/C.1/71/L.56 on the BWC urging all States Parties to build upon the discussions of the Preparatory Committee and to continue to work together to achieve a consensus outcome during this Eighth Review Conference. We therefore, appeal to delegations to continue with the spirit of objectivity and flexibility which was exhibited during the preparatory process.*

*Zambia supports the universalisation of the Convention in light of the indiscriminate use of Biological and Toxin weapons by non-state actors and states alike. It is therefore, encouraging to note that the Convention has continued to make remarkable progress since its inception. Since the last Review Conference, twelve (12) States have either ratified or acceded to the Convention with Côte d'Ivoire, Angola, Liberia and Nepal being the latest, bringing the number of States Parties to 177. We wish to welcome the newest States that have taken the bold decision to join the Convention and urge all those who have not joined the Convention to do so.*

The statement then went on to add that:

*We acknowledge the rapid advances within the life sciences of peaceful as well as possible hostile uses which have brought challenges to the operating environment of the BWC. While the response to the use of biological weapons falls within Article VII of the Convention providing for assistance by States Parties to a State which is exposed to danger because of a breach of the Convention, the response for cooperation and assistance should be swift and immediate.*

*We are in full support that timely assistance in accordance with Article VII is a legal obligation of States Parties and a detailed procedure and mechanism for a timely, effective and adequate response needs to be developed by way of reviewing Article VII of the BWC.*

[PC/3 shows that Zambia has not submitted CBMs for any of the years from 2012 to 2016. In addition, Zambia has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Zambia is \$252.74 in arrears.]

107. Mr. Gagik Hovhannisyan, Head of Arms Control and International Security Department, Ministry for Foreign Affairs, of **Armenia** then spoke saying that:

*Armenia attaches great importance to further strengthening the effectiveness of BWC and its instruments, both at national and international levels.*

*To this end, Armenia undertook significant steps towards implementation of the provisions of BWC by elaborating a National Program on the implementation of the*

*Convention, which was eventually adopted on 6 April 2016 by the Government of Armenia.*

*The main objectives of the National Program are:*

- To increase awareness among the population through enhancing overall knowledge,*
- To establish an interagency working group to ensure the implementation of the provisions of the Convention,*
- To ensure the accreditation of existing laboratories in accordance with international standards,*
- To establish a network of laboratories to ensure effective collaboration,*
- To develop a system of testing professional capacity of the employees working with biological agents.*

*Following the adoption of the National Program, currently a draft Action Plan has been submitted to the government for approval which is designed to enhance national capabilities in the area of biological safety and security.*

The statement went on to add that:

*I would also like to mention that we are currently considering to accede to the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare.*

*We consider the enhanced international cooperation as a key prerequisite to develop a range of specific measures in order to increase the operational capabilities of BWC through relevant arrangements.*

*Armenia, with the valuable assistance of its international partners has been constantly strengthening its national capacities and capabilities in the area of biological safety and security.*

*Armenia welcomes the proposals submitted by the Russian Federation on the establishment of Scientific Advisory Committee to deal with emerging scientific and technological developments for the benefit of the successful implementation of the Convention and on the initiative to establish Mobile Biomedical Units for investigating possible misuse of biological agents and addressing potential infectious disease outbreaks.*

*I wish also to express our appreciation of the work of BWC Implementation Support Unit and to note the importance of strengthening its capacities.*

[PC/3 shows that Armenia has not submitted CBMs for the years from 2012 to 2014 but has submitted CBMs for the years 2015 to 2016 but neither of these CBMs is available in the public section of the website.. In addition, Armenia has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Armenia is \$63.08 in credit.]

108. Ambassador Lucija Ljubic-Lepine of **Bosnia and Herzegovina** then spoke saying that Bosnia and Herzegovina aligns itself with the EU statement to be made later. The statement went on to say that:

*The Council of Ministers of Bosnia and Herzegovina remains a strong supporter of the BWC as a cornerstone of international efforts to prevent biological agents or toxins from ever being developed, produced or otherwise acquired and used as weapons. We believe that effective implementation and compliance with BWC provisions are one of the crucial elements of our collective security. At this stage, I would like to welcome new State Parties, which have joined the BWC since the last Review Conference.*

The statement then went on to outline the latest developments in Bosnia and Herzegovina related to the implementation of the BWC obligations:

*Within the framework of regional cooperation, and upon the initiative of the USA and the Regional Centre for Security Cooperation (RACVIAC), Bosnia and Herzegovina has started development of a National WMD Counterproliferation Strategy. The Strategy defines the general framework of actions of Bosnia and Herzegovina pertaining to the suppression of proliferation of weapons of mass destruction and provides guidelines for improvement of the existing and development of new measures, mechanisms and instruments for the prevention and suppression of proliferation of WMD.*

*All relevant institutions and agencies in Bosnia and Herzegovina are involved in the development of this document. The Draft Strategy will be submitted to the Council of Ministers of Bosnia and Herzegovina for its approval very soon. It will be followed by the appointment of the State Commission for its implementation and by the development of the Action Plan for its implementation.*

*I would like to inform you as well that Council of Ministers of Bosnia and Herzegovina adopted a National Action Plan for the implementation of the UN Security Council Resolution 1540, for the period 2015-2017.*

*The main focus of this NAP is on: strengthening of dialogue and cooperation on non-proliferation within the country, enhancement of regional cooperation, development of adequate national legislation, establishment of proper regulatory framework and on enforcement measures.*

[PC/3 shows that Bosnia and Herzegovina has not submitted CBMs for the years from 2012 to 2016. In addition, Bosnia and Herzegovina has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Bosnia and Herzegovina is \$118.57 in credit.]

109. Ambassador Pedro Nuno Bártolo of **Portugal** then spoke saying that Portugal reiterates the points in the statement to be made later on behalf of the European Union, in particular its three enduring priorities for reviewing the BTWC. The statement went on to say that:

*The BTWC, however, is still lacking a comprehensive and robust verification regime, supported by an institution to monitor and enforce its implementation. Verification*

*remains a core element of an effective disarmament and non-proliferation regime that, in our view, should continue to be pursued.*

*Promoting confidence in compliance – including enhancing the consultative procedures under Article V, as outlined in the EU working paper – supporting national implementation and upholding all universality efforts remain our priorities in this Review Conference.*

The statement then said that:

*I will now highlight some of the tangible initiatives undertaken by Portugal in support of these priority issues.*

*During the past intersessional process, the Portuguese Army's Bio-Defense Laboratory actively participated in BTWC technical expert meetings and workshops, such as the UNSGM 2014 workshop and the 2016 Peer Review Compliance Visit Exercise in Germany. The Lab was involved, as functional non-clinic sampling unit, in the 2014 International Exercise organized in the framework of the UNSGM and has been successfully audited in the context of the Global Health Security Agenda initiative.*

*The Portuguese Armed Forces, as well as the Directorates-General for Health and Food and Veterinary, have implemented several field exercises in order to reinforce the communication and cooperation needed for BTWC national implementation.*

*Portugal is also engaged in cooperation at international level. Danish and German observers played a significant part in the CBRN Portuguese Army's exercise in 2014. In 2015, Angolan and Portuguese authorities organized and put in practice a workshop in Luanda on bio-defense issues which – parallel to technical endeavours – fruitfully raised awareness, in both countries, on the importance of BTWC's universalization. Portugal participated in the 2015-2016 European Mobile Lab unit, in Conakry, aimed at fighting Ebola, and is leading a linguistic support project which translated biosec manuals to Portuguese.*

[PC/3 shows that Portugal has submitted CBMs for the years from 2012 to 2016 and these CBMs are available in the public section of the website. In addition, Portugal has made a submission in regard to Article X [INF.4] but not in regard to compliance [INF.2] or Article VII [INF.3] [in contrast to the Seventh Review Conference when Portugal made a contribution to the INF. paper on compliance]. In regard to financial contributions [INF.1], Portugal is \$4,188.98 in credit.]

110. Dr. Degemu Shertaga Maruta, Minister Counsellor, of **Ethiopia** then spoke saying that Ethiopia associates itself with the statement made by Venezuela on behalf of the Group of the Nonaligned Movement and Other States Parties. The statement went on to say that:

*Ethiopia remains committed to supporting the Biological Weapons Convention and joins other Member States in the endeavour both to improving the effectiveness and strengthening the implementation and universalization of the Treaty. This is important due to the fact that there are increasing challenges to international peace and security emanating from the threat posed by terrorists or other non-state actors seeking access to biological and toxins for their evil purposes. In view of that, Ethiopia supports the*

*proposal to establish a mechanism to ensure the full, effective and non discriminatory implementation of Article X.*

*Ethiopia is among the first few Developing Countries which signed and ratified the Convention. We feel that BWC has not put an effective verification mechanism yet and thus concerted efforts are needed to put workable mechanisms in place. This will obviously help to verify compliance and deal with violations so as to promote confidence as well as to improve cooperation in the field of peaceful biological activities. It is worthwhile to mention that there are various proposals put forward by member states during the preparatory process. Thus, we have to weigh each proposal in due course of the meeting in light of their effectiveness to strengthen the BTWC.*

*We do understand that adoption of robust and effective national implementation measures is of paramount importance to ensure the Convention of prohibition on the development or production of biological weapons. However, the proactive support of the international community in this regard is necessary in terms of organizing a series of national and regional workshops to create common understanding as to key issues and challenges and measures required in order to establish stronger structures that would enhance the capacities to detect, investigate and respond to the use of such weapons rapidly and effectively at the national level.*

*As science and technology advances rapidly, gaps between the State Parties are widening in the fields of biotechnology, microbiology and other related areas and thus it is crucial to ensure scientific dialogue and knowledge-sharing among States Parties in order to narrow the existing gaps between the capabilities of developing and developed countries.*

*In conclusion, Ethiopia would like to reaffirm its firm commitment to fulfilling its obligations under the BWC and in particular, attaches high importance to the full implementation of Article X of the Convention. Last but not least, in the light of the rapid pace of scientific and technological achievements in the biological field, it is very important to bridge the existing gap between developed and developing countries through international cooperation.*

[PC/3 shows that Ethiopia has not submitted CBMs for the years from 2012 to 2016. In addition, Ethiopia has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Ethiopia is \$365.93 in credit.]

**111. Jordan.**

[PC/3 shows that Jordan has submitted CBMs for the years from 2013 to 2016 but not for 2012 and that none of these CBMs are available in the public section of the website. In addition, Jordan has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Jordan is \$204.08 in arrears.]

112. Ambassador Thomas Hajnoczi of **Austria** then spoke saying that Austria is aligned with the statement to be made later by the European Union as well as with the common position adopted by the Council on 16 November 2015. The statement went on to add that:

*... a successful conclusion is all the more important to reaffirm the BWC and to strengthen international security which is also humanitarian security as a whole. The widely shared urgent need to strengthen the BWC is reflected i.a. in the unprecedented number of submitted working papers to this conference. While many proposals have been presented, now it is high time to take decisions for the future of the BWC and to take concrete steps to move forward to operationalize progress.*

*Over the last review period, the BWC has made progress towards universalisation, rising from 165 state parties in 2011 to 177 today. We welcome the most recent ratifications of Nepal and Liberia last week. However, still more than a dozen countries remain outside the BWC. In line with the object and purpose of the treaty it is our shared obligation to continue to work towards universal adherence.*

*The year 2016 is not a time to rest on laurels – we shall keep up with our pledges and act accordingly, collectively and in good faith towards the national implementation of this Convention. Weapons prohibited by the BWC are able to cause irreversible effects on human life and our shared environment. As the preamble states, the Convention serves the sake of all mankind. We recall its aim to completely exclude the possibility of biological and toxic weaponry – no effort shall be spared to continuously pursue this objective.*

*Neither can we afford a standstill of this Convention, nor can we accept that its instruments become obsolete or outdated. We are in need to go in step with the pace of global scientific and technological developments. We have to remain vigilant towards new threats, caused by the potential misuse of knowledge produced by scientific research. As technology that can be dually used is exponentially on the rise, we have to foster responsible science guidelines.*

*Referring hereby to Article X, it will be essential to collaborate closely with academic and scientific institutions in a transparent way to ensure the efficiency of the BWC and its adequacy to reality.*

The statement then said that:

*Austria would like to recall its working paper on the seminar held in Vienna last year on recent developments in the life sciences, challenges posed by transnational epidemics, bioterrorism, bioethics, and the contribution of the BWC to biosecurity and biosafety. [BWC/MSP/2015/WP.2 dated 1 December 2015]*

*This year Austria participated in the Peer Review Compliance Visit Exercise in Munich, declared under the Convention and contributing to Confidence-Building Measurements. We thank Germany for the invitation and look forward to collectively enhance the Intersessional Process and international cooperation through such visits, multilateral exchanges, and the demonstration of good-will. Therefore we are honoured to co-sponsor WP11 ‘Confidence in Compliance’.*

*Furthermore, Austria highly values the work accomplished by the Implementation Support Unit and is well aware of its tremendous burden facing scarce resources. In this respect we advocate the enlargement of its staff to better cope with the future challenges.*

[PC/3 shows that Austria has submitted CBMs for the years from 2012 to 2016 and that all of these CBMs are available in the public section of the website. In addition, Austria has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Austria is \$7,090.63 in credit.]

#### 113. **Burkina Faso**

[PC/3 shows that Burkina Faso has not submitted CBMs for any of the years from 2012 to 2016. In addition, Burkina Faso has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Burkina Faso is \$7,090.63 in credit.]

114. Ambassador Coly Seck of **Senegal** then spoke saying that Senegal supports the statement made by Venezuela on behalf of the Non-Aligned Group (NAM). The statement went on to say that the scientific and technological advances that underpin progress, although humanly stimulating, remain in many respects a cause for concern, generating new security challenges not fully taken into account by the Convention and requiring monitoring and more targeted supervision of scientific research and development. Therefore, the BWC should become more effective by revising its ambitions upwards by broadening its scope and strengthening its capacity and ability to meet the expectations of States Parties, in particular in terms of assistance and cooperation with the stated aim of promoting the full and non-discriminatory implementation of the Convention. In addition, the resurgence of terrorism and the advent of non-State actors with dubious ambitions in the international system encourages a change in the modus operandi and the promotion, at the regional and multilateral levels, of measures to verify the application of the provisions of the Convention.

The statement then added that many initiatives are now aimed at strengthening the Convention to make it more robust and better able to respond to the challenges it faces, but we lack the political will to overcome our divergent approaches and take practical steps to reduce the rapidly increasing health and biotechnology risks. Therefore, States Parties must work to increase trust in our community by promoting transparency and sharing of experience and knowledge in the biological and life sciences. To this end, States Parties must strive to meet their commitments under the Convention by providing pledges of goodwill through the implementation of the Convention at national level.

[PC/3 shows that Senegal has submitted CBMs for 2013 and 2014 but not for the years 2012, 2015 or 2016. Neither of the CBMs for 2013 or 2014 are available in the public section of the website. In addition, Senegal has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Senegal is \$26.87 in arrears.]

115. Ambassador Taonga Mushayavanhu of **Zimbabwe** then spoke saying that Zimbabwe aligns itself with the statement given by Venezuela on behalf of Non-Aligned Movement. The statement went on to say that:

*... the Zimbabwean delegation greatly values the aspect of science and technological development as an important tool for capacitating States Parties in identifying and dealing with incidents of biological agents in their respective territories whenever they are*

*developed, imported or stockpiled. In this regard strengthening the international cooperation and assistance aspect under Article X of the BWC, is therefore an absolute imperative as we seek better and more effective ways of dealing with biological agents the world over. In this regard, there is a danger that States Parties often fail to identify and deal with biological agents developed within their territories if they are not adequately capacitated. In these circumstances, chances of these biological agents ending up in the possession of non-State actors are indeed very high. Such a scenario is undesirable, as it spells danger for national and regional security.*

*In the same vein, Zimbabwe would welcome the establishment of regional and continental partnerships that will serve as vehicles for information sharing on the latest technological developments in the field of microbiology, which will also provide opportunities for developing biological agents for peaceful purposes particularly for the possible benefits to human and animal health.*

[PC/3 shows that Zimbabwe has submitted a CBM for 2012 but not for the years from 2013 to 2016. The CBM for 2012 is not available in the public section of the website. In addition, Zimbabwe has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Zimbabwe is \$117.91 in arrears.]

116. Mr. Alexander Ben-Acquaah, Minister-Counsellor, of **Ghana** then spoke saying that Ghana aligns itself with the statement delivered by Venezuela on behalf of the Non-Aligned Movement (NAM). The statement went on to say that:

*As we see the advancement of biotechnology worldwide, we must equally take cognizance of the potential threat that these advancements could pose if not properly managed. It is therefore the duty of all States Parties to the BWC to work towards the prevention of the malicious use of biological warfare agents or materials which have the ability to adversely affect human health in a variety of ways.*

*Ghana is convinced that the Eighth Review Conference presents us all a unique opportunity to consider key issues that relate to the effective implementation of the BWC.*

*Ghana has partnered some States Parties to the BWC, namely Canada, Chile, Mexico and the United States through an implementation Review exercise to improve implementation of the BWC, increase transparency, and to provide a model that other BWC Parties may wish to adopt in their own efforts. Between August and October of this year, and as part of a BWC Implementation Review Exercise, the five partner States concluded country visits, to among others exchange best practices. The meetings have assisted Ghana to take pragmatic measures to improve her implementation of the BWC.*

*Ghana recognizes the important role that technical assistance, support for capacity building and empowerment play in synergizing efforts at the national level of developing countries to fully domesticate and strengthen implementation of the Convention. In this vein, my delegation fully supports the proposal for full, effective and non-discriminatory implementation of Article X of the BWC.*

[PC/3 shows that Ghana has not submitted a CBM for the years from 2012 to 2016. In addition,

Ghana has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Ghana is \$361.99 in arrears.]

117. Assistant Professor Martin Scott-Tabi, National Focal Point on CBRN Risk Mitigation, of **Liberia** then spoke saying that:

*Given the desire to effectively mitigate the prevalence of bio-risk and the effective coordination of bio-safety and biosecurity issues under the One Health Instrument of the World Health Organization, amidst competing demands for national resource allocation, Liberia certainly rely on the role of the BTWC and the relevance of Universal membership, as well as its benefits to individual states, as follow:*

- that the BTWC plays a cardinal role in collective security, and serves the platform for cooperation in meeting international obligations;*
- it is one of the fundamental pillars of the international community's effort against weapons of mass destruction (along with the Nuclear Non-Proliferation Treaty and the Chemical Weapons Convention).*
- biological weapons can be used to attack humans, but also livestock and crops. The economic effect can be devastating;*
- compared with other weapons of mass destruction, biological weapons are a lot easier to develop, transfer and conceal. The fight against them must therefore be shared across the international community, and needs to involve the security, scientific, public health agricultural sectors and civil society, as well.*
- there is a growing risk that biological weapons may be obtained and used by non-state actors, including terrorist groups;*
- that broader membership of the BTWC will ensure there are fewer places where bioterrorist can work with impunity.*
- that Universal membership of the BTWC will strengthen the global norm against the use of disease as a weapon, reinforcing the international community's determination that such use would be, as the preamble to the BTWC states, "repugnant to the conscience of mankind";*
- that BTWC complements UNSCR 1540: joining and implementing provisions of BTWC will help us meet the requirements of this Resolution;*
- BTWC support can be a conduit for strengthening national capacities in public health, veterinary, agriculture and emergency response as specified in Article X of the Convention which requires State Parties to "facilitate, and have the right to participate in the fullest possible exchange of equipment, materials, scientific research and technological information " for the use of biological agents and toxins for peaceful purposes, el al.*

[As Liberia ratified the Convention in November 2016, PC/3 does not include information on

Liberia and Liberia was not a State Party when the background documents on compliance [INF.2], Article VII [INF.3] or Article X [INF.4] were compiled. Likewise, in regard to financial contributions [INF.1], Liberia is not included.]

118. This completed the statements made by States Parties in the General Debate – a further statement was made by Libya in a resumption of the General Debate on Wednesday 23 November 2016.

Mr. Ahmed O.O. Elhwat of **Libya** in his statement referred to implementation activities in Libya, such as the National Committee for Biosecurity and Bioethics.

[PC/3 shows that Libya has submitted a CBM for the years from 2012 to 2014 but not for 2015 or 2016 and none of these CBMs are available in the public section of the website. In addition, Libya has not made submissions in regard to compliance [INF.2], Article VII [INF.3] or Article X [INF.4]. In regard to financial contributions [INF.1], Libya is \$10,748.96 in arrears.]

The number of statements by States Parties – 81 – was a record number of statements made at a Review Conference and represented about 45% of the States Parties. The General Debate then continued to hear statements made by specialized agencies and other international organizations. The first such statement was made by the European Union.

### ***General Debate – Specialized Agencies and Other International Organizations***

119. Mr. Jacek Bylica, Special Envoy for Disarmament and Non-proliferation, European External Action Service, of the **European Union** then spoke saying that the candidate countries: Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as Ukraine and the Republic of Moldova align themselves with this statement. The statement went on to say that:

*The European Union is strongly committed to a successful Eighth Review Conference and provides substantial contribution to this end. In particular, a series of EU-sponsored regional workshops for Eastern Europe, Asia, Africa and Latin America were organised by the ISU. We hope that they have increased common understanding of key issues and challenges and have facilitated building consensus on the need for, and measures required for, reinforcement of the Convention.*

*The European Union will continue working to ensure that the following priorities are addressed during the Review Conference: building and sustaining confidence in compliance; supporting national implementation; promoting the universality of the Convention and supporting the UN Secretary-General's Mechanism for investigation of alleged use of chemical and biological weapons.*

The statement then added that:

*Our objective remains to contribute to a full review of the operations of the BTWC, with a view to supporting a new substantive work programme that addresses the limitations of*

*the previous intersessional programmes, as well as to support a Ninth Review Conference of the BTWC to be held no later than 2021. We are therefore supporting all efforts aimed at establishing stronger structures that would enable a much better functioning of the Convention, including the ability of States Parties to decide upon and to take collective action between Review Conferences. We also support a process of more frequent and focused assessment of relevant scientific and technological developments which may have implications for the Convention.*

*The EU Council Decision on the Eighth Review Conference spells out a broad range of specific measures for consideration by States Parties with a view to strengthening the BTWC. The EU's common position was presented in detail at the first session of the Preparatory Committee in April and distributed as a working paper. We will therefore emphasise in this statement concrete action taken by the European Union in support of priority issues. At the same time, we remain ready to provide further information on these and other topics, as appropriate, during the upcoming discussions.*

*While recognising that there is no consensus at this stage regarding verification which remains a central element of a complete and effective disarmament and non-proliferation regime, we will work towards identifying options that contribute to an increase in confidence in compliance with the Convention and to the effective implementation of the object and purpose of the BTWC.*

*In this regard, the European Union and its Member States are of the opinion that States Parties should seize the opportunity of the Review Conference to consider enhancing the effectiveness of the consultative procedures under Article V. This could be achieved through updating the procedures for multilateral consultations that have been previously agreed, but also reaching agreement on other mechanisms, drawing from the options outlined in the dedicated EU working paper circulated ahead of the Review Conference. If these sorts of measures were to be adopted, this might allow States Parties to select a method of consultation commensurate to the gravity of the problem identified.*

*The European Union is consistently promoting and supporting strengthened implementation of the BTWC, including through the adoption of robust national implementation measures; effective export controls in a manner consistent with national law and practices; training, education programmes and awareness raising among relevant professionals in the private and public sectors to promote a culture of responsibility; as well as outreach to and engagement with non-governmental stakeholders.*

*The European Union and its Member States are also supporting the concrete implementation of Article X of the BTWC through multiple and diverse assistance programmes and are willing to continue working on common understandings for effective action with regard to cooperation for peaceful purposes in the Convention's framework, especially by better identifying relevant needs and opportunities to match them with assistance offers. In this context, at the second session of the Preparatory Committee in August we submitted an EU working paper containing an overview of the implementation of Article X and related assistance provided by the EU and its Member States.*

*We believe that the past intersessional process has helped to identify promising avenues for work, which the EU has consistently supported, such as the establishment of a database on Article VII and a better assessment of new scientific and technological developments of relevance to the Convention. Moreover, the organisation of various voluntary transparency exercises – such as the peer reviews – contributed to make the BTWC progress in a workable and pragmatic way. We believe that these ideas should deserve more attention and be further discussed during the Review Conference. The EU is ready to contribute to this discussion.*

*The European Union and its Member States support furthermore universal adherence to the Convention and calls on all States not party to the Convention to adhere thereto without further delay. .... We recommend as well the adoption of an action plan on universalisation, coordinated by the ISU and evaluated during dedicated sessions at the intersessional meetings. In line with this priority the European Union has carried out a demarche on universal adherence to the BTWC with States signatories and States not party to the Convention in the run up to the Review Conference.*

120. Ms. Christine Beerli, Vice-President, of the **International Committee of the Red Cross** then spoke saying that:

*As emphasized in the final documents of past Review Conferences, and especially in light of continuing scientific developments, the absolute prohibition on use of biological weapons encompassing all biological agents, whatever their origin – must be reaffirmed by this Review Conference.*

*States Parties should not become complacent; it remains their collective and individual responsibility to ensure that the treaty is implemented effectively. Over the past five years of annual meetings, a great deal of information has been shared and many proposals have been made on how to implement the treaty and improve its effectiveness. Disappointingly, however, there has been little collective agreement.*

*The International Committee of the Red Cross (ICRC) urges States Parties to seize the opportunity of this Review Conference to agree on concrete and practical measures, including an effective programme of work for 2017 and beyond, to reduce the risks to life and health posed by biological weapons and, ultimately, protect humanity from the horrific effects of these weapons.*

*We have only to consider the devastating impact that outbreaks of diseases, such as Ebola, have had on public health, economic well-being, and national and international security to appreciate how important it is to prevent the deliberate, and even accidental, spread of disease.*

*Meanwhile, scientific and technological advances could make biological weapons cheaper to obtain, easier to use, deadlier in their effects and harder to detect. Scientists have pointed out that, in the five years since the last Review Conference, the technological barriers to developing and using biological weapons have been significantly lowered.*

The statement went on to add that:

*The ICRC proposes five concrete actions to strengthen the prohibition of biological weapons many of them contained in the working papers submitted by States Parties that should be taken as a result of this Review Conference.*

**First, States Parties should develop effective means to monitor and assess compliance with the BWC.** Fifteen years after negotiations on a verification protocol failed, this fundamental issue deserves renewed attention. It is now time to explore the full range of ideas on and approaches to compliance monitoring. As a first step, the ICRC encourages this Review Conference to establish a working group – or similar process – to take this issue forward from 2017.

**Second, States Parties must remain prepared to respond and assist each other in the event that biological weapons are used.** Shared efforts to increase preparedness should focus on enhancing capabilities to assist victims of any such attack.

**Practical support is therefore crucial to ensuring that the measures under Article VII on the provision of assistance are implemented.** This Review Conference should establish a working group – or similar process – to agree on how to build up response capacity where it is lacking, improve coordination among those who may be involved, address current obstacles to providing an effective response and, ultimately, limit the repercussions in humanitarian terms of any use of biological weapons.

*The ICRC has in the past drawn attention to the lack of international capacity to assist victims in the event biological weapons are used. The challenges made evident by the international humanitarian response to the outbreak of Ebola from 2014 to 2016 underscore the urgent need for progress in this area. Lessons learned from this natural outbreak can be used to improve the capacity to respond in a deliberate attack, as outlined in **Working Paper 39, submitted by the ICRC** to the August Preparatory Committee. [BWC/CONF.VIII/PC/WP.39]*

**Third, the ICRC urges this Review Conference to establish an effective mechanism for assessing the implications of developments in science and technology for the BWC.** States Parties must remain up to date with fast-moving scientific and technological developments and their potential risks in order to prevent the development and use of biological weapons while ensuring that biological research for peaceful and beneficial purposes remains unhindered.

**Fourth, States Parties must continue their efforts to promote universal ratification or accession to the BWC.** There is no reason why any State should not be party to the treaty. The ICRC welcomes the four new States Parties for 2016, **Côte d'Ivoire, Angola, Liberia and Nepal** and we urge all States that have not yet done so to ratify or accede to the BWC without delay. We also call on States still holding reservations to the Geneva Protocol to withdraw them.

**Fifth, sustained effort is needed on effective domestic implementation of the treaty.** Legally, as well as for public-health and security reasons, States Parties must ensure that

*their domestic laws reflect international obligations, and that appropriate biosafety, biosecurity, export-control and enforcement measures are in place. [Emphases in original].*

121. Ambassador Mr. Julio Herráiz of Spain as Chairman of the **1540 Committee** then spoke saying that:

*Twelve years after its adoption, Resolution 1540 (2004) has become one of the key components of the international regime to prevent the proliferation of weapons of mass destruction (WMD) and their means of delivery. The resolution is intended to help prevent non-State actors, including terrorists, from taking any step that could be a prelude to their use. It does not stand alone in this regard. The Biological Weapons Convention (BWC) and other international instruments or arrangements all work towards this end.*

*Resolution 1540 (2004) is an important complement to them, but it is also unique. For example, Resolution 1540 (2004) covers all three weapons of mass destruction – not just one of them. It is also unique in that it requires States to implement a wide range of appropriate and effective domestic measures aimed at ensuring proper control of materials related to these weapons. These steps include, for example, effective export controls and measures to account for, secure, and protect such materials.*

The statement went on to add that:

*The status of implementation of Resolution 1540 is improving. Many States consider effective implementation of the resolution as an important national objective. All but 17 States have submitted reports to the 1540 Committee on their implementation measures, and many have submitted more than one. The development and adoption of voluntary National Implementation Action Plans is on the increase; of these some 25 have been submitted to the 1540 Committee.*

*The active engagement and dialogue of the Committee with States on their implementation of Resolution 1540 (2004) includes visits at their invitation. This direct engagement provides a good opportunity to discuss the implementation of Resolution 1540 (2004) with legislators and implementers, review the host country's regulatory and enforcement instruments, and identify effective practices or areas that may need to be strengthened, including on biological risk management to prevent biological weapons from being developed and used by non-State actors, including terrorists.*

*Assistance provided to States in need is an area of common interest for the States Parties to the BWC and the 1540 Committee. To assist States in meeting potential challenges in implementing the provisions of Resolution 1540 (2004), the Security Council has invited States and international, regional and sub-regional organisations to offer assistance in response to requests from States lacking the necessary capabilities and resources. The 1540 Committee has a clearinghouse and match making role to facilitate assistance by others for implementation of the resolution. This is an area that merits close cooperation between the 1540 Committee and the BWC States Parties including through the BWC Implementation Support Unit.*

*Of importance is that States can benefit in these efforts by the support available from an array of assistance programmes of Member States and technical support from international organisations such as the World Health Organisation (WHO), the World Animal Health Organisation (OIE) and the Food and Agriculture Organisation (FAO) and the International Criminal Police Organisation (INTERPOL). Regional organisations such as the African Union, the Organisation of American States and the Organisation for Security and Cooperation in Europe and others provide important political support.*

The statement then continued to say that:

*Academia and industry are the principal drivers of advances in science and technology. Over the past twelve years since the adoption of Resolution 1540, scientists and engineers have made breakthroughs in many areas. These breakthroughs are bringing important economic and humanitarian benefits. While these advances are very much to be welcomed, along with them are risks of misuse for malign purposes.*

*Recognising these developments, as an integral part of the Comprehensive Review, a consultation was held in April with academics from around the world. This event not only covered ideas from the academic community on how to enhance implementation and how to encourage academic research on Resolution 1540 implementation, but also included a discussion of academia's own responsibilities, in accordance with national laws and regulations, for implementation of the Resolution, particularly in the area of the physical sciences.*

*The Committee has also conducted extensive consultation over the past four years with industry through the sharing of effective practices through a series of meetings initiated by Germany, known as the "Wiesbaden Process". This process has raised awareness in key industrial sectors and promoted action among companies on compliance with Resolution 1540 obligations and other related international instruments. In its Programme of Work for 2016 the Committee decided to take a regional approach in developing its engagement with industry. The Republic of Korea hosted the first regional meeting with industry last September in the Asia-Pacific region. Meetings in other regions are planned.*

122. This completed the Tuesday afternoon session of the General Debate. The President noted that there was a further statement to be made in the General Debate by the Organization for the Prohibition of Chemical Weapons (OPCW) which would be made on Wednesday morning 9 November and then following this the Russian Federation had requested a right of reply. Mr. Daniel Feakes then said that there would be a side event:

- King's College London, UK Ministry of Defence and UK Foreign & Commonwealth Office: Film Screening of "Inside Porton Down" -- 18.00-20.00 Room XXIV

and that there would be a meeting of the NAM at 18.00 in Room XXV. He also reminded those present that there would be two side events tomorrow morning, Wednesday 9 November 2016:

University of Pittsburgh: *Safety and Security of Synthetic Biology* -- 9.00-10.00 Room XXV

and a meeting of the NAM at 09.00 in Room XXI.

### ***Wednesday morning 9 November 2016***

123. The General Debate continued with a further statement made by specialized agencies and other international organizations. This statement was made by the Organization for the Prohibition of Chemical Weapons (OPCW).

124. Ms. Veronika Stromsikova, Director, Office of Strategy and Policy of the **Organization for the Prohibition of Chemical Weapons (OPCW)** then spoke saying that:

*2. As the BWC enters its 42nd year, and the CWC its 20th, the goals of our treaties – to permanently rid the world of two of the most pernicious types of weapon ever to have been devised – have never been more important. These treaties emerged as a result of the rejection of the excesses of 20th Century warfare and a determination to strengthen our collective security, and they have been remarkably successful. But in the face of a growing list of challenges, our treaties are only as strong as our continued determination to see them upheld.*

*3. For the CWC, that determination is being severely tested. Today, chemical weapons – until recently thought by many to be weapons of the past – are being used with horrifying regularity. The prospect of chemical terrorism is no longer a theoretical possibility. For both regimes, the convergence of biology and chemistry, regional and international trade integration, the development of the global biological and chemical industries, and the onward march of information technology are just a few further examples of areas where we are being – and will continue to be – tested.*

*4. Our two Conventions share an underpinning of science and technology, for biology itself is only possible through the chemistry of life processes. This is a scientific reality, no better illustrated than by the increasing convergence of research in the chemical and biological sciences that helps to drive modern scientific development.*

The statement went on to outline some developments in regard to the Chemical Weapons Convention and then added that:

*9. Developing an effective science advice mechanism and nurturing active scientist-policy maker engagement is no easy task. The OPCW's Scientific Advisory Board (the SAB) continually reviews its own practices and shares its experiences with other scientific advisory bodies to identify and adopt best practices. I encourage you to join the Thursday lunch time side event where OPCW and the SAB will share their experiences in science-policy maker engagement.*

and also that:

*15. The exchanges of ideas, experiences and best practices in chemical and biological security, the convergence of the sciences and the promotion of norms against weapons of mass destruction provide great opportunities for strengthening our engagement with the BTWC community. This engagement will bring us new insights and ideas, ultimately strengthening our respective disarmament regimes and ensuring they remain fit for purpose far into the future. I look forward to many productive discussions between the BTWC experts and my colleagues from the Technical Secretariat.*

125. This concluded the statements made by specialized agencies and other international organizations in the General Debate. It is noted that there were only four such statements at the Eighth Review Conference (by the EU, ICRC, the 1540 Committee and the OPCW) – just half the number of such statements at the Seventh Review Conference when statements were made by the EU, the OPCW, the World Organization for Animal Health (OIE), ICRC, North Atlantic Treaty Organization (NATO), the International Criminal Police Organization (INTERPOL), the United Nations Inter-regional Crime and Justice Research Institute (UNICRI) and the World Health Organization (WHO). The absence at the Eighth Review Conference of any statements by the World Health Organization (WHO), the World Organization for Animal Health (OIE) or the Food and Agriculture Organization (FAO) is particularly regrettable.

126. The President then said that the right to reply had been requested by a State Signatory, Syria, and also by the Russian Federation. He pointed out that in accordance with the Rules of Procedure *Such statements shall be as brief as possible.*

127. Syria in its right of reply expressed concern about what had been said in statements such as those made by the USA and Sweden and suggested that what had been said was completely fallacious. [The USA statement had said *One need only look to the OPCW-UN Joint Investigative Mechanism (JIM) Report on the use of chemical weapons by the Assad regime and ISIL to see that some states and non-state actors are still capable of such despicable acts.*]. The USA then exercised its right of reply to Syria saying that they were amazed to hear what Syria had said and simply pointed out that the OPCW-UN Joint Investigative Mechanism (JIM) Report should be read.

128. The Russian Federation in its right of reply expressed concern about what had been said in the statement by Ukraine as being an attempt to bring bilateral problems into a multilateral forum. The Russian Federation also went on to respond to the US response to the right of reply made by Syria. Ukraine then exercised its right of reply to the Russian Federation reiterating what it had said in its statement.

#### ***Informal Session of the General Debate, Wednesday 9 November 2016***

129. The President then adjourned the formal session and moved immediately into informal session to enable the 18 NGOs to make short statements of not more than 5 minutes each.

130. Graham Pearson of the Division of Peace Studies of the **University of Bradford** in the UK then spoke saying *There is widespread recognition that the Intersessional Period from 2012 to 2015 has produced disappointing results. This Review Conference needs to agree **structural** changes for a more robust and purposeful intersessional programme.... In addition, the Review Conference should authorise the Annual Meeting of States Parties to take **decisions** within the framework set by the Review Conference in order to make the intersessional work programme*

more effective. All States Parties need to recognise that providing such authority to the Annual Meeting of States Parties could not be any threat to the authority of the Review Conference because of the rule of consensus. The statement then added that Particular attention should be given by this Review Conference to establishing an arrangement that is both **inclusive** and **effective** for the BTWC. An Open-Ended Working Group on science and technology is recommended so that participation includes all States Parties as well as relevant scientific experts from government, academia and industry. A second Open-Ended Working Group should address providing **reassurance** that States Parties are implementing **all** Articles of the Convention. The statement concluded by saying that Finally, the Implementation Support Unit should be enhanced to the level essentially agreed at the Seventh Review Conference of one P-5, one P-4, two P-3s and one GS/OL and strengthened further by an additional P4 for the OEWG on Science and Technology, an additional P4 for the OEWG on Providing reassurance and an additional P3 for the Technical Working Group on CBMs recognizing that the **annual** cost to States Parties of the proposed restructured BTWC meetings and the enhanced ISU would **be less than 4½ per cent** of the cost to States Parties of the OPCW for 2016. [Emphases in original]

131. Nicholas Sims of the London School of Economics and Political Science in the UK then spoke on behalf of the **University of London** saying We ask the Conference to give a wholehearted welcome to what has been pioneered already and to ensure that the process continues by setting up an Open-Ended Working Group on Providing Reassurance. This OEWG should aim to encourage participation and transparency, focused on the concept and practice of reassurance as a key element in strengthening the BWC. The second contribution we recommend is a decision to organise the review of relevant developments in science and technology (S&T) more systematically, and resource it more fully, through an Open-Ended Working Group on S&T professionally served by a Scientific Secretary in the ISU. We recognise the work that has gone into examining proposals for different ways of improving the S&T review process but now is the time for decision. .... The third significant contribution we hope the Conference will make concerns the CBMs.... We recommend a Technical Working Group on CBMs to revise the forms as necessary, further develop the electronic platform and continue fine-tuning the CBM process so that it succeeds in actually building confidence. This could be seen as an Appendix to the Conference, like the 1987 meeting which “finalised the modalities” of the original CBMs. The statement went on to add that Specifically, the Annual Meeting of States Parties needs a mandate enabling it to take decisions within the framework set by the Review Conference.... In the case of the Implementation Support Unit, it is resources of extra staff and a realistic budget that are needed.... A realistic budget for the BWC would still only ask of States Parties less than 5% of what almost all of them are required to contribute to the OPCW as parties to the CWC. .... the BWC is not that much less important than the CWC. But to run the BWC on an inadequate budget suggests it is; and so sends completely the wrong signal. The disparity is unacceptably large: it ought to be reduced, by decision of this Conference. [Emphases in original].

132. Kathryn Millett of **biosecu.re** then spoke saying that Your work over the next three weeks will have implications outside of these meeting rooms in Geneva. The messages you send will travel beyond the small community that work on this keystone of international security. The decisions you take will influence the work of a wide range of partners – including the intergovernmental, national, and non-governmental. The review conference’s outcome will determine the role this particular treaty regime will play in ensuring the tremendous power of

*advanced biotechnology is not harnessed to cause deliberate harm.* The statement then outlined what the partners – the international scientific community, industry, the broader civil society community, the health security community and the public health community – have contributed since the Seventh Review Conference. The statement concluded by saying that *You have had the most comprehensive preparatory process for any BWC Review Conference. Your work is supported by a growing community of partners that would like to do even more to help. Now it's your turn. We look to you for a clear message that this treaty remains important, clarity as to its future direction, and a firm foundation for a productive and effective work programme leading up to the 9th Review Conference.*

133. Scott Spence of **Verification Research, Training and Information Centre (VERTIC)** then spoke saying that *the Convention is at a critical juncture. Over these next three weeks, the States Parties will take decisions that set the agenda for the next round of intersessional discussions, with a format and frequency still to be determined. The States Parties will also assess how successful their efforts have been since the last Review Conference to strengthen their national implementation of the Convention and enhance CBM submission rates, expand the BWC's membership, achieve the objectives of Article X, and institute mechanisms for reviewing developments in science and technology.* The statement then added that *legislative implementation of the Convention is more imperative than ever to counter asymmetric threats posed by non-State actors who are determined to kill and injure human, animal or plant populations with disease-causing agents. A State without effective legislation is a State ill prepared to deal with this menace. Just as important, however, a State lacking effective regulatory measures for biosecurity may also lose out on the development and public health benefits arising from rapid advances in biotechnology. There should be no doubt that biotech firms and investors do assess whether governments are in a position to effectively manage Article III transfers of particularly dangerous disease-causing agents or sensitive equipment and technology. They also undertake due diligence to determine whether a State has in place Article IV measures to regulate research involving pathogens and toxins for purposes not prohibited by the Convention.* The statement then concluded by outlining the way in which VERTIC has been working with governments, regional and international organisations to strengthen legislative implementation of the BWC.

134. Trevor Griffiths of **Pax Christi International** then spoke saying that *we are concerned that action needs to be taken now – at this Review Conference – to protect the biosecurity of citizens all over the world.* The statement then added that *We join the UN Secretary General's encouragement of the States Parties to the BTWC to use the opportunity offered by the Eighth Review Conference to significantly enhance this preparedness [to counter biological attacks]. Several proposals for improving transparency of compliance with the convention have been made during the last Intersessional Process. We trust that you will agree on an approach that is adequate for addressing your Responsibility to Protect the Biosecurity of global citizens. In addition, we reiterate our plea to strive for synergy with other international organisations and national basic healthcare and sanitary facilities and emergency responders responsible for global public health and food security. This is especially relevant for poor people in the least developed countries, who have as much right to protection of their biosecurity as anybody else.* The statement then went on to say that *Several proposals have been made for setting up a new or improved process to provide scientific advice to the States Parties to the BTWC. We support the setting up of an effective process. However, for an effective process, there is a vital need for both*

*transparency and balance. Transparency means that the contents of the advice and the underlying data should be made publicly available in an online clearing house that is also accessible to civil society organisations and experts in developing countries. Balance requires the participation of all States Parties as well as engaging relevant experts from social sciences and humanities with expertise in bioethics and biosecurity in addition to natural scientists and biotechnologists.*

135. A statement prepared by Kathryn Nixdorff of **INES (International Network of Engineers and Scientists)** was then presented on her behalf by Graham Pearson. The INES statement said that *With the absence of a regime giving confidence in compliance for the BTWC, it is all the more important to ensure that the risks and dangers of misuse are detected at an early phase rather than when they have already occurred, at which time control would be difficult to exercise. INES considers that one of the most effective methods of prevention of misuse is an overarching, coherent risk management system for work in the life sciences and related fields that would ensure the freedom to pursue responsible science and at the same time provide security against intentional as well as unintentional misuse of the products, technological advances and knowledge resulting from work in the life sciences. Such a national oversight system would be comprised of*

*(1) **awareness-raising measures**, above all dual-use biosecurity education for those working in the life sciences, to enable everyone to make a well-grounded assessment of the biosecurity implications of their work*

*(2) **underlying regulations**, including steps that those engaged in the life sciences would be required to take, e.g. to determine if scientific projects are of concern and if so, to prepare a risk-benefit assessment as well as proposing mitigating measures, and*

*(3) establishment of an **independent committee** comprised of experts in all relevant fields to review the assessments of those engaged in the life sciences and advise them as to any further requirements. [Emphases in original].*

The statement concluded by saying that *INES urges that States Parties to the Eighth Review Conference reach agreement on an intersessional process that will ensure effective annual action in addressing the ongoing S&T developments. In our view this will greatly strengthen the Convention and demonstrate the viability of the BTWC in meeting the challenge of the rapid advances in the life sciences and related fields.*

136. A statement prepared by Jo Husbands of the **Biosecurity Working Group of the InterAcademy Partnership** was then presented on her behalf by Filippa Lentzos. The IAP statement said that *the Biosecurity Working Group wants to highlight one particularly relevant activity. In April 2016, on behalf of IAP, the UK Royal Society, the Polish Academy of Sciences, and the US National Academy of Sciences convened a roundtable on a Science Advisory Process for the BTWC. The statement added that As the States Parties address the question of what sort of scientific advisory process would best serve the needs of the Convention, we thought the set of basic questions raised in the April event might be worth repeating as a way to think about the forthcoming discussions. These included:*

**Why?** *Why does the BTWC need a scientific advisory process? Why change the existing arrangements?*

**Who?** *Who should be involved? Who should govern such a process? Who should fund it? Who should provide administrative support?*

**What?** *What should it include? What format should it adopt? For what audience should the output be written?*

**How?** *How should the output of the process be structured? How will views and opinions be sought or responded to? How could success be measured?*

**When?** *When should the advisory group meet and how often? When during the BTWC cycle should this occur?*

**Where?** *Where should the advisory process be based or meet?* [Emphases in original]

137. Gunnar Jeremias of the **Research Group for Biological Arms Control, Hamburg University** then spoke saying that *the participation in the CBM mechanism has reached an all-time high with 80 submissions by 1st November. Thirty-one of the States who have submitted a CBM have also decided to use the CBM mechanism not only as an inter-State transparency mechanism, but to actively promote public transparency by releasing their CBM to the general public on the ISU website. The view that these figures indicate that the BWC is in good shape is, however, rather naïve and lacks nuance. The participation in the only official information mechanism which is constantly in use can still not be considered satisfactory. Outside of some geographical hotspots too few states submit CBMs regularly. The statement went on to add that Although there is broad consensus that rapid developments in the life sciences might increase the potential for misuse in biological weapons programmes, the treaty remains without an effective mechanism to learn about new threats and to adapt to them. To make the BWC future-proof, States Parties have to decide now on the establishment of an independent advisory body. Ideally, this body would not be limited to in-depth technology advice, but would also have the capacity for an interdisciplinary monitoring of activities with relevance for both the prohibitive regulations and the promotion of technical cooperation. The statement then said that confidence in compliance is built by knowledge about actual activities. Hence, the major weakness of the regime is its missing ability to gather and analyse information in a verification procedure. While we do not dare hope for the decision to resume negotiations towards such a mechanism on this conference, we would still like to stress the possibilities to gather relevant information from open sources.*

The statement added that *To this end we have developed a web tool for the structured gathering and visualisation of open source information.*

138. Caitriona McLeish of the University of Sussex then spoke on behalf of the **Harvard Sussex Program on Chemical and Biological Weapons** saying that *This Review Conference comes at a time when both science and security are changing at a rate that threatens to leave the Convention behind. If this Convention is to remain relevant in the face of these challenges, we*

*believe States Parties need to agree a far more ambitious package of measures for this Convention's future work – a package that attends to all the operative provisions and objectives of the Convention. Mr President: there are three areas where we strongly urge that progress be made.*

*Science and Technology* *The first area is science and technology. Several States Parties have put forward ideas for enhancing reviews of science and technology and there is, once again, interest in doing something more substantive on this issue. Yet differences remain over the details. We believe that for progress to be made, a shared understanding of the purpose of science and technology review is required before determination and agreement of the best framework to meet that objective. In this regard we stress the importance that whatever is agreed needs to be open to participation by all States Parties; engages with members of the scientific and industrial communities; and assesses both the benefits and challenges of developments in S&T as well as the implications of such developments - both anticipated and unexpected - for all the Articles and objectives of the Convention.*

*Assistance and Co-operation* *The second area we wish to highlight is assistance and cooperation. Recent natural disease outbreaks, such as Ebola and Zika, have highlighted the challenges of dealing with outbreaks of disease whether natural, accidental or deliberate. Progress has been made over the course of the recent intersessional period to develop understandings about what might be required of BWC States Parties should it be determined that a State Party has been 'exposed to danger as a result of violation of the Convention', but far more needs to be done. It is vital that each State Party knows in advance what they will need to do, to whom they might turn, and what resources might be at their disposal. In addition, for progress to be achieved at the Eighth Review Conference a balanced package of measures will be required and implementation of Article X will form a significant part of that balance. We urge states to move beyond repeating and recycling traditional positions over Article X.*

*Compliance and Reassurance* *Compliance is also an area where progress is required. To be effective, every State Party in this Convention must be reassured that the others are fully implementing the Convention. It is time to examine and agree how confidence in compliance may be achieved in a more systematic and structured manner. As part of this examination States Parties should consider how best to exploit existing tools, such as Article V consultations, to strengthen confidence in the implementation of the Convention.*  
[Emphases in original]

The statement concluded by saying that *where there is consensus, States Parties need to be able to make decisions and take collective action between Review Conferences and that It is essential that the ISU be given the necessary mandate and resources to perform both their present tasks and any additional tasks.*

139. Guy Collyer of the **International Office for Innovation in Reducing Crime** then spoke saying he wanted to introduce the **Organisation for Global Biorisk Reduction**. This is a Non-Governmental Organisation (NGO) focused on the prevention, preparedness and response to risks posed by biological materials to humans, animals or plants, regardless as to whether such risks are caused naturally, accidentally or deliberately. A lot of good work is being conducted

*across the world at this time, to try and achieve the above goals, but none of it is coordinated or accredited. For many years, those involved with reducing risks associated with pathogens and toxins, have called for the establishment of an equivalent to the Organisation for the Prohibition of Chemical Weapons (OPCW). An International Organisation that can lead and coordinate international efforts in prevention, preparedness and response, with an overarching 'one health' mandate. The statement went on to add The Organisation for Global Biorisk Reduction has been established with the intention of filling this void. As an NGO, it will have greater flexibility to develop as a support and coordinating body for those countries engaged with the Biological and Toxin Weapons Convention (BTWC) and other international obligations such as UN Security Council Resolution 1540. It is our aim that, eventually, the OGBR would become part of the BWC Implementation Support Unit, but there is a lot of work to do before then. The life sciences present a very different challenge from those posed by chemicals. We are not advocating an organisation that would mirror the OPCW. Indeed, there would have to be fundamental differences. The statement concluded by saying that I am seeking your endorsement of this idea. The first year would be a development year to explore sources of funding, organisational structure and a business plan for the next 5 years.*

140. Janet Phelan of **ITHACA** then spoke saying *The US's violations of the BWC go much deeper, however. In the intervening five years between the last review conference and now, the US has been publicly caught sending live anthrax to 194 labs, worldwide, as reported in the national press. The determination by the Pentagon that the problem was the de-activating equipment at a military base in Utah is actually nonsensical. The very same military facility, Dugway Proving Grounds, had been reported to have sent out live anthrax eight years ago and nothing was ever done to address the problem. The statement continued by saying We sit in this room today perched on the edge of a WMD catastrophe of simply unimaginable dimensions. We have a state party – a powerful state party whose violations of the Convention are in evidence from every possible angle you might want to look: changes in legislation, failure to report the damning legislation to the international community, international transmission of live agents through the mail, stockpiles reported on a number of military bases, and a nearly undetectable and covert delivery system. The proof of noncompliance by the US has now been reported to you, as well as the efforts to obscure the noncompliance from international oversight. It is up to you now to take appropriate action.*

141. Tatyana Novossiolova then spoke on behalf of the **International Federation of Biosafety Associations (IFBA)** and **Bradford Disarmament Research Centre** saying that

*We wish to bring two initiatives related to the effort of promoting biosecurity competence and thus fostering a culture of responsibility in the life sciences to the attention of this Review Conference:*

- *The University of Bradford has launched a Guide to Biological Security Issues entitled Preventing Biological Threats: What You Can Do accompanied by a Biosecurity Education Handbook. These books were jointly funded by Canada and the UK under the Global Partnership Programme. They are freely available online.*
- *The International Federation of Biosafety Associations (IFBA) has recognised that the*

*availability of competent personnel engaged in implementing biosafety and biosecurity, including formal training and certification, is probably the greatest single factor affecting the quality of biorisk management programs worldwide. To address this need, the IFBA launched a new program in 2015 for individuals to demonstrate **competency** in various technical disciplines related to the **management of biological risks**. This new program has been developed in compliance with ISO/IEC 17024: 2012 “Conformity assessment - General Requirements for Bodies Operating Certification of Persons” to ensure that all candidates meet a common standard. In October 2016 the Professional Certification in **Biosecurity** was launched.*

The statement then added that *Our extensive work in this field clearly demonstrates that in order to address the pervasive **lack** of awareness of biosecurity and dual-use issues among those engaged in the life sciences, efforts to promote biosecurity education need to be **comprehensive** and **all-inclusive** based on a **systematic long-term strategy** and underpinned by **internationally agreed standards** and **adequate financial support**. The two initiatives described above are complementary and taken together constitute an essential element of the web of prevention required for strengthening biosecurity internationally. It concluded by saying that *The Eighth Review Conference is an excellent opportunity for States Parties to take **urgent**, **decisive**, and **effective** steps to enhance the effectiveness of national implementation by addressing this lack of awareness of biosecurity and ensuring that it is replaced by a norm of knowledge of biosecurity and dual-use issues. This is essential to foster a culture of responsibility and security in the life sciences and thereby achieve **effective national implementation** of the Convention with clear benefits globally for all of us.* [Emphases in original].*

142. Matthew Shearer of the **UPMC Center for Health Security** then spoke saying that *International efforts to support BWC implementation; educate scientists, political leaders, and the public on the responsible conduct of science; and promote safety, scientific progress, and global health equality are increasingly important in detecting, responding to, and recovering from communicable disease events. Each nation has its own priorities, capabilities, and resources, and the BWC promotes collaboration across borders to provide global benefit greater than the sum of their individual efforts. International cooperation is vital not only in facing current disease threats, but in furthering the goal of safe and peaceful use of science. The UPMC Center for Health Security strives to further these goals, emphasizing education and introducing biosecurity considerations to a new generation of scientists, policymakers, and national security experts. In 2012, we launched the Emerging Leaders in Biosecurity Initiative (ELBI) Fellowship Program with the goal of creating and sustaining a network of multidisciplinary, international, and intergenerational biosecurity leaders. ELBI Fellows and Alumni are already contributing to biosecurity practice and policy, providing substantive input and leadership in the areas of bioethics, cooperative threat reduction, dual-use research policy, international epidemic response, global health security policy, and medical and public health preparedness. The statement concluded by saying that *In the coming days, we are eager to share details about our Fellowship program, and we hope to learn of other efforts to promote biosecurity education aimed at next-generation leaders and identify future opportunities for the ELBI program to support the BWC.**

143. A statement prepared by Romina Morello of **Parliamentarians for Global Action (PGA)** was then presented on her behalf by Filippa Lentzos. The statement said that *Just under a year*

ago, PGA launched its *Global Parliamentary Campaign for Universality and Implementation of the BWC* at our 37th Annual Forum in El Salvador. The past 12 months has seen PGA Member Legislators worldwide turning their tried and tested advocacy and legislative skills to not only raising greater awareness with their respective governments as to why more robust adherence to the BWC is now more important than ever, but also achieving numerous, concrete, measurable results towards this end. The statement then added that *Enhanced involvement of the legislative branch of government is not only a plus, however, in terms of moving national ratification processes forward in those few countries yet to become States Parties, as well as focusing attention on improved national implementation – still not where it should be in so many States Parties legislative infrastructure - and encouraging the taking of more Confidence Building Measures and improved rates of reporting thereon. In a much broader sense, these growing interactions between the legislative and executive branches of government that PGA is fostering, are not merely forging new – and effective – partnerships ‘to get the job done’. Just as importantly, by bringing home the importance of these treaties, in particular ones such as the BWC that have been around for quite some time, a far more ‘valuable’ result is being simultaneously achieved. Making the BWC, a much more ‘real’ commodity and more effectively relating its importance in the every-day lives of the people who put the executive and legislative branches in power in the first place.* The statement concluded by saying that *In the months ahead, our membership of over 1,400 legislators in 140 countries worldwide will continue down this same path of seeking improved implementation of the BWC, by making use of a range of unique parliamentary prerogatives at their disposal.*

144. Tiara Shaya of the **Center for Nonproliferation Studies** then spoke saying that *I am speaking today on behalf of the Middle East Next Generation of Arms Control Specialists Network (MENACS) adding that We are present at this meeting for the purpose of continuing an initiative of the Network that was introduced at the 2015 BWC Meeting of States Parties. As part of the Network’s objectives to strengthen capacity in the region, as well as to enhance participation in and implementation of nonproliferation treaties, our members offered to work with Middle East delegations in their preparations for the 2016 BWC Review Conference. MENACS offered our services for free to assist Middle East delegations in conducting research, reporting, documentation, speech writing, and translations as part of their preparation for this Eighth BWC Review Conference. The statement went on to add that During this Eighth BWC Review Conference, Network members will work with Middle Eastern delegations to translate their statements and working papers from Arabic into English in order to provide a wider audience for the positions of Arabic-speaking delegations and highlight their work. The Network also requests the opportunity to work with Middle Eastern delegations in providing research and assisting in the drafting of the April 2017 and April 2018 Confidence Building Measures submissions as they are an opportunity to illustrate the good work being done in the Middle East. MENACS members are particularly well suited to assist Middle Eastern delegations in these endeavors given our knowledge of the region and its languages, which provides the ability to research in local languages and thus increases the amount of available information to be reported.*

145. Serguei Batsanov of the **Pugwash Conferences on Science and World Affairs** then spoke saying that *BWC has been in force for more than 40 years now, and much has changed not just in the subject matter of the convention, but also in the global political, social and scientific environment in which it operates. Globalisation, scientific revolution and digitalisation of all branches of industry and of economy at large have dramatically changed the risk spectrum of*

*intentional or accidental misuses of biological processes and of their consequences for humankind. In fact, it has become possible to wage biological warfare without biological agents in the traditional sense. This necessitates giving a fresh look at various non-proliferation and export control arrangements and regimes, including in the biological area. The statement then said that There is a need for a mechanism to address on a systematic basis all the implications of science and technology for the BWC. Ideally it should be designed in such a way, so as to allow both open-ended debates and information sharing among scientists, equitably representing various regions and countries and a more structured committee work on reports to be submitted to States Parties. The statement then went on to add that BWC is not an organisation, nor an agency, it has neither the status of a legal person nor resources. And, yet, Articles VII and X of the BWC (which are substantially inter-related) provide for assistance to the victims of Convention's violations and for international cooperation in peaceful uses of biology, including the disease prevention. Here is the intellectual and political challenge: how to modernise the system in an incremental way, to allow it to have certain necessary functions and mechanisms, given the fact that there is still an opposition to the creation of an organisation. Another challenge is how to improve compliance without verification. In fact, there exists one somewhat relevant, but weak verification mechanism. It has been designed for transgressions which, strictly speaking, are not covered by the BWC prohibitions and it is housed somewhere else. More specifically, I have in mind the prohibition of BW use (which is not in the convention) and the separate UNSG mechanism to investigate alleged uses of biological and chemical weapons. This is another example how confusing the current arrangements are. In a more general context, isn't it time to drop the taboo on even examining verification options for the BWC – for example, by convening, as it is often being done in other areas of disarmament, a group of qualified governmental experts to explore such verification options in the light of fundamental changes in science, political environment and military strategy over the last several decades?*

146. Akin Abayomi of the **Global Emerging Pathogens Treatment (GET) Consortium** then spoke saying that *The Consortium is currently comprised of over 140 African experts from diverse backgrounds, working with international collaborators and with offices registered in Nigeria, Ghana, Sierra Leone and the USA. It functions now as a Biosecurity think tank and implementation organ that has the goal of providing recommendations on strategies and policies to African Governments and agencies, establishing research and building capacity through carefully prioritized culturally sensitive initiatives and projects. The statement went on to say that The GET Consortium welcomes the steps that the [Review Conference] is taking to review the BWC and to strengthen the counters to outbreaks of disease, whether natural, accidental or deliberate, as the impact of any of the above have more or less the same features and require a more or less common approach to early detection and rapid response. This is particularly relevant to Article X of the treaty. It is noted that 12 African States are yet to join the Convention making Africa the region with the highest number of States not yet party to the Convention. In response the Defense and Security Division of the African Union (AU) Commission and the ISU co-organized a meeting in the AU headquarters on "Universalization of the Biological Weapons Convention in Africa" which GET attended and presented an update of the state of Biosecurity concerns in the Ebola outbreak regions of West Africa. In furtherance of this activity GET hosted the 2nd African Conference on Biosecurity in Lagos in July 2015. The statement concluded by saying that We are embarking on capacity building in the affected countries with the aim of developing biobanking and biosecurity regulations, policies and agendas which should mature*

*into specific national legislation to improve compliance with the convention in the respective affected countries and across the region.*

147. Paul Walker of **Green Cross International** then spoke saying. *First, **universality of the Convention** continues to be a very important issue. The BWC has now expanded to 177 States Parties; thirteen states have neither signed nor ratified the Convention, and another six countries have yet to ratify their commitments. In comparison, the Chemical Weapons Convention, half the age of the BWC, today includes 192 States Parties. We urge States Parties to provide these 19 non-member states with the necessary assistance and guidance to facilitate their joining the BWC in the near future. Second, **national implementation**, including export control, under BWC Articles III and IV likewise remains very important. Many States Parties have failed to fully implement their obligations under the BWC, oftentimes simply due to lack of attention or expertise. We know that specific attention to this issue for both the BWC and CWC has smoothed the way for many countries to move forward on this issue. Third, **science and technology** (S&T) developments will always remain one of the key issues which must be closely tracked by States Parties. Establishment of a Science Advisory Board (SAB) for the BWC, similar to the very helpful group of outside experts which regularly advises the CWC, would be a very useful step for this Review Conference. Fourth, in the absence of any verification regime, **peer reviews and voluntary visits** on a bilateral or multilateral basis regarding biosecurity and safety issues would be a very useful step in international cooperation and assistance and confidence-building for States Parties. Fifth, all of these efforts need to be coordinated, managed, and in most cases implemented by the **Implementation Support Unit (ISU)** which remains both understaffed and underfunded. This Review Conference needs to take the important step of expanding the ISU beyond its current three-person staff, unfortunately reduced to two for the past six months due to the failure to budget for possible substitute staffing. A working paper of the ISU covers this subject well, but I would note that additional travel and equipment funding is also a necessity. And sixth and lastly, all of this requires **adequate funding**. The ongoing failure of States Parties to adequately staff and fund this very important abolition regime, and then wonder why it's not yet universal or fully implemented, remains an embarrassment in international governance. [INF.1 shows that whilst the BWC has a credit balance of \$196,963.54 about 62% of States Parties are in arrears.] [Emphases in original].*

148. The President said that this completed the NGO statements and ended the informal session. The formal session then resumed with the President saying that the remaining time of the Wednesday morning session would be a meeting of the Committee of the Whole with Ambassador Biontino in the chair. The President added that the afternoon session would reconvene at 15.00 in a formal plenary to consider Agenda Item 13a *Financial Issues* for a presentation by the Chief of the Financial Resources Management Service (of UNOG). This would then be followed by a continuation of the Committee of the Whole.

## **Committee of the Whole**

149. Ambassador Biontino then took the chair for a short procedural session of the Committee of the Whole. He said that he wanted to set out the mechanism that he intended to use in order to work smoothly with all delegations. He said that all documents will be on the website and available as hard copies. He would be using the Final Document of the Seventh Review

Conference as the starting point and in the first reading in the afternoon session he would proceed paragraph by paragraph asking States Parties to indicate proposed changes. Then in the second reading he would look for a full discussion of the proposed changes first in the Article by Article section and then in the Decisions and Recommendations section. Then in the third reading, he would try to narrow down the differences and try to negotiate acceptable language so as to come to closure. He reiterated that nothing is agreed until everything is agreed both for the Article by Article section and the Decisions and Recommendations section.

150. The Committee of the Whole then closed for the lunch break. Mr Daniel Feakes announced that there would be three side events:

International Office for Innovation in Reducing Crime (IOIRC): **The OPBW- Is it Time?** -- 13.00-15.00 Room XXI

Russian Federation: **Operationalizing mobile biomedical units to deliver protection against biological weapons, investigate their alleged use and contribute to the suppression of epidemics of various origin: Presentation of draft decision** -- 13.00-15.00 Room XXIV

King's College London, University College London, Sussex University and Switzerland: **"Book launch of 'Biological Threats in the 21st Century' and project presentation of 'Understanding Biological Disarmament'"** -- 13.00-15.00 Room XXV

### ***Wednesday afternoon 9 November 2016***

151. The afternoon session began with the President in the chair for consideration of Agenda Item 13 (a) *Financial issues* with a presentation by the Chief of the Financial Resources Management Service of the United Nations Office at Geneva. It was noted that financial issues and the fact that more scrutiny is now being applied to financial aspects due to new accounting systems being introduced within the United Nations, had been raised in a letter to States Parties, then at meetings with the Regional Groups (summarised above in paragraph 13 of this report) and had also been mentioned in a statement made by Kim Won-soo, United Nations Under Secretary-General and High Representative for Disarmament Affairs (summarised above in paragraph 30). The presentation began by giving an appreciation of the financial situation for the Biological Weapons Convention as of 17 October 2016:

- 2016 Meeting Estimated Costs \$1,966,700
- Overspent for 2000 – 2015 -\$319,100
- Collected from States Parties for 2016 Meeting \$1,478,100
- Hence actual funds for 2016 Meeting \$1,478,100 - \$319,100 = \$1,159,000
- Potential shortfall for 2016 Meeting \$1,966,700 - \$1,159,000 = \$807,700
- Actual cash (Overpayments + \$862,500 + actual funds \$1,159,000 =)  
\$2,019,600
- (Hence projected surplus (overpayments less shortfall \$862,500 - \$807,700) =  
\$54,800

The presentation then went on to identify a number of problems with the current financial arrangements:

1. *Growing number of old outstanding payments impacting cash flow.*
2. *Deficits for previous meetings masked by receipts/advances for future meetings.*
3. *Conference services need cash in advance to perform their services.*
4. *Lack of transparency*
5. *Delays in billing for administrative reasons*
6. *Entire billing cycle is too long*
7. *Revisions to cost estimates are currently deferring problems and creating additional costs.*

The key changes being made were summarised as follows:

1. *UNOG Financial Services shall settle all bills within 60/90 days after the conclusion of the meeting. Conference bills to be done more real time.*
2. *Send one invoice for following year along with final invoice for preceding year (provides complete financial picture per convention)*
3. *ISU staff are given 1 year contracts and thus funds are needed up front. The ISU cost estimates will be established separately (not part of meeting costs) and billed for full year.*
4. *Have a review point 4 months in advance of a meeting to ensure funds available.*
5. *Arrange a go/no-go review 3 months prior based on funding and adjust accordingly. Multiple revisions to cost plans have a cost.*
6. *Status of contributions reports to be available online on quarterly basis.*
7. *All meetings should have an agenda item on status of contributions.*

It then concluded by setting out what were described as a number of *options* for the States Parties of the BWC:

1. *Review possibility of working fund*
2. *Annual approved budgets*
3. *Adopting measures to encourage prompt payment*
4. *Policy on application of contributions (oldest first)*
5. *Form working group to review above*

The presentation was then followed by a discussion in which States Parties sought clarification about what had been said. In the discussion it was noted that over 100 States Parties to the BWC owe money to the United Nations and that the BWC was able to hold its Meeting because some States Parties had made overpayments. Mention was also made that in the General Assembly UN Member States in arrears may lose some of their participation rights. [This was clearly a reference to Article 19 of the Charter which states that *A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years.*]

152. The President thanked the Chief of the Financial Resources Management Service for the presentation and said that it would be up to States Parties to consider how they should address

these financial requirements. The President then closed the formal plenary meeting and invited Ambassador Biontino to continue the afternoon session in his capacity as Chairman of the Committee of the Whole.

## **Committee of the Whole**

153. Ambassador Biontino as Chairman of the Committee of the Whole then on Wednesday afternoon 9 November 2016 commenced the first reading in which using the Final Document of the Seventh Review Conference as the starting point he proceeded paragraph by paragraph asking States Parties to indicate any proposed changes. The first reading of Articles I to VI was completed.

154. The Committee of the Whole then resumed on Thursday morning 10 November 2016 and completed the first reading of Articles VII to XV by 12 noon. The Committee of the Whole was then intended to resume on Thursday afternoon 10 November 2016 with the second reading but this was delayed for an hour as the consolidated texts for Articles I to VI were not available on line or in hard copy. When they were available, the Committee of the Whole reconvened but was unable to start on the second reading as some delegations sought more time to consider the compilations of proposed changes for Articles I to VI and other delegations said it would be difficult to start the second reading until the consolidated texts for Articles VII to XV were also available. The Committee of the Whole thus concluded this session at 4.20 pm with Ambassador Biontino as Chairman of the Committee of the Whole saying that they would resume with the second reading on Friday afternoon at 3.00 pm and saying that this should be expected to go on late into the Friday evening.

155. On Friday morning 11 November 2016 the Committee of the Whole resumed after the informal plenary on the Solemn Declaration had been completed. The Committee of the Whole spent about an hour on the second reading during the morning, continued in the afternoon session and then into the evening. Articles I through IV were considered. Only minor changes were adopted. Some proposals were withdrawn that were similar to others and in some other cases delegations indicated they would consult with each other where there were proposals on the same subject areas. The continuation of the Committee of the Whole after 6.00 pm had to be carried out in English only, and in a side room, as the audio system in the main room needed support staff to run it who, like the interpreters, had finished their working day. Only about 40 minutes of additional time was able to be used in the evening as the NAM said that they had not yet had a chance collectively to consider Article V onwards. The Committee of the Whole was therefore adjourned and the NAM used the room to hold their group meeting.

156. Unfortunately during the sessions on Friday 11 November 2016, there was some discussion about whether the outcome of the first reading should be made available on line on the BWC website. Whilst a number of States Parties spoke in favour of these documents being publicly available, Iran considered that these papers, as they had no status, should not be posted publicly but should be sent to delegations via e-mail, and this was supported by Venezuela (in its national capacity) and Cuba. When the Committee of the Whole reconvened in the side room on Friday evening, the President of the Review Conference announced that these non-papers would be circulated in hard copy in the meeting room, but electronic distribution would be limited to e-mail and the restricted part of the website.

157. On Monday 14 November 2016, the Committee of the Whole reconvened and spent about two hours in the afternoon and then three hours in the evening without interpretation on the second reading of Article V through to Article X. Only a few changes were adopted. As in the Friday session, some similarities in proposals were eliminated.

158. Tuesday 15 November 2016 started with an announcement that a short session of the Committee of the Whole would be held in order to complete the second reading of the article-by-article review before the scheduled plenaries on the facilitated cross-cutting themes. This would thus enable the Chair of the Committee of the Whole, to prepare a new text for the next phase of the committee's work. Before the Committee of the Whole convened, there was a plenary discussion on the status of its meetings which, following a request from Iran, concluded that the Committee of the Whole would, for the rest of this Review Conference, be considered a closed meeting with only delegates of States Parties able to attend. This meant that representatives of international organisations, such as the European Union and WHO as well as NGOs could not be present. The same restriction allowing only States Parties to be present also excluded the representatives of signatory-only states and observers from non-signatory states, who had been attending meetings of the Committee of the Whole up to that point. The Committee of the Whole then had a closed meeting for about an hour during the morning, which carried out the second reading of the remaining Articles. A new compilation of text was then prepared, taking into account the changes resulting from the second reading.

159. Wednesday 16 November 2016 was concentrated on thematic cross-cutting plenaries. However, towards the end of the morning session, the new compilation of text for the article-by-article review, to be considered by the Committee of the Whole, was circulated to States Parties.

160. Thursday 17 November 2016 saw the Committee of the Whole, make a 'third reading' of the article-by-article review text. As already noted above, this was held behind closed doors with only delegates of States Parties able to attend. It appears little progress was made on substantive textual changes with the session providing an opportunity for a further exchange of views on each of the articles.

161. A non-paper entitled *Elements for a Draft Final Document* was circulated on Thursday 17 November 2016 after the close of the formal meetings by the President of the Review Conference. This non-paper included input from the facilitators. It consisted of 13 pages for the Article by Article section in which amendments from the Article by Article section of the Seventh Review Conference are shown in **bold**. A further 7 pages address the Decisions and Recommendations section of the Final Document.

162. The Committee of the Whole next met on Monday 21 November 2016, the start of the final week of the Review Conference, when it returned to the text resulting from its third reading on Thursday 15 November 2016. Although the non-paper entitled *Elements for a Draft Final Document* circulated on Thursday 15 November 2016 contained 13 pages for the Article by Article section that were effectively a best estimate put together by the Chair of the Committee of the Whole and could have been used as a starting point for the further development of the article by article section this was rejected in favour of returning to the text resulting from the third reading. It appears that many States Parties were frustrated with what became a fourth reading with the same working methods that had previously not managed to produce substantive changes to the text of the Article by Article section. The fourth reading in regard to Articles I and

II led to the same language as that for the Seventh Review Conference with changes only to the occasional word. It was announced at the end of the day on Monday that this process would be continued on Tuesday 22 November, including a continuation to consider Articles III and IV in a side room during Tuesday evening.

163. On Tuesday 22 November 2016, the Committee of the Whole continued in the morning session with its fourth reading of the Article by Article section starting with a discussion of Article V and by the end of the morning session this had reached Article VII. Informal consultations continued on Tuesday evening.

164. Wednesday 23 November 2016, just two days before the scheduled end of the Eighth Review Conference on Friday 25 November 2016, saw the continuation in the morning by the Committee of the Whole of its fourth reading of the Article by Article section behind closed doors. Later on Wednesday after the usual end of the working day, the Chairman of the Committee of the Whole circulated the draft report of the Committee of the Whole (BWC/CONF.VIII/COW/CRP.1 dated 23 November 2016) after the usual end of the working day. This consists of a short procedural report with two annexes. The first annex is a 35 page compilation of all the proposed textual amendments to the Article by Article section from the Seventh Review Conference. The second is a 15 page text prepared the Chair of the Committee under his own responsibility with a recognition that this text had not been agreed by the Committee of the Whole.

165. In addition, a non-paper entitled *President's Proposal* (BWC/CONF.VIII/CRP.3 dated 28 November 2016 which has a footnote saying *Informal paper circulated by the President of the Review Conference on 23 November 2016*) was circulated on Wednesday 23 November 2016 after the close of the formal meeting. This consisted of seven pages addressing the Decisions and Recommendations section of the Final Document.

166. Thursday 24 November 2016, the penultimate day of the Eighth Review Conference, began with the final meeting of the Committee of the Whole which took only a short time to adopt an entirely procedural report. (BWC/CONF.VIII/COW/CRP.1/Rev.1 dated 24 November 2016 *Draft Report of the Committee of the Whole*). The final meeting began by considering the draft report of the Committee of the Whole (BWC/CONF.VIII/COW/CRP.1 dated 23 November 2016) which had been circulated on Wednesday and consisted as noted above of a short procedural report with two annexes. The first annex was the compilation of all the proposed textual amendments to the Article by Article section from the Seventh Review Conference and was, in itself, uncontroversial as it was entirely factual. The second annex was the updated best estimate text prepared by the Chair, under his own responsibility. [It should be noted that at the Seventh Review Conference the agreed Report of the Committee of the Whole (BWC/CONF.VII/5) dated 31 December 2006 included an Annex II which was described as follows:

*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.]*

167. It is understood that Iran objected to inclusion of the second annex within the report. However, some other States Parties argued for the inclusion of both annexes following the precedent of the Seventh Review Conference. The situation was thus whether to make a decision to include both annexes or to include no annexes. The final decision taken was to include no annexes. This meant that the Committee of the Whole after over two weeks of meetings adopted only a procedural report and provided no text for the Article by Article section of the Final Document.

168. Friday 25 November 2016, the final day of the Eighth Review Conference, began by formally acknowledging the report of the Committee of the Whole which was entirely procedural. Informal consultations were then convened behind closed doors to attempt to agree an Article by Article section text. This was led by Ambassador Michael Biontino of Germany (who had been the Chair of the Committee of the Whole) with strict guidance from the President of the Review Conference that no proposals for amendment would be considered if they were opposed. The starting point was again the comparable text from the Seventh Review Conference. A consensus text for the article by Article section was agreed by the end of the morning session. There were very few changes agreed apart from the text relating to Article VII which benefited from the work that had been done by the facilitator in this area, Ambassador Alice Guitton of France.

## **Solemn Declaration**

169. The President designate in his letter to States Parties on 6 October 2016 had said that:

*As I announced at the Preparatory Committee, it has been my intention to ask individuals to serve as facilitators on specific issues in order to help me in my role as President-Designate of the Review Conference. I have now secured agreement from several individuals to serve in this capacity. In the spirit of openness transparency and inclusivity, I would like to inform you about the facilitators and the areas on which I have asked them to work:*

- *Solemn declaration: Ambassador Boudjemâa Delmi (Algeria)*
- *Assistance and cooperation: Zahid Rastam (Malaysia)*
- *Science and technology: Laurent Masmejean (Switzerland)*
- *National implementation: Ambassador Michael Biontino (Germany)*
- *Article VII: Ambassador Alice Guitton (France)*
- *Future intersessional work programme and the ISU: Ambassador Tehmina Janjua (Pakistan) and Ian McConville (Australia)*

Consequently, on Friday 11 November 2016, the final day of the first week, the morning session began with an informal plenary during which the facilitators had a chance to report on their progress thus far. This was then followed by an informal plenary in which Ambassador Delmi of Algeria took the Chair as facilitator on the Solemn Declaration. These proceedings were very similar in style to the first reading of the Committee of the Whole, in which proposals were made by States Parties for amendments to be made to the Solemn Declaration as it had appeared in the Final Document of the Seventh Review Conference.

170. On Wednesday 16 November 2016 the final session of the day saw an informal plenary on the Solemn Declaration which was chaired by Ambassador Boudjemâa Delmi of Algeria as

facilitator. The session continued for nearly an hour in a side room without interpretation after 6.00pm. Some progress was made on text and Ambassador Delmi said he would consult with delegations and planned to return to this in plenary session on the afternoon of Thursday 17 November.

171. As expected a further session was held on the afternoon of Thursday 17 November 2016 with Ambassador Boudjemâa Delmi of Algeria in the chair. As was being observed with the Committee of the Whole, little progress was made on substantive textual changes. Although a non-paper entitled Elements for a *Draft Final Document* was circulated on Thursday 17 November 2016 after the close of the formal meetings by the President of the Review Conference, this did not include any language for the Solemn Declaration.

172. On Friday 18 November 2016, the morning session saw a short further plenary session on the Solemn Declaration with Ambassador Boudjemâa Delmi of Algeria in the chair as facilitator. Some limited progress was made on textual changes. A small room consultation behind closed doors was convened in the afternoon, in parallel with the plenary, which is understood to have made some further progress on the Solemn Declaration.

173. Tuesday 23 November 2016 saw a further plenary on the Solemn Declaration in the afternoon with Ambassador Boudjemâa Delmi of Algeria in the chair as facilitator. He noted that a number of informal consultations had taken place and that he was extremely satisfied with the results emerging from them. He outlined three principles that had guided him in his work on the Solemn Declaration, which he described as a 'political declaration': it should reiterate positions from the previous Review Conferences; it should be taking a consensus position, not that of any particular person or group; and, it needs to focus on the main aims of the Convention. He put forward a text that resulted from the consultations and which focused on particular areas of contention, including accountability in any case of use of biological weapons and on international cooperation. Ambassador Delmi suggested that where there was no agreement on text, the language used should revert back to that used in the Seventh Review Conference.

174. The paragraph-by-paragraph review of the facilitator's text did not get far before there was a request to re-insert an earlier proposed amendment on which it had not been possible to reach agreement during earlier consultations. This was followed by a number of similar requests, resulting in a text that was less clean than at the start of the session. There was some substantive discussion of the areas of contention identified by Ambassador Delmi but no agreement on new text.

175. Wednesday 24 November 2016 saw a further plenary on the Solemn Declaration in the afternoon with Ambassador Boudjemâa Delmi of Algeria in the chair as facilitator. Progress was made on the paragraph relating to terrorism which had had a number of suggested amendments to it. A new text for this paragraph, jointly proposed by India, Russia and the United States, overcame some of the earlier difficulties. Amendments to this new text were proposed, with some being accepted. Further work is required.

176. On the final day, Friday 25 November 2016, a session in the afternoon on the Solemn Declaration was chaired by Ambassador Biontino (as Ambassador Delmi of Algeria had other commitments) on the understanding that, as with the Article by Article section, no proposals for amendment would be considered if they were opposed, produced a consensus text.

177. The final day, Friday 25 November 2016, also saw the provision by the President of a draft Final Document (BWC/CONF.VIII/CRP.2 which although dated 7 December 2016 was clearly available on 25 November according to paragraph 37 of the Final Report). This contained a Solemn Declaration with alternative language for some of its subparagraphs.

## **Decisions and Recommendations**

178. As already noted earlier, the President designate in his letter to States Parties on 6 October 2016 had said that:

*As I announced at the Preparatory Committee, it has been my intention to ask individuals to serve as facilitators on specific issues in order to help me in my role as President-Designate of the Review Conference. I have now secured agreement from several individuals to serve in this capacity. In the spirit of openness transparency and inclusivity, I would like to inform you about the facilitators and the areas on which I have asked them to work:*

- *Solemn declaration: Ambassador Boudjemâa Delmi (Algeria)*
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- *National implementation: Ambassador Michael Biontino (Germany)*
- *Article VII: Ambassador Alice Guitton (France)*
- *Future intersessional work programme and the ISU: Ambassador Tehmina Janjua (Pakistan) and Ian McConville (Australia)*

179. In addition, during the Eighth Review Conference on Monday 14 November 2016, the President announced the appointment of an additional facilitator, Ambassador Hernán Estrada Roman of Nicaragua, who would address Article III.

180. Several of these areas are directly related to the subjects that would be expected to be addressed in the *Decisions and Recommendations* section of the Final Document. At the Sixth and Seventh Review Conferences, this section has been composed of parts that assess the outcome of the past Intersessional Period, set out what is to be addressed in the forthcoming Intersessional Period and set out what the Implementation Support Unit is to do in the coming years. Consequently, at the Eighth Review Conference the *Decisions and Recommendations* section was expected to set out what should take place between the Eighth and Ninth Review Conferences.

181. During the Eighth Review Conference, on Friday 11 November 2016 the facilitators for *Science and technology* and for the *Future intersessional work programme and the ISU*: issued three non-papers:

- Non-paper from the Facilitator on Science and Technology
- Future Planning for the Implementation Support Unit (Submitted by Co Facilitators, Australia and Pakistan)
- Non-Paper prepared by Pakistan and Australia in the capacity of Co-Facilitator for the 2017-2020 ISP

182. The facilitators were also involved in cross-cutting plenaries that were intended to enable wide-ranging topics to be addressed. Cross-cutting plenaries on cooperation and assistance and on science and technology were held on Monday 14 November 2016, and on Article VII and national implementation on Tuesday 15 November 2016 with national implementation being continued on Wednesday 16 November 2016. Further cross-cutting plenaries on Article III and on Future intersessional work programme and the ISU were also held on Wednesday 16 November 2016.

183. The President on Thursday 17 November 2016 circulated a non-paper entitled *Elements for a Draft Final Document* which consisted of the Chairman of the Committee of the Whole's best estimate for the Article by Article section and integrated draft texts from the facilitators. This non-paper was then discussed in a plenary session on the afternoon of Friday 18 November 2016, the final day of the second week. Detailed comments were then put forward on the non-paper in the morning session which continued into the afternoon session on Monday 21 November 2016.

184. The President of the Review Conference issued a *President's Proposal* at about 7.00 pm on Wednesday 23 November 2016 (BWC/CONF.VIII/CRP.3 dated 28 November 2016 –which has a note stating that this was circulated on 23 November 2016). The *President's Proposal* starts with a recognition of *the need to balance an ambition to improve the intersessional programme within the constraints — both financial and human resources — facing States Parties, but also cognisant that adequate resources will be required to enable the Implementation Support Unit (ISU) to service the ISP*. The proposed programme consists of four open-ended working groups (OEWGs) plus annual Meetings of States Parties (MSPs). The four OEWGs would address: *Science & Technology, National Implementation, International Cooperation and Preparedness, Response & Assistance*, and it is proposed that they would meet in alternate years so that each OEWG meets for five days every two years. The *President's Proposal* also proposes to extend the mandate of the Implementation Support Unit (ISU) until the Ninth Review Conference and also proposes that *in consideration of the already under resourced staffing and budget profile of the ISU given its existing workload, the Conference decides exceptionally to the following enhancements to the ISU budget to cover 2 additional professional posts*.

## The Final Stages

185. As already noted earlier in paragraphs 166 and 167, the penultimate day, Thursday 24 November 2016, of the Review Conference saw the adoption of a wholly procedural report by the Committee of the Whole:

*166. Thursday 24 November 2016, the penultimate day of the Eighth Review Conference, began with the final meeting of the Committee of the Whole which took only a short time to adopt an entirely procedural report. (BWC/CONF.VIII/COW/CRP.1/Rev.1 dated 24 November 2016 Draft Report of the Committee of the Whole). The final meeting began by considering the draft report of the Committee of the Whole (BWC/CONF.VIII/COW/CRP.1 dated 23 November 2016) which had been circulated on Wednesday and consisted as noted above of a short procedural report with two annexes. The first annex was the compilation of all the proposed textual amendments to the Article by Article section from the Seventh Review Conference and was, in itself, uncontroversial as it was entirely factual. The second annex was the updated best estimate text prepared*

*by the Chair, under his own responsibility. [It should be noted that at the Seventh Review Conference the agreed Report of the Committee of the Whole (BWC/CONF.VII/5) dated 31 December 2006 included an Annex II which was described as follows:*

*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.]*

*167. It is understood that Iran objected to inclusion of the second annex within the report. However, some other States Parties argued for the inclusion of both annexes following the precedent of the Seventh Review Conference. The situation was thus whether to make a decision to include both annexes or to include no annexes. The final decision taken was to include no annexes. This meant that the Committee of the Whole after over two weeks of meetings adopted only a procedural report and provided no text for the Article by Article section of the Final Document.*

186. The situation in regard to the Solemn Declaration was as reported earlier in paragraphs 175, 176 and 177:

*175. Wednesday 24 November 2016 saw a further plenary on the Solemn Declaration in the afternoon with Ambassador Boudjemâa Delmi of Algeria in the chair as facilitator. Progress was made on the paragraph relating to terrorism which had had a number of suggested amendments to it. A new text for this paragraph, jointly proposed by India, Russia and the United States, overcame some of the earlier difficulties. Amendments to this new text were proposed, with some being accepted. Further work is required.*

*176. On the final day, Friday 25 November 2016, a session in the afternoon on the Solemn Declaration was chaired by Ambassador Biontino (as Ambassador Delmi of Algeria had other commitments) on the understanding that, as with the Article by Article section, no proposals for amendment would be considered if they were opposed, produced a consensus text.*

*177. The final day, Friday 25 November 2016, also saw the provision by the President of a draft Final Document (BWC/CONF.VIII/CRP.2 which although dated 7 December 2016 was clearly available on 25 November according to paragraph 37 of the Final Report). This contained a Solemn Declaration with alternative language for some of its subparagraphs.*

187. The situation in regard to the Decisions and Recommendations section was reported in paragraph 184:

*184. The President of the Review Conference issued a President's Proposal at about 7.00 pm on Wednesday 23 November 2016 (BWC/CONF.VIII/CRP.3 dated 28 November 2016 –which has a note stating that this was circulated on 23 November 2016).*

188. Informal consultations, behind closed doors, took place on the *President's Proposal* on the penultimate day, Thursday 24 November 2016, commencing at about 11.30 am and then continuing through the afternoon and into the evening concluding shortly after midnight.

189. The final day, Friday 25 November 2016, saw informal consultations behind closed doors in the morning to arrive at a text for the article by article section of the Final Document. These were followed in the afternoon with further informal consultations behind closed doors to arrive at a text for the solemn declaration section of the Final Document. In parallel with all of this, the President of the Review Conference was having discussions aimed at finalising the decisions and recommendations section of the Final Document.

190. It is evident that discussions were still taking place when the Friday afternoon was drawing to a close at 18.00 and the President was advising the States Parties that the meeting would have to continue in a smaller room outside the main conference room XVII as both the interpreters and the microphone system would no longer be available. The Review Conference then continued in room XXI without interpretation and also without any recording of the session.

191. There was eventual agreement on the Final Document. This was then followed by 26 closing statements made by Australia, Venezuela on behalf of the NAM, Zimbabwe, USA, Malaysia, Mexico, Cuba, Colombia, Brazil, European Union, Iran, Pakistan, Sweden, Netherlands, Japan, France, India, Russian Federation, Nicaragua, Chile, Argentina, South Africa, United Kingdom, Peru, Algeria and Venezuela. Seventeen of these closing statements are available on the ISU website. There are no copies of nine of the closing statements made by Venezuela on behalf of the NAM, Zimbabwe, Malaysia, India, Nicaragua, United Kingdom, Peru, Algeria and Venezuela. This is particularly regrettable as there are no recordings of the final session of the Eighth Review Conference that took place after 18.00 in room XXI.

192. Ian McConville, Deputy Permanent Representative of **Australia** spoke saying:

*It is of course a great disappointment that our ambitions were frustrated, notwithstanding the best efforts of states parties to come forward with innovative new ideas and solutions to transform the current status quo. Australia was pleased to have made a modest contribution to this in our role as co facilitator on the intersessional program (ISP) and Implementation Support Unit (ISU) along with Pakistan. But instead of an expanded intersessional program, we are left with a mere five days of annual discussions in the context of a "meeting of states parties". This minimalist formula will sorely test our efforts to strengthen the BWC.*

*But we also need to reflect on what has been preserved in the course of this Eighth Review Conference. The BWC will carry on as the key multilateral reference point for combatting the real and growing risk of the use of bio-weapons; universalisation efforts will continue; and so too will the invaluable work of the ISU whose mandate has been thankfully renewed to support our ongoing, collective efforts to ensure the continuing relevance and importance of the BWC.*

*The challenge before us is clear: we need to break down the existing deep divisions among states parties so that our common goal of strengthening the BWC can continue apace; we need to find ways to maintain the broad engagement of civil society and academia in the workings of the BWC notwithstanding our truncated intersessional program; and we need to prepare the way now for a much more substantive outcome at the 2021 BWC RevCon in order to maintain a safe and secure world for us all.*

193. Statements were then made by **Venezuela on behalf of the NAM** and by **Zimbabwe** but neither are available. Ambassador Robert Wood of the **United States** then spoke saying:

*My delegation regrets that this Conference was unable to reach agreement on a substantive program of post-RevCon work.*

*We listened closely over the last three weeks, and we were optimistic that it would be possible to reach such an agreement. Many delegations called for a new, stronger intersessional program that would allow for substantive expert work and concrete action. Many delegations supported strengthening the Implementation Support Unit, and taking important steps in a variety of areas, from S&T to international cooperation to national implementation to taking steps to realize the promise of Article VII for emergency assistance.*

*We could have done those things. We supported them, and were prepared to accept many things we did not support in the interests of a strong, consensus outcome:*

- Some delegations wanted to use the intersessional process to discuss their aspirations for a verification protocol. We don't agree that this is a useful way ahead, but we made clear that we were prepared to engage in a discussion of the full range of proposals for strengthening this Convention.*
- One delegation was particularly interested in creating a battalion of mobile biomedical units owned and operated by the BWC. We thought this was neither feasible nor a particularly effective approach, but we were prepared to give it prominence in a new intersessional program.*

*Our goal was to strengthen BWC States Parties' ability to cooperate and to take effective action together. In the face of arguments about giving MSPs decision-making authority, we again showed flexibility, and suggested that they could make recommendations instead. All we asked was that we hold the next Review Conference sooner than 2021, so we could take action on those recommendations. It was a simple idea: we need to move beyond the status quo if we are to meet the expectations of States Parties.*

*Mr. Chairman, my delegation has worked tirelessly in pursuit of a meaningful outcome to this Review Conference. When your proposal for a new ISP turned into a thicket of brackets yesterday, we stayed up all night, first talking with other delegates, and then drafting a compromise proposal, based on your text, that we believe nearly every delegation at this Conference could have accepted with only minor refinements. Many of you have seen it.*

*Unfortunately, a few key delegations were unwilling to engage on it during the day. We have participated in numerous consultations and meetings today to try to find a way ahead. These have been fruitless. One delegation, in particular, has been inflexible and unwilling to compromise, or even engage in meaningful discussion, throughout this process. I don't think I need to name that delegation, if you've been attending this Conference. Waiting until after interpretation has ended on the last day of a three week Conference to announce that you wish to negotiate is simply not a credible way to proceed.*

194. A statement was then made by **Malaysia** but this is not available. Ambassador Raúl Heredia of **Mexico** then spoke saying:

*Nevertheless, it is clear that the current dynamics of work is not working towards a better implementation of the Convention.*

*In some cases, we have witnessed a serious lack of political will. It would appear to us that the status quo represents a desirable scenario for some members.*

*As we have stated in other fora, it seems important to have a deep reflection on the use of the rule of consensus. When it is interpreted as unanimity, it has transformed itself into a right of veto.*

*Let us remind ourselves that the spirit of the consensus does not imply an active approval from each party, but a consent with no opposition. This abuse of the rule of consensus is what has been obstructing the desired synergy in this Convention, and the Disarmament machinery in general.*

*We have not taken proper advantage of this Review Conference to reach substantive agreements. We think that the possibility to take action on some issues in an annual basis is necessary and urgent.*

*My delegation would like to reiterate that it is crucial to strengthen the implementation of international disarmament instruments, such as the BWC, and to consolidate the regime established by the Convention. The progress in science and technology will not wait for us to agree on decisions. The threat of the use of biological weapons, and possible epidemics are real and urgent matters.*

*Mexico will continue working with any country, as we have been doing until now, in the exchange of information on scientific developments, confidence-building measures, cooperation, and we will continue to present our national reports in a public and transparent matter, complying with the commitment and obligations as a State Party of the Convention.*

195. Mrs. Claudia Pérez Alvarez, Counselor, of **Cuba** then spoke saying:

*We are pleased to have agreed to a solemn declaration and article-by-article review which included various proposals submitted by Cuba, as well as by the Non-Aligned Movement.*

*Since 2001, when several years of negotiations were almost unfinished, the international community aspires to the adoption of a multilateral legally binding Protocol to strengthen the Biological Weapons Convention in a comprehensive and balanced manner, including through a verification mechanism.*

*That would be the only truly effective and sustainable way to strengthen the Convention and ensure its strict implementation in a balance and comprehensive manner.*

*We regret that the present Review Conference could not adopt a clear mandate on an open ended working group on the subject of the legally binding instrument, including verification.*

*We, as well as other developing countries, will also hoped that the Conference would establish a Cooperation Committee or Working Group, which would include recommendations on a dispute settlement mechanism in the context of Article X referred to transfer denials.*

*We reaffirmed that it is crucial to promote international cooperation, without unilateral and discriminatory restrictions or limitations, for the benefit of the economic and technological development of States Parties, in particular developing States, in order to meet the current challenges.*

*We consider that the adoption or consideration under the Biological Weapons Convention of a multilateral export control mechanism would also have been an important step forward in eliminating all restrictions on the free exchange of equipment, materials and scientific information for the use of biological agents and toxins for peaceful purposes.*

*We were hoping that initiatives such as the proposal for a model code of conduct for scientists; biomedical units to provide assistance and investigation, among other several proposals, would have added value on the next intersessional period.*

196. Ambassador Beatriz Londoño Soto of **Colombia** then spoke saying:

*Three weeks ago when we started our deliberations we indicated that we were encouraged by the number of proposals put forward for consideration to the Review Conference and for the impetus of the discussions during the prep Com.*

....

*However, it is our humble opinion, that Colombia's and other States Parties' ambition to achieve a more robust outcome of the Eighth Review Conference has not truly been met with the kind of results that mankind deserves.*

*The language reflected in the documents that we have adopted strongly resembles the outcome of the VII Review Conference. Some would even say that it's a step backwards.*

*In the meantime, from our discussions it is clear to everyone here that the threat posed by biological weapons evolves, not by the year, but by the minute and that new*

*technologies make it more feasible for anyone to have access to these dangerous elements.*

*Therefore, and bearing in mind this reality, we regret the limited scope of the progress achieved in our discussions. In particular, the very limited measures to allow countries to strengthen national implementation by making use of essential tools such as Resolution 1540, and measures aimed at non-State Actors, whose threat my country knows well.*

*Colombia will work hard during the next five years in the hope that the next review Conference will adopt a more substantive plan for the implementation of the BWC. We reaffirm our will to work towards a comprehensive implementation of the Convention with the modest resources afforded by the present review conference.*

197. **Brazil** then spoke saying:

*Like many other delegations in this room, Brazil is not satisfied with the outcome of this Review Conference. We believe States Parties could have achieved more substantive results, in particular with respect to the institutionalization of the Convention. In this context, we would like to reiterate the view that the best path to strengthen the BTWC is to take decisions that would gradually bring the Convention to the same institutional level of the Chemical Weapons Convention.*

*Biological weapons, like other weapons of mass destruction, pose an existential threat to human civilization. There is no reason why State Parties to the BTWC should refrain from taking more ambitious steps to strengthen and institutionalize the Convention. In our view, the establishment of an Organization for the Prohibition of Biological Weapons would provide the international community with more effective means, including in the field of verification, to counter the threat of the use of biological weapons, both from State and non-State actors. An OPBW would also represent a significant contribution to the efforts aimed at safeguarding humanity from the threat of weapons of mass destruction, which is a matter of the utmost priority for my country.*

198. **European Union** then spoke saying:

*The EU has engaged in supporting a new substantive Intersessional Programme and the strengthening of the role of the ISU with the aim to achieve concrete progress between Review Conferences on issues such as national implementation and compliance, confidence building measures, science and technology, Article V, Article VII, and universalisation of the Convention.*

*The final outcome document that the Conference just adopted provides a minimum necessary basis for the ISU to continue to fulfil its basic mandate and for States Parties to conduct general discussions between Review Conferences.*

*We regret that despite the commendable efforts by you, Mr. President, the President of the Committee of the Whole, the facilitators and a large majority of States Parties in lengthy negotiations over the past three weeks, it has not been possible to achieve consensus on a final outcome document that would strengthen the Convention. We are very disappointed that the Eighth Review Conference has not been able to seize this*

*opportunity and that no progress can be made on issues which could have brought tangible benefits to States Parties.*

*For the European Union, the Biological and Toxin Weapons Convention is the cornerstone of efforts to prevent biological agents and toxins from ever being developed or used as weapons. Our political support to the Convention is reflected in the significant financial contributions from the EU and its Member States, including 6.3 million euros from the EU budget alone in support of BTWC core activities.*

*We will continue to be engaged to promote the universality of the BTWC, support national implementation including Confidence-Building Measures, peer review initiatives, capacity building activities, other assistance programmes to implement Article X, and practical steps to strengthen the UN Secretary General's Mechanism for investigation of alleged use of chemical and biological weapons. We look forward to further cooperation with all interested States Parties.*

199. Ambassador Mohsen Naziri Asl of **Iran** then spoke saying:

*We all have come from a very long distance since the start of the inter-sessional program in 2003; however, despite all the achievements in this long journey, at this epic stage, we believe that it is the proper moment to have a paradigm shift and focus on establishing a structure, which might lead us incrementally to a full-fledged organization, with all its required elements, including the secretariat, in place and can act as a mature organization in the long term. We, in no way, believe that, now, the best way is not to go ahead and give more power to the ISP, change its format and modalities and create a de-facto secretariat, by giving more mandate and human and financial resources to the ISU.*

*As I have said, we know that, we have to wait for a period of time to converge again on having a legally binding instrument, and there is no immediate healing-pill to take, no magic bullet to shoot, and no silver-lining to hope. However, my delegation is in of firm belief that, truthfully, we should use this opportunity, and should not lose our hope; like a scientist, we should build upon incrementally and work collectively for the future success.*

*My delegation did its best to reach an agreement in this Review Conference to ensure that the past outcomes would lead us to a promising future for the Convention.*

*We do believe that, at all times, we should keep the subject of having a legally binding document in our sight, and this has made us to push for our own noble goal of having a legally binding structure.*

*We did try a lot to convey humbly this important signal that lack of having such a legally binding document, would lead us to incur a heavy cost, by implementing the selective provisions of the Convention, thus damaging its integrity.*

*The Islamic Republic of Iran, along with NAM, reiterated a number of times that the only solution for the chronic stagnation in the work of the Convention and surpassing all the short and mid-term problems in the way of enhancement of the work of the Convention is through having a legally binding document.*

*We hope that as the result of this Conference, we are now having a better common understanding on how to constructively proceed in the ISP and we really sincerely hope that the wisdom shown by you and the bureau would prevail in the future.*

200. Counsellor Usman Judoon of **Pakistan** then spoke saying:

*Pakistan approached this Conference with an open mind and a highly constructive attitude. We participated actively and constructively in all its proceedings and deliberations. Notwithstanding our support for a legally-binding Protocol including verification procedures, we positively engaged on all issues and proposals submitted by the various States Parties. We were practical and pragmatic in exploring progress wherever consensus was possible, unencumbered by any ideological or philosophical position.*

*In our role as the Co-Facilitator for the future ISP and the ISU, we made a genuine effort to rise above our national position and group interests, and served as a neutral and objective mediator for bringing the States Parties to a middle ground.*

*Our sole aim at this RevCon was to support any proposal or outcome that strengthened the Convention. We are not sure whether this objective has been fulfilled by the RevCon.*

*We sincerely hope that the structure that we are putting in place for the next five years would lead to a meaningful and substantive process that strengthens the Convention in a balanced and comprehensive manner.*

201. **Sweden** then spoke saying:

*As I mentioned three weeks ago, Sweden believes that the risks associated with biological weapons have increased since the last Review Conference. Despite this assessment, we came to Geneva with rather modest objectives and expectations. We understood and respected that some of our key demands and wishes were not shared by all other States Parties. We did not come here to try to force our views on other States Parties. We did not come here to make ultimatums or to ignore other States Parties' bottom lines.*

*No, we came here hoping that we could all agree on a moderately strengthened inter-sessional process that would allow for more focused discussions on key issues of relevance to the convention. Some of these – such as questions related to Science and Technology and lessons learned from the tragic Ebola crisis – unite us all and offer opportunities for fruitful exchanges and planning.*

*Against this background, we leave this Review Conference with a sense of disappointment.*

*Despite your excellent work, Mr. President, and the tireless efforts of Ambassador Biontino and the other coordinators, the process was very cumbersome and even tedious. We have previously stated that the Review Conference should be reduced from three to two weeks, in order to ensure the best possible use of time and resources. These*

*past three weeks have certainly done nothing to change our view in this regard. Sweden hopes to see a more efficient review process in the future.*

202. Sachi Claringbould, First Secretary of the **Netherlands** then spoke saying:

*Thank you also to our fellow delegates, our friends from the scientific community and NGOs for their tireless efforts in the past weeks - or even the past years leading up to this Review Conference.*

*We all worked very hard, because we realise the importance of the BTWC. Especially in today's environment where biosecurity risks are greater because of the rapid scientific and technological advancements and the increasing role of non-state actors on the international plane. And also because we know success in the BTWC would have positively reverberated across the Disarmament machinery.*

*The Netherlands therefore all the more regrets today's outcome and is disappointed that we did not manage to agree on the constructive proposals put forward.*

*A lot was at stake. We tried to engage in a constructive manner to achieve progress on:*

- a better Intersessional Programme,*
- that developments in Science & Technology would be better embedded in the Convention, through for example a S&T Committee*
- that implementation would have further strengthened, by confidence building measures, legislation tools, international cooperation*
- that we would have improved the working of article VII*
- that we would have substantially strengthened the ISU by automatically renewing their mandate, by increasing their number of staff so that they can actually do the tasks we have assigned them, and not least to make sure that provisions are made to cover for the temporary absence of staff (a relatively simple fix to an issue overlooked in the past).*

*If you look at what we were all working on, a few times in a very constructive manner with engagement of a large majority of countries, it is all the more disappointing what the result brought us. It is not commensurate with the efforts and the wish of many of us here.*

*The Netherlands believes we should have dealt with it better. We wished more space was created for those moments where we really engaged and had back and forth substantive discussions instead of following lines we have been following for a long time.*

*We all bear a responsibility there.*

*Let me say that there is one consolation: the ideas and suggestions floated and worked on to achieve progress for the Convention, may not be in our final report today, but they are out there and some of those may need a bit more maturing or circumstances beyond us might need to change. So one day, we may be able to return to them.*

*Let me conclude, Mr President, by thanking all involved again, and maybe slightly naively hoping that in a five years time we have learned from this lesson and have found a way*

*to get the BTWC back on track. My fear is that only a serious attack/incident with a biological weapon will change the momentum. I plead to all to not wait until this happens and take responsibility together rather sooner than later to move the BTWC forward.*

203. Komei Isozaki, Director, Biological and Chemical Weapons Conventions Division, Disarmament, Non-Proliferation and Science Department, Ministry of Foreign Affairs, of **Japan** then spoke saying:

*Many countries submitted working papers to strengthen the BWC and met many times at various occasions to achieve positive goals.*

*Unfortunately, we were not able to agree on a robust Intersessional Process and relevant activities.*

*But we should not give up effort to upgrade the BWC. Even though there will not be open-ended working groups in the next ISP, we should continue discussing biological risks and challenges facing us on every possible occasion.*

*I firmly believe we should not only continue the confidence building measures we have previously agreed but also think how we can strengthen ISP.*

*Finally, I appreciate our colleagues here and members of non-governmental organizations and other international organizations who participated in the Review Conference for enriching discussions.*

204. Ambassador Alice Guitton of **France** then spoke saying:

*As facilitator, France highly appreciated the cooperative atmosphere which underpinned all the consultations and exchange of views. We would like to thank all delegations which have contributed to enrich our facilitation.*

*However, I will be frank; the outcome of this conference is disappointing. All the more since the richness of our exchanges and the numerous substantial contributions put forward by delegations gave us the sense that something meaningful could be achieved to enhance this significant Convention.*

*We will need to collectively draw lessons from the difficulties encountered during this Review Conference. The status quo we reached today is unsatisfactory but we will continue to aim at practical and realistic steps able to achieve tangible progress. We will continue to engage in this way during the next intersessional process.*

*As far as my delegation is concerned, we believe that the decision to establish the database for assistance could yet have been taken today. Other meaningful initiatives gained support during this Review Conference. For instance, the mobilization of experts for scientific and technological review process; the idea of voluntary code of conduct for scientists, the need to do more in order to enhance cooperation and assistance.*

*We are still hopeful that delegations will gradually recognize the added value of the transparency exercises, organized by a growing number of countries. We believe these*

*initiatives contribute meaningfully to enhance confidence between SPs and to better identify the needs for assistance.*

*Consensus is and will remain a demanding process; but a necessary one. There is no alternative if we want to achieve a more successful outcome in the future.*

205. A statement was then made by **India** but this is not available. Mikhail Ulyanov, Director, Department for Non-Proliferation and Arms Control, Ministry of Foreign Affairs, of the **Russian Federation** then spoke saying:

*Three weeks ago, the Russian delegation arrived in Geneva to participate in the Review Conference hopeful that this opportunity would be used to elaborate and approve concrete and meaningful measures to strengthen the BWC's regime.*

*We actively contributed to deliberations of the Review Conference, tabled well developed proposals and established close working relationships with many other delegations – and we thank them for cooperation. Regrettably, our efforts did not bear fruit. That happened despite a 99% chance of reaching agreement on an improved programme of work for the period 2017-2020. However, at the final stage of this meeting several members of the Western Group categorically refused to continue dialogue and withdrew from attempts to search for compromise. As a result, the forward looking part of the adopted report now looks even weaker than its predecessor five years ago. The next intersessional process is reduced to a five-day Meeting of States Parties per year and that without specific topics or agenda. The Russian delegation is profoundly disappointed by this and regrets such an outcome as a missed opportunity. Against this backdrop, the purpose of this Convention – to exclude the use of biological agents as weapons – is facing growing challenges.*

206. A statement was then made by **Nicaragua** but this is not available. **Chile** then spoke saying:

*Despite of these efforts, we share the frustration expressed by many other delegations on the content of this outcome document, as we would have preferred to make substantive progress on many issues that can contribute to the strengthening of the Convention, including the enhancement of the ISU, more useful intersessional work, transparency and confidence building measures, as well as science and technology. Chile supports these activities, which we do not consider contrary to our strategic objective of establishing a verification regime.*

*In our view, one of the few new elements of our final declaration is the reference to the concern about the possible access to biological weapons by other actors. In this regard, we completely support the position expressed by the Ambassador of Colombia, as we consider that we should engage in addressing the threat of terrorism in connection with weapons of mass destruction, in consistence with Security Council resolution 1540. For Chile, all Weapons of Mass Destruction should be banned and eliminated. This issue is in the core of our concern, as we need to make greater efforts in enhancing the security of our citizens, which constitutes our higher goal, which goes beyond national interests alone.*

*Nevertheless, as expressed by our distinguished colleague from the Netherlands, we need to continue to elaborate and work on many of the excellent and constructive ideas that have been proposed in this Conference, in order to make progress in our common objective of strengthening this Convention.*

207. **Argentina** then spoke saying:

*We regret the fact that we did not reach a better outcome. We are very disappointed that after a week and half of Prepcom Meetings and three weeks of Review Conference work, we have to head back home with such a limited outcome, without any agreements on substantial matters. This unfortunately takes us back to the Fifth Review Conference.*

*Let me express the hope of my country that during the next five years will find ways to work in a constructive manner to keep strengthen the implementation of the Convention, in order to overcome this letdown and move forward.*

*Argentina will work hard in order to achieve a substantial outcome in the next Review Conference.*

208. **South Africa** then spoke saying:

*However, my delegation regrets that this Conference was unable to produce concrete decisions and recommendations that would contribute to strengthening and implementing the Convention, moving forward.*

*In our view, the documents that we have just adopted do not fully take into account the work that has been done in the past five years. It is for this reason that South Africa believes that we have not progressed but regressed. Nevertheless, South Africa remains committed to continue contributing to the successful implementation of the Convention.*

209. Statements were then made by the **United Kingdom, Peru, Algeria** and **Venezuela** but none of these are available.

210. The Review Conference then ended at about 9.20 pm in the evening of Friday 25 November 2016.

### III. COMMENTARY ON THE COMPARISON OF THE SOLEMN DECLARATION AND THE ARTICLE BY ARTICLE *FINAL DECLARATION* OF THE EIGHTH REVIEW CONFERENCE WITH THE SOLEMN DECLARATION AND ARTICLE BY ARTICLE *FINAL DECLARATION* OF THE SEVENTH REVIEW CONFERENCE IN 2011.

In this chapter, the text of the *Final Declaration* of the Eighth Review Conference is compared to that of the *Final Declaration* of the Seventh Review Conference in 2011. Language that is new in 2016 is shown in **bold** and text that is deleted from that of 2011 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 other textual proposals included in the draft for the *Final Declaration* in Annex II to the Draft Report of the Committee of the Whole (BWC/CONF.VIII/COW/CRP.1) [which was **not** agreed by the Committee of the Whole] but not found in the adopted 2016 *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 7 to 25 November 2016 ~~5 to 22 December 2011~~ 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 will facilitate the achievement of this goal;
- (iii) Their reaffirmation of their understanding that the Convention forms a composite whole, **and as such requires the Convention to be implemented in a comprehensive manner** as well as of their firm commitment to the purposes of the Preamble and all the provisions of the Convention;
- (iv) Their determination to **fully** 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. **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.**

(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 commitment to facilitate the fullest possible exchange of equipment, materials, and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes;**

**Their reaffirmation that the Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international cooperation in the field of peaceful biological activities.**

(viii) Their conviction that terrorism in all its forms and manifestations and whatever its motivation, is abhorrent and unacceptable to the international community, **their grave concerns at the threat posed by bioterrorism and determination** 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; **their determination to redouble efforts to address this growing threat**, 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;~~ **the BWC and all relevant United Nations resolutions, such as United Nations General Assembly Resolution 60/288, as well as United Nations Security Council Resolution 1540;**

(ix) **Their welcome to the fifteen states that have deposited their instruments of ratification, accession or succession since the Seventh Review Conference**, 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;

(x) 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;

(xi) 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 amendment to subpara (iii) that ***requires the Convention to be implemented in a comprehensive manner*** is welcomed as it makes clear that all Articles of the Convention are to be implemented.

This is usefully reinforced by the amendment to subpara (iv) expressing their *determination to **fully** comply with all their obligations.*

The amendment to subpara (v) that ***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.*** is also welcomed as it makes it clear that any use for other than peaceful purposes by anyone is condemned.

Subpara (vii) is new and usefully emphasises the benefits of cooperation arising from the Convention by declaring:

***Their commitment to facilitate the fullest possible exchange of equipment, materials, and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes;***

***Their reaffirmation that the Convention shall be implemented in a manner designed to avoid hampering the economic or technological development of States Parties to the Convention or international cooperation in the field of peaceful biological activities.***

This subpara (vii) usefully reinserts into the Solemn Declaration the substance of subpara (viii) which had appeared in the Solemn Declaration of the Sixth Review Conference saying:

*(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.*

which was surprisingly omitted from the Solemn Declaration of the Seventh Review Conference. This omission had been noted in the *Bradford Key Points for the Eighth Review Conference* where we had recommended that it be reinstated.

However, this subpara (vii) would have been better placed between subpara (viii) and subpara (ix) as subpara (viii) addressing terrorism would follow more logically after subparas (v) and subpara (vi).

Subpara (viii) includes useful reinforcements of the ***grave concerns at the threat posed by bioterrorism*** and ***their determination to redouble efforts to address this growing threat.*** The amendments at the end of this subpara usefully place emphasis on the full and effective implementation of the ***BWC.***

Subpara (ix) helps to increase the emphasis on achieving universality by its welcome ***to the fifteen states that have deposited their instruments of ratification, accession or succession since the Seventh Review Conference.***

Subpara (xi) with its deletion of the words ~~as well as their consensus on the follow-up actions contained herein~~ appears to reflect the reality that Eighth Review Conference failed to agree much in the way of follow-up actions. This observation fits with the observation that the deletion of these words took place when the draft Final Report

(BWC/CONF.VIII/CRP.2) was being considered on the final day of the Eighth Review Conference.

## A. 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 **a violation of** ~~inconsistent with the undertakings contained in Article I.~~

**Commentary:** The deletion of the language in paragraph 2 that **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 regretted and reflects the failure of the Eighth Review Conference to benefit from the progress made in the substantive work of the Preparatory Committee towards agreement on an enhanced science and technology review, and its place in the intersessional process.

Text in Annex II to BWC/CONF.VIII/COW/CRP.1/Rev.1 dated 24 November 2016 also relates to this as it would have added the following to paragraph 2: *and notes that the Conference has decided to include in the 2017 – 2020 intersessional programme a*

*working group on review of developments in the field of science and technology related to the Convention.* However, this was **not** agreed.

The last sentence of paragraph 3 misses an opportunity in that it only affirms and not reaffirms, the determination of States Parties to condemn any use of biological agents or toxins other than for peaceful purposes, by anyone at any time. This failure to **reaffirm** is effectively ignoring the fact that this sentence precisely reaffirms the declarations of the Sixth and Seventh Review Conferences. Moreover, this reaffirmation does not stand alone but complements the statement on use made in the opening sentence of paragraph 3 which goes back to the Fourth Review Conference in 1996 and is an important extended understanding about the scope of the Convention.

The language in paragraph 4 making it explicit 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 **a violation of** Article I is welcomed.

## **B. 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 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 language is unchanged from that of the Seventh Review Conference.

## **C. 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.

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:** The language is unchanged from that of the Seventh Review Conference.

Text in Annex II to BWC/CONF.VIII/COW/CRP.1 dated 24 November 2016 which would have introduced two additional paragraphs for paragraph 10

*10 bis. The Conference stresses the importance of collective work to enhance controls over transfers and notes calls for a rule-making and institution-building process that could enhance States Parties' efforts consistent with the Convention in a gradual and orderly manner, to strengthen non-proliferation in the biological field, and facilitate international bio-technology at the same time.*

*10 ter. The Conference supports continued consideration of proposals on strengthening implementation of Article III, including on elements for effective national export controls, provision of cooperation, assistance and consultations. The Conference stresses the importance of limiting the risks of proliferation of biological weapons and noted proposals designed to enable State Parties to achieve this objective, through national measures and international cooperation, consistent with the provisions of the Convention.*

was **not** agreed. This is regretted because these new paragraphs would have emphasised that States Parties saw the way ahead on Article III as consisting in a collective effort to strengthen it by working together on a combination of national measures and international cooperation.

## **D. 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 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;

(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;

(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;

(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. 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.

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 language is unchanged from that of the Seventh Review Conference.

Text in Annex II to BWC/CONF.VIII/COW/CRP.1 dated 24 November 2016 which would have strengthened paragraphs 11, 13, 13a, and 14, added a new subpara (d) to paragraph 11, a new subpara (e) and subpara (h) to paragraph 13, and added new paragraphs 11 bis, 12 bis, 12 ter, 13 bis, 17 bis and 17 ter to the section on Article IV was regrettably **not** agreed. The omission of these new paragraphs and subparagraphs, and of strengthening language in existing paragraphs is regretted because they would have drawn attention to progress made between the Seventh and Eighth Review Conferences in identifying new areas for action to strengthen the Convention and extended understandings of Article IV.

*11. The Conference reaffirms the commitment of States Parties to take the necessary national measures under this Article **and stresses the vital importance of doing so.** The Conference also reaffirms that the enactment and implementation of necessary national measures under this Article, in accordance with their constitutional processes **and consistent with the provisions of the Convention** would strengthen the effectiveness of the Convention **and contributes to combating acquisition and use of biological weapons and toxins, including by non-state actors.** In this context, the Conference calls upon States Parties to adopt, in accordance with their constitutional processes, ,*

legislative, administrative, judicial and other **appropriate** measures, including penal legislation **and taking into account the relevant provisions of UNSCR 1540**, 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 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.

**(d) make sure that there is no variance, legally or effectively, between legacy national policies and measures and obligations deriving from the provisions of this Convention.**

**11 bis. The Conference affirms that national implementation of the Convention requires concrete measures by all States Parties as well as international cooperation. The actions by States Parties should not only be limited to enacting relevant national laws aimed at complying with their commitments , but also to adopting other measures in order to strengthen national capacities, including the development of human and technological resources.**

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 **further** delay. The Conference encourages States Parties to provide appropriate information on any such measures they have taken, **including the text of relevant laws and regulations** as well as any other useful information on their implementation to the Implementation Support Unit within the United Nations Office for Disarmament Affairs.

**12 bis. The Conference calls upon States Parties to regularly review and update national implementation measures to ensure their ongoing effectiveness, encourages States Parties to share information concerning such reviews, and affirms the importance of collectively reviewing the overall status of national implementation on a regular basis.**

**12 ter. The Conference recognizes that there are diverse national situations for each of the States Parties but their commitments and obligations under the Convention are the same. Some States Parties may require assistance and cooperation to strengthen their national capacities for the**

*implementation of this article of the Convention. States Parties which are in a position to provide assistance and cooperation to other States Parties in capacity building to implement the Convention are invited to do so, if requested.*

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

(a) **Ensure high standards of biosafety and biosecurity;**

(b) *promote awareness among relevant professionals in the private and public sectors and throughout relevant scientific and administrative activities;*

(c) **ensure appropriate oversight of research or other activities with significant dual-use potential and examine oversight criteria, as appropriate, including for assessing risks and benefits, such as risks of misuse and risk mitigation measures;**

(d) *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;*

(e) *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;*

(f) *strengthen methods and capacities for **preparedness**, surveillance and detection, and response to 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;*

(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;*

(h) **promote a culture of responsibility amongst relevant national professionals, and develop and improve voluntary codes of conduct that would have the aim preventing biological scientists and other relevant national professionals in biosciences from using pathogens and toxins for hostile purposes, consistent with national legislation, standards and practices, adaptable to national requirements;**

*13 bis. The Conference stresses the critical importance of biosecurity education and awareness-raising in achieving effective implementation of the Convention, which should be put into effect through national implementation measures, as appropriate, in accordance with the constitutional process and practices of each State Party. The Conference notes that such measures could include:*

*(a) encouraging the promotion of a culture of responsible science among those working in the biological sciences and other relevant scientific disciplines;*

*(b) promoting among those working in the biological sciences, and other relevant scientific disciplines, awareness of the obligations of States Parties under the Convention, as well as relevant national legislation and guidelines;*

*(c) promoting the development and implementation of training and education programmes as well as training guides, handbooks and course materials, including raising awareness of the implications of dual use research and technology, for those granted access to biological agents and toxins relevant to the Convention, and especially for those with the knowledge or capacity to modify such agents and toxins;*

*(d) encouraging the development, adoption and promulgation of codes of conduct to promote awareness among relevant professionals in the private and public sectors and throughout relevant scientific and administrative activities.*

*14. In this regard, the Conference welcomes assistance related to Article IV already provided and **encourages more organized and institutionalized support for States Parties.** It also encourages those States Parties, in a position to do so, to provide assistance, upon request, to other States Parties.*

*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. The Conference notes 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.*

***17 bis. The Conference emphasizes that national implementation measures under the Convention by the States Parties should consist of the full implementation of all provisions of the Convention; in this regard, the Conference urges all States Parties to take all necessary measures to ensure the implementation of relevant obligations under the Convention. To this end, the Conference urges the States Parties to review the national laws and regulations with the view to ensure that they would not hamper the fullest possible exchange of materials, equipment and technology in the case of use or threat of use of the biological weapons.***

***17 ter. The Conference stresses the value of adopting National CBRN Action Plans as a way to foster more effective national implementation of the Biological Weapons Convention. The Conference encourages States Parties to support the implementation of the National Action Plans - with the technical support of UNICRI, the EU CBRN Risk Mitigation Centres of Excellence, or other relevant partners - with a view to strengthening national measures to mitigate bio-risks in relation to Article IV of the Convention.***

## **E. 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 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 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 **Seventh** ~~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. The Conference urges those States Parties, in a position to do so, to provide technical assistance and support, through training **or workshops** for instance, to those States Parties requesting it to assist them to complete their annual CBM submissions. The Conference notes the decision **of the Seventh Review Conference** 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 by it to all States Parties ~~according to the updated 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 express permission of that State Party. The Conference notes the fact that certain States Parties made the information they provide publicly available.

**Commentary:** The language is essentially unchanged from that of the Seventh Review Conference.

Text in Annex II to BWC/CONF.VIII/COW/CRP.1 dated 24 November 2016 which would have added new paragraphs 20 bis, 21 bis, and 25 bis and strengthened paragraphs 22, 23, 24 and 25 of the section on Article V was regrettably **not** agreed. The omission of these new paragraphs and of strengthening language in existing paragraphs is regretted because they would have drawn attention to progress made between the Seventh and Eighth Review Conferences in identifying new areas for action to strengthen the Convention and extended understandings of Article V.

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

20 bis. **CBMs are an important transparency measure to enhance trust, and in this regard the Conference recalls that the purpose of CBMs under the BWC as agreed by States Parties at the Second Review Conference and reconfirmed at subsequent Review Conferences is to prevent or reduce the occurrence of ambiguities, doubts and suspicions and to improve international cooperation in the field of peaceful biological activities. CBMs are not declarations and cannot be treated as such for addressing non-compliance.**

21. The Conference stresses the need for all States Parties to deal effectively with compliance issues. In this connection, the States Parties 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.

21 bis. **The Conference reaffirms the right of any two or more States Parties to arrange by mutual consent appropriate procedures to clarify and resolve any matter that may cause doubt about compliance or gives rise to a concern about a related matter that may be considered ambiguous. States Parties decided to develop illustrative options or non-binding guidelines for States Parties to draw upon in seeking clarification, in order to facilitate the process**

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. **In this context, a number of States Parties presented experiences of conducting and participating in bilaterally or multilaterally agreed exercises, including on-site visits to facilities, aimed at promoting exchanges of information as a voluntary transparency and confidence building measure, as well as a contribution to a collaborative approach on implementation through the**

**exchange of good practices. States Parties agree that such activities are not a substitute for verification.**

23. The Conference recognises the **continuing** 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 **Seventh** Review Conference, there has **been an encouraging** increase in the percentage of State Parties submitting their CBMs. The Conference emphasises the importance **of all States Parties meeting this important political commitment, which was established in order to reduce the occurrence of doubts and ambiguities..**

24. The Conference recognises the technical difficulties experienced by some States Parties in completing full and timely submissions. The Conference urges those States Parties, in a position to do so, to provide technical assistance and support, through training **or workshop** for instance, to those States Parties requesting it to assist them to complete their annual CBM submissions. **The Conference recalls that further amendments to the CBMs forms were agreed to at the Seventh Review Conference with the aim inter alia to increase the number of States Parties which submit CBMs returns.**

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. **Recalling the decision of the Sixth Review Conference to develop an electronic format for CBMs, the Conference emphasizes the importance of completing this task, and decides to provide resources to support the further development and ongoing operation and maintenance of the CBM electronic platform.**

25 bis. **The Conference supports updating CBM formats related to the object and purposes of the Convention and in a manner that does not place undue burden on States Parties.**

## **F. 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.

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 language is unchanged from that of the Seventh Review Conference.

Text in Annex II to BWC/CONF.VIII/COW/CRP.1 dated 24 November 2016 which would have added new paragraphs 26 bis, 28 bis, 29 bis and 31 bis to the section on Article VI was regrettably not agreed. The omission of these new paragraphs is regretted because they would have drawn attention to progress made between the Seventh and Eighth Review Conferences in identifying new areas for action to strengthen the Convention and extended understandings of Article VI.

**26 bis. The States parties reaffirm the need to cooperate fully with the United Nations Security Council in carrying out any biological or toxin weapons investigation it may initiate and also the United Nations Secretary General in carrying out such investigation through use of the Secretary General's Mechanism to investigate allegations of CBW use.**

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.

**28 bis. The Conference underlines that verification of compliance is critically important for States Parties to be collectively reassured that the provisions of the Convention are being realized.**

29. The Conference invites the Security Council:

(a) to consider immediately any complaints 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 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.

29 bis. **The Conference notes the value of exploring opportunities for enhancing the Convention's contribution to investigate alleged use of biological weapons in breach of obligations arising from the Convention. The Conference is cognisant of the importance of pursuing such exploration mindful of the importance of building synergies and complementarity, as appropriate, with relevant international organisations with due recognition of the respective mandates , consistent with the provisions of the Convention.**

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.

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.

31 bis. **The Conference calls upon all States Parties to refrain from raising any unfounded allegation against other State Parties, and highlights the importance of consultation and clarifications before lodging a complaint against another State Parties in the Security Council.**

## **G. Article VII**

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

33. **The Conference reaffirms that the international community should be prepared to face such situations well in advance and to dispatch emergency assistance in case of use of**

**bacteriological (biological) or toxin weapons, and also to provide assistance, including humanitarian and other assistance to the requesting State Party.**

**34. The Conference takes note of the tragic Ebola outbreak (2014/2015) in West Africa that has underlined the importance of rapid detection and prompt, effective, and coordinated response in addressing outbreaks of infectious diseases, and recognizes that these considerations would be relevant as well in the event of alleged use of biological or toxin weapons, which may pose additional challenges.**

35. The Conference **considers** ~~takes note of desires expressed~~ that, should a request for assistance be made, it **should** be promptly considered and an appropriate response provided. In this context, in view of the humanitarian imperative, **the Conference encourages States Parties in a position to do so to provide timely emergency assistance, if requested** pending consideration of a decision by the Security Council. ~~timely emergency assistance could be provided by States Parties, if requested~~

36. 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.~~

37. The Conference considers that in the event that this Article might be invoked, the United Nations could play a coordinating role in providing **and delivering** assistance **under the BWC**, 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 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.~~

38. 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 **notes** the need ~~for a~~ **takes note of the proposal that States Parties may need to discuss the detailed procedure for assistance by which in order to ensure that timely emergency assistance can would be provided, including to better identify accessible information on the types of assistance that might be available in**

**order to ensure prompt response and timely emergency and humanitarian assistance** by States Parties, if requested in the event of use of biological weapons.

**39. The Conference agrees that the United Nations and other international organizations could also play an important role in coordinating, mobilizing and delivering the required support and assistance. In this respect, the capacities and experiences of UN and relevant international organizations should be identified and used, within their mandates, when required and upon request of the concerned State Party.**

40. The Conference notes that States Parties' national preparedness and capacities also contribute directly 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.~~

**41. The conference notes that these capacities can also contribute to enabling States Parties to more clearly identify assistance needs. The Conference recognizes capacity building at the national and international levels as the most immediate imperative for enhancing and strengthening the capacity of the States Parties to promptly and effectively detect and respond to the alleged use or threat of use of biological weapons.**

**42. While noting** ~~The Conference notes that States 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 stresses that this should not be imposed as precondition for either provision or receipt of assistance.**

43. 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 **may directly** affect **both** 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.

44. 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.

45. 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 **recognizes** ~~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.

**46. The Conference welcomes the discussions that have taken place during the intersessional process and stresses the necessity to build on these discussions throughout the next intersessional process in order to operationalize further the provisions of Article VII.**

**47. The Conference supports the establishment of a database open to all States Parties to facilitate assistance under the framework of Article VII. The purpose of this database could be one way to help implement Article VII of the BWC and allow matching specific offers and requests for assistance.**

**Commentary:** The language was strengthened from that of the Seventh Review Conference by incorporating new paragraphs 33, 34, 39, 41, 46 and 47 and amending paragraphs 35, 37, 38 and 42. However, it is regrettable that the new text does not reaffirm the extended understanding of Article VII which was first agreed at the Sixth Review Conference, when in paragraph 38 it noted "*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 by **anyone** other than a State Party*" [Emphasis added] and which was repeated (ending at "by anyone") in paragraph 35 of the Seventh Review Conference which noted "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**." [Emphasis added]. Without that extended understanding including "by **anyone**", the scope of Article VII is limited to an exposure to danger caused by the actions of another State Party because by definition only another State Party is bound by BTWC obligations and therefore capable of violating the Convention.

Text in Annex II to BWC/CONF.VIII/COW/CRP.1 dated 24 November 2016 which added new paragraphs 32 bis, 33, 37 bis, 37 quart, 37 quin, 40 bis, and 40 tert, and strengthened paragraphs 33 bis, 34, 36. 37, 37 ter, and 38, of the section on Article VII was agreed.

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

32 bis. The Conference reaffirms that **the international community should be prepared to face such situation well in advance and to dispatch emergency assistance in case of use of bacteriological (biological) or toxin weapons,**

**and also to provide assistance, including humanitarian and other assistance to the requesting State Party.**

33. The Conference takes note of **the tragic Ebola outbreak (2014/2015) in West Africa that has underlined the importance of rapid detection and prompt, effective, and coordinated response in addressing outbreaks of infectious diseases, and recognizes that these considerations would be relevant as well in the event of alleged use of biological or toxin weapons, which may pose additional challenges.**

33 bis. **The Conference considers that**, should a request for assistance be made, it **should** be promptly considered and an appropriate response provided. In this context, in view of the humanitarian imperative, **the Conference encourages States Parties in a position to do so to provide timely emergency assistance, if requested** pending consideration of a decision by the Security Council.

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, **in accordance with their respective obligations.** 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 that State Party has been exposed to danger as a result of a violation of the Convention, to ensure effective, timely and coordinated delivery of such assistance in conformity with the request for assistance.**

[**Note:** Annex II to BWC/CONF.VIII/COW/CRP.1 dated 24 November 2016 did not have a paragraph 35.]

36. The Conference considers that in the event that this Article might be invoked, the United Nations could play a coordinating role in providing **and delivering** assistance **under the BWC**, 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 Organization of the United Nations (FAO), and the International Plant Protection Convention (IPPC).

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 **notes the need for a specific procedure by which** timely emergency assistance **can**

be provided, including to better identify accessible information on the types of assistance that might be available in order to ensure prompt response and timely emergency and humanitarian assistance by States Parties, if requested in the event of use of biological weapons.

37 bis. **The Conference agrees that the United Nations and other international organizations could also play an important role in coordinating, mobilizing and delivering the required support and assistance. In this respect, the capacities and experiences of UN and relevant international organizations should be identified and used, within their mandates, when required and upon request of the concerned State Party.**

37 ter. **The Conference notes that States Parties' national preparedness and capacities also contribute directly to international capabilities for response, investigation and mitigation of outbreaks of disease, including those due to alleged use of biological or toxin weapons.**

37 quart. **The conference notes that these capacities can also contribute to enabling States Parties to more clearly identify assistance needs. The Conference recognizes capacity building at the national and international levels as the most immediate imperative for enhancing and strengthening the capacity of the States Parties to promptly and effectively detect and respond to the alleged use or threat of use of biological weapons.**

37 quin. **While noting that States Parties' national preparedness contributes to international capabilities for response, investigation and mitigation of outbreaks of disease, the Conference stresses that this should not be imposed as precondition for either provision or receipt of assistance.**

38. 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 **may directly** affect **both** 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 recognizes 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, **and takes note of the initiatives that promote international cooperation toward this goal.**

40. bis. **The Conference welcomes the discussions that have taken place during the intersessional process and stresses the necessity to build on these discussions throughout the next intersessional process in order to operationalize further the provisions of Article VII.**

40 tert. **The conference supports the establishment of a database open to all States Parties to facilitate assistance under the framework of Article VII. The purpose of this database could be one way to help implement Article VII of the BWC and allow matching specific offers and requests for assistance.**

## **H. Article VIII**

48. The Conference **calls upon** ~~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.

49. 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.

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

51. The Conference recalls 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 accordingly, without delay.

52. The Conference **stresses** ~~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.

**53. The Conference calls upon those States Parties that continue to maintain such reservations relevant to the Convention to conduct national reviews to look into this matter with a view to expediting withdrawal of such reservations.**

54. 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:** The language is largely unchanged from that of the Seventh Review Conference with two amendments that strengthen the points being made in paragraphs 48 and 52 and the welcome introduction of new language in paragraph 53 that calls on those States Parties that maintain reservations related to the Convention to conduct national reviews with a view to expediting withdrawal of such reservations.

Text in Annex II to BWC/CONF.VIII/COW/CRP.1 dated 24 November 2016 contained proposals which would have strengthened the section on Article VIII:

41. The Conference calls upon 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, **and particularly BWC States Parties that are not yet party to the Geneva Protocol**, to ratify or accede to it without further delay **and without any pertinent condition**.

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 the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol related to the Convention. **Nevertheless, the Conference reaffirms that the use of biological weapons is contrary to the object and purposes of this Convention and welcomes** the actions which States Parties have taken to withdraw their reservations to the 1925 Geneva Protocol related to the Convention.

45 The Conference stresses 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 and **consequently urges** 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 accordingly, without delay.

**45 bis. The Conference encourages those States Parties that continue to maintain such pertinent reservations to conduct national reviews to look into this matter with a view to expediting withdrawal of such reservations.**

46. The Conference notes that the Secretary-General's 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 reports **that may be brought to his attention by any Member State of the United Nations concerning the possible use of biological or toxin weapons that may constitute a violation of the 1925 Geneva Protocol or other relevant rules of customary international law. The Conference urges the United Nations Secretary-General to ensure the operational readiness of the mechanism, encourages States Parties to support the Secretary-General in these efforts, calls upon States Parties to update their nominations of experts and laboratories and ensure their availability**, and notes national initiatives to provide relevant training to experts that could support the Secretary-General's investigative mechanism.

Whilst the proposal in paragraph 45 bis was usefully adopted, it is regretted that the other proposals were not. The proposed extension to the first paragraph – 41 – calling upon ***particularly BWC States Parties that are not yet party to the Geneva Protocol, to ratify or accede to it without further delay and without any pertinent condition*** would have been particularly valuable.

## **I. Article IX**

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

56. 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 **192** ~~488~~ 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.

57. The Conference notes the increasing convergence of biology and chemistry and its possible

challenges and opportunities for the implementation of the Conventions.

**Commentary:** The language is essentially unchanged from that of the Seventh Review Conference with the number of instruments of ratification and accession updated from 188 to 192.

Text in Annex II to BWC/CONF.VIII/COW/CRP.1 dated 24 November 2016 proposed an amendment to the final paragraph so that it would have read as follows:

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

This amendment was regrettably **not** agreed as this would have been a helpful extended understanding reflecting the developments in science and technology over the past five years.

## **J. Article X**

58. The Conference stresses the importance of implementation of this Article and recalls that 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.

59. 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.

**60. The Conference recognizes that the rapid pace of scientific and technological developments has created new opportunities for implementation of Article X of the Convention including, *inter alia*, developments of special relevance to disease surveillance, diagnosis and mitigation**

**61. The Conference reaffirms that nothing in the Convention prejudices the rights of States Parties to, individually or collectively, conduct research with, develop, produce, acquire, retain, transfer and use microbial and other biological agents and toxins for peaceful purposes.**

62. 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.

63. 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.

64. 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.

65. The Conference **reaffirms** ~~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.

66. 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.

67. 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. **Acknowledging the importance of drawing lessons from the Ebola disease outbreak in West Africa, including the need to address the lack of ready operational capacity, the Conference stresses the value of strengthening international cooperation in infectious disease prevention and associated capacity building.**

68. 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.

69. 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.

70. 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 **periodically 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.

71. 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.

**Commentary:** The language for Article X is usefully strengthened by new paragraphs 60 and 61 and the additional sentence in paragraph 67.

Text in Annex II to BWC/CONF.VIII/COW/CRP.1 dated 24 November 2016 which would have strengthened paragraph 52, added subparas (g) and (h) to 54, amended 56, strengthened 57 by adding the third sentence, and added 60 bis, 60 quart and 61 bis of the section on Article X was **not** agreed. The omission of these paragraphs and the strengthening of the others is regretted because they would have drawn attention to progress made between the Seventh and Eighth Review Conferences in identifying new areas for action to strengthen the Convention and extended understandings of Article X:

50. The Conference stresses the importance of implementation of this Article and recalls that 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.

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.

51 bis. **The Conference recognizes that the rapid pace of scientific and technological developments has created new opportunities for implementation of Article X of the Convention including, inter alia, developments of special relevance to disease surveillance, diagnosis and mitigation.**

51. ter **The Conference reaffirms that nothing in the Convention prejudices the rights of States Parties to, individually or collectively, conduct research with, develop, produce, acquire, retain, transfer and use microbial and other biological agents and toxins for peaceful purposes.**

52. The Conference recognises the important role of the private sector in the transfer of technology, information **and overall contributions to disease prevention, mitigation, and response and to global health solutions together with** the wide range of organizations within the United Nations system that are already engaged in international cooperation relevant to this Convention. **Private sector involvement can assist States Parties to access advances in biotechnology and benefit from the fullest possible exchange of equipment,**

**materials and scientific and technological information for the use of biological agents and toxins for peaceful purposes.**

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 including in the area 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.

**(g) encourages States Parties to promote private sector partnerships by ensuring strong intellectual property right protections, a skilled workforce, stable policy environments with predictable regulatory regimes, and equitable market access.**

**(h) stresses that there should be no hampering to peaceful activities, such as vaccine development, including through international cooperation, which provides the fullest possible benefits for countries less advanced in this field to meet their public health needs.**

55. The Conference **reaffirms** 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, **in particular, countries less advanced in this field**, 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. **Acknowledging the importance of drawing lessons from the Ebola disease outbreak in West Africa, including the need to address the lack of ready operational capacity, the Conference stresses the value of exploring promoting international cooperation in infectious disease prevention and associated capacity building. Recognising that this may contribute to national and international efforts pertaining to Article X, the Conference was of the view that in this regard useful synergies with implementation of Articles VI and VII of the Convention can also be pursued.**

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 the Conference . 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.

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.

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 periodically **and regularly** 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.

**60 bis. The Conference also recognizes the need to remove any restrictions and/or limitations against States Parties inconsistent with the objectives and provisions of the Convention.**

**60 ter. The Conference identifies inter-alia the following specific tasks for further consideration:**

**(a) Identify and address the needs in terms of equipment, materials and scientific and technological information regarding the use of bacteriological agents and toxin for peaceful purposes;**

**(b) Identify and overcome the obstacles hampering the implementation of Article X of the Conventions;**

**(c) Mobilize the necessary resources, including financial resources, to facilitate in line with the obligations under Article X of the Convention, the widest possible exchange of equipment, material and scientific and technological information regarding the use of biological and toxin for peaceful purposes;**

**(d) Facilitate the development of human resources in developing States Parties in the implementation of the Convention, taking into account the special situation faced by them;**

**(e) Coordinate cooperation with other relevant international and regional organizations for financial and technological support of activities for the use of biological agents and toxin for peaceful purposes.**

**60 quart. The Conference emphasizes that continuing commitment, constructive and genuine cooperation between the South and the North are required in order to meet the continuing challenges of countries less**

**advanced in this field in health related issues, taking into account the humanitarian requirements related to the health and security of mankind.**

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.

**61 bis. The Conference welcomes the reports submitted by the States Parties on their activities and programmes on the continuing implementation of Article X. The Conference notes that these reports reaffirm that the objectives and aspirations of this Article are being met given the depth and breadth of activities and programmes being reported. The Conference calls for the continuation of these activities and programmes and their reporting. The Conference expresses the hope that these implementation reports will be discussed in the next intersessional programme.**

## **K. Article XI**

72. The Conference recalls 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.

73. The Conference recalls 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.

**74. The Conference recalls that all States Parties were encouraged in the Fourth Review Conference to convey their views to the depositaries on whether the Convention needs to be amended to make clear explicitly that the use of biological weapons is effectively prohibited. Of the 52 responses the United States and the United Kingdom of Great Britain and Northern Ireland received, 49 said they did not support the amendment and three were supportive.**

75. 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 language is unchanged in paragraphs 72, 73 and 75 from that of the Seventh Review Conference. A new paragraph – paragraph 74 – is added which records

the outcome, as reported by two of the three Depositaries, of the request at the Fourth Review Conference as to whether the Convention needed to be amended.

Text in Annex II to BWC/CONF.VIII/COW/CRP.1 dated 24 November 2016 proposed unchanged language for paragraphs 72, 73 and 75 and a new paragraph – 74 – which records the outcome of the request at the Fourth Review Conference as to whether the Convention needed to be amended:

62. The Conference recalls 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 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.

63 bis. **The Conference recalls that all States Parties were encouraged in the Fourth Review Conference to convey their views to the depositaries on whether the Convention needs to be amended to make clear explicitly that the use of biological weapons is effectively prohibited. Of the 52 responses the United States and the United Kingdom of Great Britain and Northern Ireland received, 49 said they did not support the amendment and three were supportive.**

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.

This proposed additional paragraph was adopted.

## **L. Article XII**

76. 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 that Review Conferences be held at least every five years.

77. The Conference decides that the **Ninth** ~~Eighth~~ Review Conference shall be held in Geneva not later than **2021** ~~2016~~ 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 **Eighth** ~~Seventh~~ Review Conference, taking into account, as appropriate, decisions and recommendations reached at previous review conferences.

**Commentary:** The language is similar to that of the Seventh Review Conference but with the deletion of language in paragraph 77(a) referring to any decision – as there was regrettably no such decision – regarding review of science and technology.

Text in Annex II to BWC/CONF.VIII/COW/CRP.1 dated 24 November 2016 was effectively the same as that in paragraphs 76 and 77 but also proposed an additional paragraph:

65 bis. **The Conference reaffirms that, pending an agreement on a comprehensive protocol on implementation of the Convention, the Review Conference of the States Parties, as forum to make substantive and procedural decisions, constitutes the effective method for reviewing the operation of the Convention with a view to ensuring that the purposes of the Preamble and provisions of the Convention are being realized.**

which was **not** agreed.

## **M. Article XIII**

78. 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.

**Commentary:** The language is unchanged from that of the Seventh Review Conference.

Text in Annex II to BWC/CONF.VIII/COW/CRP.1 dated 24 November 2016 proposed no changes to the section on Article XIII.

## **N. Article XIV**

79. The Conference notes with satisfaction that **fifteen** ~~ten~~ states have **deposited their instruments of ratification, accession or succession** ~~acceded to or ratified the Convention~~ since the **Seventh** ~~Sixth~~ Review Conference.

80. 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.

81. 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.

82. 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.

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

84. 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 language is essentially unchanged from that of the Seventh Review Conference although paragraph 79 has been updated to reflect the changes since the Seventh Review Conference.

Text in Annex II to BWC/CONF.VIII/COW/CRP.1 dated 24 November 2016 proposed an updating of the first paragraph of the section on Article XIV which was adopted:

68. The Conference notes with satisfaction that **fifteen** states have acceded to or ratified the Convention since the **Seventh** Review Conference.

## **0. Article XV**

85. The Conference 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 language is unchanged from that of the Seventh Review Conference.

Text in Annex II to BWC/CONF.VIII/COW/CRP.1 dated 24 November 2016 proposed no changes to the section on Article XV.

## **IV. COMMENTARY ON THE COMPARISON OF *PART III: DECISIONS AND RECOMMENDATIONS* OF THE FINAL DOCUMENT OF THE EIGHTH REVIEW CONFERENCE WITH THE *PRESIDENT'S PROPOSALS* IN BWC/CONF.VIII/CRP.3 ISSUED 28 NOVEMBER 2016<sup>1</sup>**

### **III. Decisions and recommendations**

In this chapter, the text of the Part III. Decisions and Recommendations section of the Final Document of the Eighth Review Conference is compared to that of the President's proposals in BWC/CONF.VIII/CRP.3. This comparison has been made rather than the more usual comparison with the language in the Final Document of the Seventh Review Conference in 2011 because at the Eighth Review Conference there are only **seven** paragraphs looking ahead to 2017 to 2020 in contrast to the **thirty-four** paragraphs looking ahead to 2012 – 2016 agreed at the Seventh Review Conference.

#### **A. Outcome of the 2012-2015 intersessional programme**

1. In accordance with the decision taken by the Seventh Review Conference, Meetings of States Parties of one week duration were held each year, commencing in 2012, to discuss, and promote common understanding and effective action on the topics identified by the Conference. Each meeting of States Parties was prepared by a one-week meeting of experts. The Conference decided 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.

2. The Conference further decided 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).

3. 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

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<sup>1</sup> As circulated on 23 November 2016

States Parties. The meetings of States Parties engendered greater common understanding on steps to be taken to further strengthen the implementation of the Convention.

4. 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.

5. The Conference reiterates that common understandings were identified in the consensus outcome documents of the meetings of States Parties (BWC/MSP/2012/5, BWC/MSP/2013/5, BWC/MSP/2014/5 and BWC/MSP/2015/6), within their mandates.

**Commentary:** The President's Proposal (BWC/CONF.VIII/CRP.3 issued 28 November 2016 with a footnote saying that it was circulated on 23 November 2016) did not include language addressing the *Outcome of the 2012-2015 intersessional programme*.

The language in **A. *Outcome of the 2012-2015 intersessional programme*** is, however, comparable to that in the Decisions and Recommendations section of the Seventh Review Conference in 2011 that reported on *A. Outcome of the 2007-2001 Intersessional Programme*:

A. Outcome of the 2007–2010 intersessional programme

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.

## **B. Intersessional programme 2017–2020**

**Commentary:** The remainder of the Decisions and Recommendations section agreed at the Eighth Review Conference in November 2016 consisted of **only** seven paragraphs under a single heading of **B. Intersessional programme 2017–2020**. This was in marked contrast to the remainder of the Decisions and Recommendations section agreed at the Seventh Review Conference in 2011 which consisted of thirty-four paragraphs under the following headings:

- A. Intersessional programme 2012–2015
- B. Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X
- C. Review of developments in the field of science and technology related to the Convention
- D. Strengthening national implementation
- E. Confidence-building measures
- F. Promotion of universalization

- G. Implementation Support Unit
- H. Finances

The President's Proposal (BWC/CONF.VIII/CRP.3 issued 28 November 2016 with a footnote saying that it was circulated on 23 November 2016) consisted of thirty-seven paragraphs under the following headings:

- A. Intersessional programme 2017–2020
- B. Science and technology
- C. National implementation
- D. International Cooperation
- E. Preparedness, Response and Assistance
- F. Sponsorship Programme
- G. Promotion of universalization
- H. Implementation Support Unit
- I. Finances

and was comparable in its general approach to that of the Decisions and Recommendations section of the Seventh Review Conference in 2011.

**NOTE:** In the **Commentary** that follows on the seven individual paragraphs agreed at Eighth Review Conference in 2016 the **agreed language** is compared to the comparable section in the President's Proposal (BWC/CONF.VIII/CRP.3 issued 28 November 2016 with a footnote saying that it was circulated on 23 November 2016). For clarity, the analysis follows the sequence of the **agreed language** with each paragraph compared to the related text of the President's Proposal. To improve clarity in the analysis on the following pages 187 to 197 the **agreed language** at the Eighth Review Conference is shown throughout in **bold**.

**1. At its final plenary meeting, on 25 November 2016, the Conference decided that States Parties will hold annual meetings. The first such meeting, to be held in Geneva in 2017 starting on 4 December 2017, and having a duration of up to five days, will seek to make progress on issues of substance and process for the period before the next Review Conference, with a view to reaching consensus on an intersessional process.**

**Commentary:** This single paragraph effectively replaces paragraphs 1 to 5 and also paragraphs 8 to 11 of the section entitled *Intersessional programme 2017-2020* in the President's Proposal (BWC/CONF.VIII/CRP.3 issued 28 November 2016 with a footnote saying that it was circulated on 23 November 2016) that proposed:

1. Reaffirming the utility of the previous intersessional programmes from 2003–2015, the Conference decides on the following structure: annual Meetings of States Parties preceded by alternating annual meetings of four open ended working groups (OEWGs) as described in paragraph 5 below.
2. Recognizing the need to balance an ambition to improve the intersessional programme within the constraints — both financial and human resources — facing States Parties, but also cognisant that adequate resources will be required to enable the Implementation Support Unit (ISU) to service the ISP, the

Conference decides to allocate fifteen days each year to the intersessional programme.

3. The Meetings of States Parties will last for a period up to five days. It will consider the following issues:

- (a) Universalization;
- (b) Report of the ISU;
- (c) Reports of the four OEWGs;
- (d) Financial issues;
- (e) Any other issue relevant to the Convention.

4. The Conference decides to establish four Open Ended Working Groups (OEWG) open to all States Parties for the period 2017–2020 on the following topics:

- (a) Science and Technology;
- (b) National Implementation;
- (c) International Cooperation;
- (d) Preparedness, Response and Assistance.

5. All meetings of the four OEWGs will each last for a period up to five days and will be organized as follows:

- (a) 2017 and 2019: Science and Technology
- (b) 2018 and 2020: National Implementation
- (c) 2017 and 2019: International Cooperation
- (d) 2018 and 2020: Preparedness, Response and Assistance

8. All meetings of the Meeting of States Parties and the four OEWGs will take any actions and make any recommendations by consensus.

9. All OEWGs will prepare for consideration of the Annual Meeting of States Parties factual reports reflecting deliberations, including possible recommendations, on the work undertaken on the topics by the groups as reflected in Section B, C, D, and E. In the absence of consensus on any recommendations, the reports will reflect all views.

10. The Review Conference is the highest decision-making body of the BWC, the MSP is responsible for the management of the intersessional programme as mandated by the Review Conference, including administrative, budgetary and procedural matters. The MSP will consider the reports and possible recommendations of the OEWGs, and take actions as appropriate, and provide guidance for follow-up work in accordance with the groups' mandates as defined in Section B, C, D, and E. Where the MSP has been unable to reach a consensus to take action, the MSP may submit recommendations to the Review Conference in terms of the mandate received from the Review Conference. The MSP will not amend OEWG mandates or make any changes to Review Conference decisions and recommendations, or Article-by-Article review text.

11. The Ninth Review Conference will review the work and outcome of the ISP.

**Commentary:** Regrettably this has the effect of reducing the total allocation of meeting time on the Convention in **2017** from 15 to 5 days and equally regrettably also removes the formation of four Open Ended Working Groups (OEWG) open to all States Parties at least in 2017. However, while the limitation to 5 days applies **only** to the 2017 meeting, nothing is said about the following years, and the meeting in 2017 is specifically mandated to *seek to make progress on issues of **substance** and **process** for the period before the next Review Conference, with a view to reaching consensus on an **intersessional process**.* [Emphasis added]. It is therefore evident that the meeting in 2017 should address both the number and duration of meetings **after** 2017 – in 2018, 2019 and 2020 – and decide on whether to establish OEWGs to meet in these years.

**2. Following the practice agreed at the Seventh Review Conference, the Conference agreed that the first year's meeting 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.**

**Commentary:** This single paragraph effectively replaces two paragraphs 6 & 7 in the section entitled *Intersessional programme 2017-2020* in the President's Proposal (BWC/CONF.VIII/CRP.3 issued 28 November 2016 with a footnote saying that it was circulated on 23 November 2016) that proposed:

6. The Chairs of the MSP and the four OEWGs will rotate on an annual basis among the three regional groups as follows:

Year	<i>MSP</i>	<i>OEWG</i>	<i>OEWG</i>
2017	Non-Aligned Movement (NAM)	Science and Technology	International Cooperation
		Western Group (WG)	Eastern European Group (EEG)
2018	EEG	Preparedness, Response and Assistance	National Implementation
		NAM	WG
2019	WG	Science and Technology	International Cooperation
		EEG	NAM

2020	NAM	Preparedness, Response and Assistance	National Implementation
		WG	EEG

7. The annual MSP-Chair will be supported by two Vice-Chairs, one from each of the other two regional groups. The annual MSP-Chair will be assisted by them, the respective Chairs of the OEWGs and the Chief of the ISU in coordinating the annual programme of work.

**Commentary:** The agreed language in the Decisions and Recommendations section of the Eighth Review Conference also regrettably completely deletes the sections headed *B. Science and Technology* (paragraphs 12 to 15) and *C. National Implementation* (paragraph 16) of the President's Proposal (BWC/CONF.VIII/CRP.3 issued 28 November 2016 with a footnote saying that it was circulated on 23 November 2016) that proposed:

***B. Science and Technology***

12. The Conference decides that in the OEWG the following issues of relevance to the Convention will be discussed in both of its meetings, if required:

- (a) Potential benefits and risks of new science and technology developments;
- (b) Biological risk assessment and management;
- (c) Voluntary model code of conduct for biological scientists and all relevant personnel who conduct bio-science research and other related activities, by drawing on the work already done on this issue in the context of the Convention, adaptable to national requirements;
- (d) Science and technology-related developments relevant to the activities of multilateral organizations;
- (e) Any other science and technology developments of relevance to the Convention.

13. In addition, the OEWG will address the specific topic of (gene editing) in 2017. The special topic for its 2019 meeting will be determined by the MSP in 2018.

14. Given the technical nature of the issues to be addressed States Parties are invited to nominate for each meeting of the group one or two scientific experts to contribute to its work in an individual capacity. State Parties may nominate alternate scientific experts if deemed necessary in view of the issues on the agenda. State Parties are invited to provide the experts' names with a synopsis of expertise to the State Parties for information.

15. The OEWG may invite experts from scientific and technical organisations, as well as other relevant experts, to make presentations in open informal meetings.

### ***C. National Implementation***

16. The Conference decides that in the OEWG the following issues of relevance to the Convention will be discussed in both of its meetings, if required:

- (a) Legal measures related to biological and toxin weapons, including measures aimed at combatting the use of biological weapons by non-state actors;
- (b) Improvement of CBM submissions in terms of quantity, quality and format;
- (c) Voluntary methods to enhance transparency and confidence, as well as exchange of good practices and information;
- (d) Strengthening consultative measures under Article V;
- (e) The role of international cooperation and assistance as part of the implementation of the Convention, in particular the reports by State Parties on their implementation of Article X;
- (f) Any potential further measures, as appropriate, that would contribute to the enhancement of and confidence in the integrated and comprehensive implementation of the Convention;
- (g) Issues related to Article III, including effective export controls,
  - (i) measures to provide assistance to other States Parties, including drafting legislation, establishing administrative authorities or regulations, training of personnel, supplying of equipment or advice sharing of best practices, and/or providing financial support;
  - (ii) harmonization of national approaches for the effective implementation of national export controls in fulfilment of Article III obligations and to enhance the efficacy in the biological field in order to facilitate international bio technology cooperation.

**3. The Conference decides to renew the mandate of the Implementation Support Unit agreed to at the Seventh Review Conference, *mutatis mutandis*, for the period from 2017 to 2021. The annual meetings will consider the annual reports of the ISU and progress on universality.**

**Commentary:** This single paragraph regrettably replaces the section on the *H. Implementation Support Unit* (6 paragraphs) and the section on *G. Promotion of Universality* (4 paragraphs) in the President's Proposal (BWC/CONF.VIII/CRP.3 issued 28 November 2016 with a footnote saying that it was circulated on 23 November 2016) that proposed:

## ***H. Implementation Support Unit***

27. The Conference notes that the Implementation Support Unit, which was established by the Sixth Review Conference within the United Office for Disarmament Affairs 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 2017 to 2021.

28. The Conference decides that the ISU will perform the following tasks:

- (a) Implement the decisions regarding the establishment and administration of databases;
- (b) Facilitate coordination and cooperation among State Parties and relevant international organizations to effectively respond to public health emergencies caused by violation of the Convention;
- (c) Provide the necessary support for the preparation, organization and implementation of the four OEWSs of the ISP and the MSP each year;
- (d) Support, as appropriate, the implementation by the States Parties of the decisions and recommendations of this Review Conference.

29. Noting the additional demands of both a quantitative and a qualitative nature placed on the ISU to carry out the functions listed above, and in consideration of the already under resourced staffing and budget profile of the ISU given its existing workload, the Conference decides exceptionally to the following enhancements to the ISU budget to cover 2 additional professional posts.

30. The Conference notes that States Parties in a position to do so may consider making voluntary contributions to the activities of 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.

31. 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 in accordance with the Charter of the United Nations.

32. 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 Ninth Review Conference.

## ***G. Promotion of universalization***

23. 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 178 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, in particular, Depositories of the Convention is essential to persuade states not party to join the Convention.

24. 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.

25. 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 Ninth 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.

26. 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.

**4. The Conference decides to continue the cooperation database established by the Seventh Review Conference. The ISU, with inputs to be provided by States Parties, will seek to improve the database to ensure that it is more user-friendly and comprehensive, and ensure that specific, timely and concrete offers of and requests for cooperation be provided by States Parties in the database.**

**Commentary:** This single paragraph is virtually the same as paragraph 17 but with the omission of its final clause and of paragraph 18 in the section headed *D. International Cooperation* of the President's Proposal (BWC/CONF.VIII/CRP.3 issued 28 November 2016 with a footnote saying that it was circulated on 23 November 2016) that proposed:

***D. International Cooperation***

17. The Conference decides to continue the cooperation database established by the Seventh Review Conference. The ISU, with inputs to be provided by State Parties, will seek to improve the database to ensure that it is more user-friendly and comprehensive, and ensure that specific, timely and concrete offers of and requests for cooperation be provided by States Parties in the database, taking into account the States Parties concerns over the mismatch of the proposed offers and requests.

18. The Conference decides that in the OEWG the following issues of relevance to the Convention will be discussed in both of its meetings, if required:

(a) Reports by the ISU on the operation of the cooperation database established by the Seventh Review Conference and its further operationalization;

(b) Challenges and obstacles to developing international cooperation, assistance and exchange in the biological sciences and technology, including equipment and material, for peaceful purposes to their full potential, and possible means of overcoming these, including ways and means to mobilise resources, including financial resources to address gaps and needs;

(c) Education, training, exchange and twinning programmes and other means of developing human resources;

(d) 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;

(e) Coordination of activities of international organisations and networks related to combatting infectious diseases at all levels, as well as regional and subregional cooperation to assist national implementation of the Convention, including CBRN action plans;

**5. In order to support and increase the participation of developing States Parties in the annual meetings of States Parties, the Conference decides to renew the sponsorship programme, funded by voluntary contributions from States Parties in a position to provide them. The sponsorship programme will continue to be administered by the Implementation Support Unit in consultation with the Chair and Vice-chairs of the Meeting of States Parties.**

**Commentary:** This paragraph is the same as that proposed in paragraph 22 of the section *F. Sponsorship Programme* in the President's Proposal (BWC/CONF.VIII/CRP.3 issued 28 November 2016 with a footnote saying that it was circulated on 23 November 2016) that proposed:

***F. Sponsorship Programme***

22. In order to support and increase the participation of developing States Parties in the meetings of the intersessional programme, the Conference decides to renew the

sponsorship programme, funded by voluntary contributions from States Parties in a position to provide them. The sponsorship programme will continue to be administered by the Implementation Support Unit in consultation with the Chair and Vice-chairs of the Meeting of States Parties.

**6. The Conference decides that the costs of the annual meetings of States Parties and of the ISU 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. In this respect, the Conference approves the estimated costs for the period 2017 to 2020, as contained in BWC/CONF.VIII/CRP.4.**

**7. The Conference notes that, under new UN financial procedures, funds must be available before meetings can be held. 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 to help ensure that the meetings can be held as scheduled.**

**Commentary:** These paragraphs are similar to two paragraphs – paragraph 6 above is similar to paragraph 33 and most of the first sentence of paragraph 34 and paragraph 7 above is identical to paragraph 37 – proposed in the section *I. Finances* in the President's Proposal (BWC/CONF.VIII/CRP.3 issued 28 November 2016 with a footnote saying that it was circulated on 23 November 2016) that proposed:

### ***I. Finances***

33. 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.

34. The Conference approves the estimated costs for the intersessional programme for the period 2017 to 2020, as contained in BWC/CONF.VIII, noting that these estimated costs were prepared on ..... . The MSP manages the budget of the intersessional period within the framework provided by the Review Conference.

35. The Conference approves the budget for 2017 of ... based on the estimated cost contained in BWC/CONF.VII.

36. The Conference requests the ISU in close consultation with all interested State Parties, to prepare a draft budget for 2018 and do detailed planning with the goal of strengthening the financial condition of the BWC. The Conference requests the ISU to present its recommendations for consideration and approval of the Meeting of State Parties to be held in 2017.

37. The Conference notes that, under new UN financial procedures, funds, must be available before meetings can be held 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 to help ensure that the meetings can be held as scheduled.

**Commentary:** There is regrettably no language in the Decisions and Recommendations section agreed at the Eighth Review Conference that is drawn from the section entitled *E. Preparedness, Response and Assistance*, which sought to build upon the work carried out on Article VII during the Intersessional Period from 2012 to 2015, of the President's Proposal (BWC/CONF.VIII/CRP.3 issued 28 November 2016 with a footnote saying that it was circulated on 23 November 2016) that proposed:

***E. Preparedness, Response and Assistance***

19. The Conference decides to establish a database to facilitate specific requests for and offers of assistance and cooperation among States Parties in the framework of Article VII. The Conference tasks the ISU to establish and to administer this database on the UNOG website, where these offers and requests will be stored, and to submit an annual report on the operation of the database.

20. States Parties are invited, individually or together with other states or international and regional organizations, to submit on a voluntary basis specific offers for assistance, information about capabilities that might be available, and/or national points of contact. These may include one or more of the following: response capabilities, expertise, information, protection, detection, surveillance, diagnostic, decontamination, prophylactic and medical counter-measures and other equipment and materials 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. States Parties may use the database to match offers with requests for assistance.

21. The Conference decides that the following topics will be discussed during the OEWG on Preparedness, Response and Assistance:

- (a) Practical challenges facing the implementation of Article VII, and possible solutions;
- (b) A set of guidelines and formats to assist a State Party, if required, when submitting an application for assistance in the framework of Article VII;
- (c) Operationalization of the database under Article VII;
- (d) Procedures to improve the prompt and efficient response to a request of assistance by a State Party under Article VII, and coordination and cooperation among States Parties and with relevant international and regional organizations;
- (e) Examination of how the proposed mobile biomedical units concept might contribute to effective preparation, response and assistance with a view to enhancing implementation of the Convention;
- (f) Identification of individuals and teams with specialised medical, public health, laboratory or other relevant expertise to work in coordination with the WHO, FAO, OIE, and IPPC and other multilateral organisations to respond to infectious disease outbreaks.

## V. REFLECTIONS

### Expectations prior to the Eighth Review Conference

1. Expectations were extremely high – and rightly so – for the Eighth Review Conference in 2016 as it followed an intersessional period in which there had been one week annual Meetings of States Parties prepared by one week Meetings of Experts. There had been 15 ratifications and accessions to the BTWC during the intersessional period bringing membership up to 178 and the number of CBM submissions had reached a record level of 81 in 2016. In addition at the Meeting of States Parties on 14 to 18 December 2015, States Parties had agreed for the first time to have a Preparatory Committee in two parts, in April and August 2016, which would in effect enable it to include issues of substance on its agenda as well as the standard procedural items. Moreover, a number of the Working Papers submitted for MSP/2015 were looking forward to and directly relevant to the Eighth Review Conference.
2. In our Report from Geneva on **MSP/2015** (available from [here](#)), our analysis showed that some 10 of the 14 Working Papers submitted were addressing topics to be considered at the Eighth Review Conference. We said that:

*These are generally useful Working Papers which help to take forward the work of the Intersessional Process and in particular look forward to the Eighth Review Conference in 2016. It is particularly noteworthy that once again several Working Papers are submitted by groups of States Parties which include a broad range of States Parties – thus, BWC/MSP/2015/WP.6/Rev.1 by Australia, Canada, Chile, Colombia, Czech Republic, Finland, Germany, Hungary, Japan, Lithuania, Netherlands, Nigeria, Norway, Philippines, Republic of Korea, Slovakia, Sweden and Switzerland, and BWC/MSP/2015/WP.11/Rev.1 by Australia, Canada, Chile, Colombia, Costa Rica, Ecuador, Ghana, Japan, Malaysia, Norway, Philippines, Republic of Korea, Switzerland and Thailand. These two Working Papers [WP.6 and WP.11] and WP. 1 from India and the USA, are also noteworthy for crossing Group boundaries.*

and added that:

*In any case, the proposals made in the Working Papers submitted to MSP/2015 merit further consideration and discussion during the PrepCom and preparations for the Eighth Review Conference in 2016. Even when care is taken to ensure that proposals **are** explicit and **do** survive the transit from Meeting of Experts to Meeting of States Parties, there is no guarantee that they will then make it into the MSP's Report. The familiar practice of consensus by deletion prevailed in 2015 once again, and this Meeting of States Parties like its predecessors saw many significant deletions as the substantive paragraphs of its draft Report went through successive iterations. This makes it all the more important for States Parties **now** to rescue the best proposals from the Intersessional Process and to elaborate them, if possible with wider support, through the preparatory phase in 2016. Only in this way will they reach the Eighth Review Conference with a chance of being seriously considered for inclusion in the Decisions and Recommendations section of its outcome document.*

3. Our Report from Geneva on the **PrepCom** in 2016 (available at [http://www.unog.ch/80256EDD006B8954/\(httpAssets\)/F01410A3116AD479C1258051002B2BA3/\\$file/REPORT\\_FROM\\_GENEVA\\_45E.pdf](http://www.unog.ch/80256EDD006B8954/(httpAssets)/F01410A3116AD479C1258051002B2BA3/$file/REPORT_FROM_GENEVA_45E.pdf)) made clear the significant benefits of an enhanced and extended Preparatory Committee meeting:

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

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

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

*Two Working Papers were submitted by Belgium, Luxembourg and the Netherlands (WP. 13 on peer review, together with France, and WP.26 on peer review), Canada (WP.24 on the Intersessional Process and WP.25 on oversight of research and dual-use risks), China and Pakistan (WP. 31 on Code of Conduct and WP.32 on export controls & international cooperation), France (WP.11 on the Geneva Protocol and WP.12 on response to disease outbreaks), Iran (WP. 17 on investigation of use and WP.33 on transfers), Spain (WP.27 on S & T review and WP.28 on voluntary visits), Switzerland (WP.8 on S & T review and WP.16 on S & T review) and by the EU (WP.5 on the Eighth Review Conference and WP.20 on implementation of Article X by the EU).*

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

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

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

4. Our Reflections in that report on the PrepCom made it clear that States Parties were *better prepared for the Eighth Review Conference than for any of the previous Review Conferences.*

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

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

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

5. In addition to the Preparatory Committee Meetings in April and August 2016, it was evident that the President-Designate, Ambassador Molnár, was very active at meetings throughout the year to encourage States Parties to prepare for the Review Conference. These included:

- 14 to 15 January 2016. Meeting of the Biological Security Sub-Working Group of the G7 Global Partnership in Tokyo, Japan.
- 27 February 2016. Contribution to a roundtable organized by Parliamentarians for Global Action in Kathmandu, Nepal.
- 9 May 2016, Twelfth Annual NATO Conference on WMD Arms Control, Disarmament, and Non-Proliferation in Ljubljana, Slovenia.
- 1 June 2016. Briefing for United Nations Secretary-General Ban Ki-moon on the status of the BWC and on preparations for the Review Conference.
- 15 to 16 June 2016. Regional workshop in Astana, Kazakhstan for BWC States Parties from Eastern Europe and Central Asia on preparations for the Review Conference. The first in a series of four such workshops to be funded by the European Union under its Council Decision 2016/51 (CFSP) in support of the BWC.
- 20 to 22 August 2016. Regional workshop in Brasilia, Brazil for BWC States Parties from Latin America on preparations for the Review Conference. The second in a

series of four workshops funded by the European Union under its Council Decision 2016/51 (CFSP) in support of the BWC.

- 29 to 30 August 2016. Regional workshop in New Delhi, India for BWC States Parties from South and Southeast Asia on preparations for the Review Conference. The third in a series of four workshops funded by the European Union under its Council Decision 2016/51 (CFSP) in support of the BWC.
- 5 to 7 September 2016. International workshop entitled *The Eighth Review Conference: Promoting BWC Implementation, Enhancing Global Biosecurity Governance* in Wuxi, China for 63 participants from 32 States Parties, three international/regional organizations, and three non-governmental organizations/academic institutions. The event was co-organized by the Government of China, the Government of Canada and the BWC Implementation Support Unit.
- 8 to 9 September 2016. Biosecurity Working Group of the G7 Global Partnership in Tokyo, Japan
- 13 to 14 September 2016. Regional workshop in Addis Ababa, Ethiopia for BWC States Parties from Africa on preparations for the Review Conference. The last in a series of four such workshops funded by the European Union under its Council Decision 2016/51 (CFSP) in support of the BWC.
- 21 to 23 September 2016. A Wilton Park Conference in the UK entitled *Preparing for the BTWC Review Conference* organized by the UK Foreign & Commonwealth Office, in association with the UK Ministry of Defence, the Ministry of Foreign Affairs of the Netherlands and the Federal Foreign Office, Germany.

6. In addition, President-Designate, Ambassador Molnár, was able to appoint seven of the eventual eight facilitators well in advance of the conference itself, on 6 October 2016. This was an important element of preparation for the Eighth Review Conference which had not been achieved in so timely a fashion for the Seventh Review Conference

7. The Eighth Review Conference was thus the best prepared of all the Review Conferences both in regard to the time allocated to the Preparatory Committee and in the number of Working Papers and hence expectations for the outcome were high.

## During the Review Conference

### **8. Committee of the Whole.**

A comparison of the provisional indicative programme of work for the Seventh Review Conference (BWC/CONF.VII/2) with the comparable programme for the Eighth Review Conference (BWC/CONF.VIII/3) shows that the planned duration of the Committee of the Whole was closely comparable at both Review Conferences:

Day	Seventh Rev Con	Eighth Rev Con
First Wednesday AM	Plenary then Committee of Whole (articles I to IV)	Committee of Whole
First Wednesday PM	Informal Plenary	Committee of Whole

First Thursday AM	Committee of Whole (articles V to VI)	Committee of Whole
First Thursday PM	Informal Plenary	Committee of Whole
First Friday AM	Committee of Whole (articles VII to X)	Committee of Whole
First Friday PM	Informal plenary Plenary progress review	Plenary progress review Informal plenary
Second Monday AM	Committee of Whole (articles XI to XV)	Committee of Whole
Second Monday PM	Informal plenary	Informal plenary
Second Tuesday AM	Committee of Whole (articles/preamble as reqd.)	Informal plenary
Second Tuesday PM	Informal plenary	Informal plenary
Second Wednesday AM	Committee of Whole (articles/preamble as reqd.)	Informal plenary
Second Wednesday PM	Committee of Whole (consideration of report)	Committee of Whole (consideration of report)

9. However, at the Eighth Review Conference progress was much slower with the report of the Committee of the Whole not being agreed until the penultimate day of the Eighth Review Conference – and this being purely procedural. There were also fewer documents issued relating to the Committee of the Whole at the Eighth Review Conference.

Day	<b>Seventh</b> Rev Con 5 – 22 December 2011	<b>Eighth</b> Rev Con 7 to 25 November 2016
First Friday	CONF.VII/COW/INF.1 as of 15.00 Friday 9 December	
Second Wednesday	CONF.VII/COW/INF.2 as of 00.00 Wednesday 14 December	
Second Thursday PM		Non-Paper submitted by the President on 17 November 2017
Second Friday	CONF.VII/COW/CRP.2 Friday 16 December Chair COW best estimate  CONF.VII/5 Report of CoW – 37 pages – adopted Friday 16 December <i>COW held 10 meetings during the period from 7 to 16 December 2011</i>	
Third Wednesday		CONF.VIII/CRP.1 Wednesday 23 November Chair COW best estimate
Third Thursday		CONF.VIII/CRP.1/Rev.1 Purely procedural Thursday 24 November

		CONF.VIII/COW/1 Report of CoW – 1 page - adopted Thursday 24 November <i>COW held 13 meetings during the period from 9 to 24 November 2016</i>
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10. It is thus evident that at the Seventh Review Conference the Committee of the Whole successfully adopted its report which had substantive proposals on the Friday of the **second week** whilst at the Eighth Review Conference the Committee of the Whole adopted a one page purely procedural report on the **penultimate day** of the Review Conference.

11. A retrograde step at the Eighth Review Conference was the fact that at the request of one State Party – Iran – the meetings of the Committee of the Whole from 15 November onwards (the Tuesday of the second week) were held in closed session thus preventing Signatory-only States, States neither party nor signatory, international organizations such as the EU, and NGOs from being present. However, the most significant difference at the Eighth Review Conference was that whilst the Chairman of the Committee of the Whole had, as had happened at the Seventh Review Conference, prepared a Report of the Committee of the Whole with an Annex showing all the proposed amendments to the Article by Article section and a second Annex containing a 15 page text prepared the Chair of the Committee under his own responsibility representing a best estimate with a recognition that this text had not been agreed by the Committee of the Whole, one State Party – Iran – disagreed with one of these Annexes and consequently the outcome was a one page purely procedural Report of the Committee of the Whole. It is not evident that a single objection to one Annex necessarily entailed the removal of both Annexes from the Report of the Committee of the Whole but, because of a supposed linkage between the two, that was the unfortunate result.

## **12. Facilitators.**

The President as noted above in paragraph 4 was assisted in his work by Facilitators in the following areas:

- Solemn Declaration: Ambassador Boudjemâa Delmi (Algeria)
- Assistance and cooperation: Mr. Zahid Rastam (Malaysia)
- Science and technology: Mr. Laurent Masméjean (Switzerland)
- Implementation issues: Ambassador Michael Biontino (Germany)
- Article III: Ambassador Hernán Estrada Roman (Nicaragua)
- Article VII: Ambassador Alice Guitton (France)
- Future intersessional work programme and the ISU: Ambassador Tehmina Janjua (Pakistan) and Mr. Ian McConville (Australia)

13. The contributions made by these facilitators are not immediately clear from the documentation produced during the Review Conference as there were only three non-papers produced, all on Friday 11 November 2016 at the end of the first week of the Review Conference:

- Non-paper from the Facilitator on Science and Technology
- Future Planning for the Implementation Support Unit (Submitted by Co Facilitators, Australia and Pakistan)
- Non-Paper prepared by Pakistan and Australia in the capacity of Co-Facilitator for the 2017-2020 ISP

However, as reported above in paragraphs 182 and 183, the facilitators were also involved in cross-cutting plenaries that were intended to enable wide-ranging topics to be addressed. Cross-cutting plenaries on cooperation and assistance and on science and technology were held on Monday 14 November 2016, and on Article VII and national implementation on Tuesday 15 November 2016 with national implementation being continued on Wednesday 16 November 2016. Further cross-cutting plenaries on Article III and on Future intersessional work programme and the ISU were also held on Wednesday 16 November 2016. Then on Thursday 17 November 2016 the President circulated a non-paper entitled *Elements for a Draft Final Document* which consisted of the Chairman of the Committee of the Whole's best estimate for the Article by Article section and integrated draft texts from the facilitators.

#### **14. Decisions and Recommendations.**

The situation in regard to the Decisions and Recommendations section of the Final Document was reported above in paragraph 184 and then in 188 and 189:

184. The President of the Review Conference issued a *President's Proposal* at about 7.00 pm on Wednesday 23 November 2016 (BWC/CONF.VIII/CRP.3 dated 28 November 2016 –which has a note stating that this was circulated on 23 November 2016). The *President's Proposal* starts with a recognition of *the need to balance an ambition to improve the intersessional programme within the constraints — both financial and human resources — facing States Parties, but also cognisant that adequate resources will be required to enable the Implementation Support Unit (ISU) to service the ISP*. The proposed programme consists of four open-ended working groups (OEWGs) plus annual Meetings of States Parties (MSPs). The four OEWGs would address: *Science & Technology, National Implementation, International Cooperation and Preparedness, Response & Assistance*, and it is proposed that they would meet in alternate years so that each OEWG meets for five days every two years. The *President's Proposal* also proposes to extend the mandate of the Implementation Support Unit (ISU) until the Ninth Review Conference and also proposes that *in consideration of the already under resourced staffing and budget profile of the ISU given its existing workload, the Conference decides exceptionally to the following enhancements to the ISU budget to cover 2 additional professional posts*.

188. Informal consultations, behind closed doors, took place on the *President's Proposal* on the penultimate day, Thursday 24 November 2016, commencing at about 11.30 am and then continuing through the afternoon and into the evening concluding shortly after midnight.

189. The final day, Friday 25 November 2016, saw informal consultations behind closed doors in the morning to arrive at a text for the article by article section of the Final Document. These were followed in the afternoon with further informal consultations behind closed doors to arrive at a text for the solemn declaration section of the Final Document. In parallel with all of this, the President of the Review Conference was having discussions aimed at finalising the decisions and recommendations section of the Final Document.

15. The eventual outcome for the Decisions and Recommendations section was simply a section of seven paragraphs under the heading of *B. Intersessional programme 2017–2020* in marked contrast to the thirty-four paragraphs in the *President's Proposal* under the following headings:

- A. Intersessional programme 2017–2020
- B. Science and technology
- C. National implementation
- D. International Cooperation
- E. Preparedness, Response and Assistance
- F. Sponsorship Programme
- G. Promotion of universalization
- H. Implementation Support Unit
- I. Finances

## **16. Summary.**

The question has to be asked as to why was so little agreed despite the preparation for the Eighth Review Conference being so much better than for any previous Review Conference. After all, the Working Papers submitted at the Meeting of States Parties in December 2015 were already putting forward proposals for the Eighth Review Conference. These proposals were further developed in the statements made at and the Working Papers submitted to the enhanced and expanded Preparatory Committee meeting in April and August 2016, and pushed further forward in the statements made at and the Working Papers submitted to the Eighth Review Conference itself. With the benefit of hindsight, the question has to be asked as to whether preparations for the Review Conference itself could have been better structured in one vital respect: provision of textual assistance to prepare the ground for the Review Conference so that it could concentrate its efforts sooner on working towards key decisions. Could perhaps the Implementation Support Unit have been requested by the Preparatory Committee to prepare draft text for the Committee of the Whole addressing the article by article section of the Final Document prior to the Review Conference itself thereby enabling the Committee of the Whole to complete its work within the first two weeks? And could something similar have been done for the Solemn Declaration, again prior to the Review Conference itself? And could there have been a draft for the Decisions and Recommendations section, again prior to the Review Conference itself? All of these would undoubtedly have enabled the States Parties to focus on the key elements of the outcome within the Solemn Declaration, the Article by Article section and in particular the Decisions and Recommendations section earlier within the Review Conference. And these would have enabled

the enhanced and extended Preparatory Committee meetings to reap the benefits that they deserved.

17. Regrettably, it appears probable that even with such augmented preparation as outlined here, the outcome at the Eighth Review Conference would have been the same because of the ability of a single State Party – in this case, Iran – effectively to block the wishes of the other States Parties to agree a compromise outcome by preventing consensus. Whilst it is undoubtedly preferable to reach decisions by consensus, should there be a failure to reach consensus then rather than failing to make progress, as at the Eighth Review Conference, States Parties should then make decisions by voting. After all, it should be recalled that the Rules of Procedure that have been adopted for many years by the Review Conferences do include the following (taken from BWC/CONF.VIII/2 *Draft rules of procedure of the Eighth Review Conference*):

#### **A. Adoption of decisions**

##### **Rule 28**

*1. Decisions on matters of procedure and in elections shall be taken by a majority of representatives present and voting.*

*2. The task of the Review Conference being to review 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, and thus to strengthen its effectiveness, every effort should be made to reach agreement on substantive matters by means of consensus. There should be no voting on such matters until all efforts to achieve consensus have been exhausted.*

*3. If, notwithstanding the best efforts of delegates to achieve consensus, a matter of substance comes up for voting, the President shall defer the vote for 48 hours and during this period of deferment shall make every effort, with the assistance of the General Committee, to facilitate the achievement of general agreement, and shall report to the Conference prior to the end of the period.*

*4. If by the end of the period of deferment the Conference has not reached agreement, voting shall take place and decisions shall be taken by a two thirds majority of the representatives present and voting, providing that such majority shall include at least a majority of the States participating in the Conference.*

18. As these Rules of Procedure have been adopted *mutatis mutandis* at the annual meetings of States Parties in the intersessional periods, it is evident that to make progress in 2017 States Parties will need to be prepared to utilize voting should consensus not be achieved and thereby make progress and avoid stagnation.

#### **Outcome of the Review Conference**

19. The outcome of the Eighth Review Conference was disappointingly meagre. Some views on why this happened were expressed in closing statements, as reported in paragraphs 185-210

on The Final Stages above. Personalities and politics were certainly part of the explanation, but it is also possible to speculate on structural deficiencies in the process by which the conference sought to move towards consensus on a Final Document. For example, the reduction of the report of the Committee of the Whole to a mere procedural record, with no substantive Annexes, placed a heavy responsibility on unstructured ad hoc negotiations and the *President's Proposal* to fill the gap at a late stage in the Review Conference. The work of the facilitators and resulting discussion in cross-cutting plenaries, first informal and later formal in status, although effective in certain areas seems not to have been uniformly integrated with the other processes in train. No mechanism was set in motion in the final week to draw these different strands of work together or try to remedy the problems evident in the Committee of the Whole. The best efforts of individual office-holders and the hard work of individual delegations could not overcome the structural deficiencies of a conference with insufficient collective machinery to produce an outcome reinforcing the Convention when faced with an intransigent blocking minority – or even a single State Party.

20. More generally, there was an inexplicable reluctance to move forward purposefully from the point that the enhanced and extended Preparatory Committee had reached in supposedly clearing the ground; rather, the starting points and approaches to discussion adopted in November 2016 sometimes gave the impression that the meetings of April and, in particular, August 2016 might as well not have taken place. This was another major reason for disappointment. Some States Parties were eager for the conference to move ahead faster but were held back by others whose unwillingness to find compromises and achieve consensus determined the pace of its proceedings and the paucity of its ultimate outcome.

21. It is particularly disappointing that the very promising opening statements and then the non-papers produced on Friday 11 November by three of the facilitators – on science and technology review, on the Implementation Support Unit and on the intersessional process, respectively – did not result in agreement on text to be included in *Part III Decisions and Recommendations* of the Final Document. Despite the evidence presented by these three facilitators of thorough preparation for reaching decisions in all these areas, with detailed proposals put forward by many States Parties, and with draft text conveniently available as shown in Chapter IV above, the efforts of the facilitators were blocked and the Final Document failed to reflect the progress made towards agreement on these issues.

22. There were some crumbs of comfort to be taken from the Final Document, such as a slight strengthening of the Solemn Declaration and of the extended understandings derived from Articles VII, VIII and X, and reaffirmation of the extended understandings already derived from other Articles of the Convention. But against this has to be counted the regrettable failure to agree strengthening language or new extended understandings on all but three of the Articles, even when draft text was conveniently available as shown in Chapter III above. The Implementation Support Unit had its mandate renewed for a further five years, but remained as chronically under-resourced as before. Annual Meetings of States Parties were allowed to continue, but with no agreement **at this point** on an intersessional programme of work with a supporting structure of Open-Ended Working Groups or even the Meetings of Experts which had taken place throughout the first three intersessional periods.

## Next steps

23. In 2017 the Convention will receive up to one week's collective attention, in an annual meeting of States Parties limited to a maximum of five days. Leaving aside the exceptional year 2002, when the adjourned Fifth Review Conference concluded with a single week's resumed session, this will be the **shortest** allocation of time the Convention has received in any year since before the Third Review Conference in 1991. (It had no meetings at all in 1988, 1989 or 1990.) This takes the Convention a quarter of a century backwards and sends an unfortunate signal that governments no longer think it worthy of the degree of collective attention it has received since then. As has often been observed, the Convention does not benefit from benign neglect – even if it could be guaranteed to remain benign – but needs active nurturing. Treaties need to be tended.

24. Fortunately this necessity for active nurturing continues to be recognised by many States Parties, across all Groups and regions. These States Parties expressed their regret at the minimal outcome of the Eighth Review Conference when it was so close to agreeing an intersessional work programme, especially as this disappointing outcome was brought about by what the representative of Mexico characterised as an abuse of the rule of consensus. The urgent task for all those States Parties which worked hard to achieve consensus and were thwarted by an obstructive minority is now to find a way around the blockage in time for the annual meeting which opens on 4 December 2017. In particular they need to make sure that the same restriction to a maximum of five days agreed by the Eighth Review Conference for the 2017 annual meeting will **not** apply to the years 2018, 2019 and 2020. It should be noted that the decision on annual meetings at paragraph B.1 of the 2016 *Decisions & Recommendations* **only** sets the duration for 2017: “*The first such meeting, to be held in Geneva in 2017 starting on 4 December 2017, and having a duration of up to five days, will seek to make progress on issues of substance and process for the period before the next Review Conference, with a view to reaching consensus on an intersessional process.*”

25. There is a good case for allocating two weeks to the annual meeting, as proposed by the United Kingdom in July 2016 (BWC/CONF.VIII/PC/WP.15 *Eighth BWC Review Conference: New intersessional work programme*, 19 July 2016). But if the annual meetings of 2018, 2019 and 2020 **are** going to be confined to a single week, it will be all the more essential for the 2017 Meeting of States Parties to succeed in setting up an intersessional work programme with additional time allocated each year for Meetings of Experts or Working Groups or similar bodies to maximise “*progress on issues of substance and process for the period before the next Review Conference*” beyond what can be achieved in “*up to five days*” in December 2017. It should be borne in mind that the annual meeting will be the forum for States Parties to express their concerns, including some which are unpredictable from the vantage-point of early 2017, and some of its time will in any case be necessarily devoted to noting progress towards universality, the annual report of the ISU, problems with financial contributions, purchase of UN conference services and other ‘housekeeping’ matters. All these considerations argue strongly in favour of supplementing the annual meeting with gatherings of a more specialised nature earlier in each year, whether in the form of a Meeting of Experts or in Working Groups or similar bodies.

26. It was evident both prior to and at the Review Conference that a strengthened process for Science and Technology review had the strongest support of all proposals for the use of

intersessional time. This is not surprising since the need for S&T review to be undertaken every year has long been accepted, in recognition of the pace of change in science and technology which would leave the Convention exposed to the risk of being overtaken by events if it were to continue reviewing relevant developments only at five-year intervals. The starting point of the December 2017 negotiation should accordingly be to allocate one week for the S&T review, to take place at a point in the **first half** of each of the years 2018, 2019 and 2020 and report to the Meeting of States Parties each year. Whether it is called an Open Ended Working Group or something else is less important than the effectiveness of the annual S&T review which must be systematic, inclusive of all States Parties and professionally supported by a Scientific Secretary or other dedicated staff in the ISU.

27. There was also substantial support for intersessional work on other aspects of the Convention, outlined below, which States Parties saw as requiring regular attention between 2016 and 2021. For this purpose **a further week**, probably in August, will be required. Some delegations proposed Working Groups while others seem to have favoured retaining the structure of the third intersessional process with a single Meeting of Experts. In practice there are three kinds of decision for which States Parties need to prepare: first, the structural question of whether to have several Working Groups or a single Meeting of Experts occupying that week; second, the substantive question of which aspects of the Convention should be considered during that week and which only at the annual meeting, taking advantage of the latter's two-week duration if agreed; third, the political question of how much authority should be given to the annual meeting to issue timely recommendations to States Parties and to take its own decisions on necessary adjustments within the intersessional work programme itself.

28. The final declaration of the Eighth Review Conference refers **only** one item of continuing business explicitly to the intersessional process, although plenty of other items are implicitly intended to be taken forward. The one explicit reference occurs in paragraph 46:

*The Conference welcomes the discussions that have taken place during the intersessional process and stresses the necessity to build on these discussions throughout the next intersessional process in order to operationalize further the provisions of Article VII.*

It follows that the item 'further operationalization of the provisions of Article VII' should be on the agenda of the annual meeting. This leaves open the question of whether it should also be considered in a Working Group meeting every year, or alternate years, or be a standing or – as in 2014 and 2015 – a biennial agenda item for a Meeting of Experts if the introduction of Working Groups continues to be resisted.

29. The same range of possible options for consideration apart from the annual meeting alone –and options embracing a Working Group meeting every year, or alternate years, or a standing or biennial item for a Meeting of Experts – applies to other agenda items or issue areas which have been recommended for inclusion, in addition to S&T review and Article VII operationalization, within an abridged intersessional work programme now truncated to three years (2018, 2019 and 2020) instead of four. These agenda items or issue areas include:

- Cooperation and assistance with particular reference to Article X

- Confidence-building measures
- Compliance measures
- Providing reassurance in implementation
- Consultative processes with particular reference to Article V
- Strengthening national implementation
- Preparedness and assistance in capacity-building
- Codes of conduct
- Biosafety and biosecurity

30. It is evident that several of these possible agenda items or issue areas overlap and could be combined. Thus, there could be advantage in addressing three broader groupings which include these individual agenda issue areas, such as:

- Effective implementation of the Convention embracing strengthening national implementation, codes of conduct, biosafety and biosecurity and preparedness and assistance in capacity-building.
- Providing reassurance in implementation embracing compliance measures, confidence-building measures, and consultative processes with particular reference to Article V.
- Cooperation and assistance, with particular reference to Article VII and to Article X.

The art of combination to effect a ‘delicate balance’ between issue areas selected for consideration has a long history in the review process of the Convention. However, the same history illustrates the danger that the notion of a ‘delicate balance’ can be invoked for negative purposes, to hold back progress within an intersessional work programme. Given this controversial background, selection of issue areas is less likely to represent an objective assessment of the needs of the Convention up to 2021 than to be a trade-off reflecting the immediate interests and preferences of the States Parties, and Groups of States Parties, most active in the annual meeting of 4-8 December 2017 and the outcome of tough negotiation culminating at that meeting.

31. It may not be necessary, in December 2017, to elaborate sets of topics and sub-topics for each agenda item if agreement can be found on the broad issue areas to be included in the intersessional work programme as agenda items, and on the forum – a single Meeting of Experts, or several Working Groups – within which they are to be taken forward in 2018, 2019 and 2020. Too much detail could stifle the annual meeting when it will have to work hard, in the maximum five days allowed, to agree an intersessional work programme even in outline. Careful thought must also be given to methods (such as the possible use of Rule 28) which might enable the annual meeting to overcome continuing obstructions to consensus, given the experience of November 2016.

32. Attention therefore needs to be given prior to the Meeting of States Parties in December 2017 to the fact that past precedents show that this meeting will be adopting at its opening session the rules of procedure *mutatis mutandis* agreed at the Eighth Review Conference. As consensus was so hard to obtain at the Eighth Review Conference, States Parties need to give consideration to Rule 28 which specifically states in regard to **A. Adoption of Decisions** that:

*2. ..., every effort should be made to reach agreement on substantive matters by means of consensus. There should be no voting on such matters until all efforts to achieve consensus have been exhausted.*

*3. If, notwithstanding the best efforts of delegates to achieve consensus, a matter of substance comes up for voting, the President shall defer the vote for 48 hours and during this period of deferment shall make every effort, with the assistance of the General Committee, to facilitate the achievement of general agreement, and shall report to the Conference prior to the end of the period.*

*4. If by the end of the period of deferment the Conference has not reached agreement, voting shall take place and decisions shall be taken by a two thirds majority of the representatives present and voting, providing that such majority shall include at least a majority of the States participating in the Conference.*

As the Meeting of States Parties in 2017 is to last for a maximum of five days, States Parties will need to prepare for this meeting in such a way that a determination as to whether consensus can be reached on the substantive matters that this meeting needs to address can be made by **no later** than midday on Wednesday – and probably better by Tuesday evening – so that a period of 48 hours can elapse prior to voting on the substantive matters.

33. It should be noted by the States Parties to the BTWC in considering the process of voting on decisions that the Chemical Weapons Convention (CWC) has similar rules of procedure making provision for voting on decisions which have been used on more than one occasion. It is accepted by States Parties to the Chemical Weapons Convention that voting is an extreme measure, to be used only on rare occasions. Nevertheless it **has** been used, in 2011 and again in 2016, and the Chemical Weapons Convention has continued to function effectively. So too, should voting become necessary, can the Biological and Toxin Weapons Convention continue to function effectively.

34. The possibility of BTWC States Parties resorting to a vote under the provisions of Rule 28 requires a “*matter of substance*” (paragraph 3 of Rule 28) to be voted on, and in December 2017 this “*matter of substance*” is most likely to be the adoption of a Draft Decision on a programme of work and a structure for the intersessional process, together with provisions for the number and duration of its meetings, their functions and financing and reporting arrangements, rotation of office-holders and their coordination, complementary to the rotation of office-holders already laid down by the Eighth Review Conference for the annual meetings of States Parties from 2017 to 2020. Such a Draft Decision will need to be assured of near-universal support, across the range of States Parties. This in turn assumes that prior negotiation, culminating at or very soon after the opening of the annual meeting on 4 December 2017, will have resulted in something like a ‘package deal’ for the intersessional process: a Draft Decision on which almost all States Parties are agreed, and to which they are committed with sufficient conviction to accept the political costs of voting down an intransigent blocking minority – or even a single State Party – which stands in the way of reaching consensus without a vote.

## **Concluding remarks**

35. The Eighth Review Conference was undoubtedly the best prepared of all the Review Conferences with its enhanced and extended Preparatory Committee. States Parties had clearly shown their determination to strengthen the effectiveness of the Convention through the 14 Working Papers submitted to the Meeting of States Parties in December 2015, many of which were looking ahead to the Review Conference, the 39 Working Papers submitted to the Preparatory Committee and the 44 Working Papers submitted to the Review Conference itself. Particularly welcome was the fact that several of these Working Papers were co-authored by States Parties across Group boundaries. And the number of contributions made by States Parties both at the Preparatory Committee meetings and in the General Debate at the Review Conference itself quite rightly raised expectations that the Eighth Review Conference would conclude with a solemn declaration and Article by Article language with extended understandings that strengthened the effectiveness of the Convention together with Decisions and Recommendations that would have resulted in an intersessional programme with an effective science and technology review mechanism as well as working groups on reassurance in implementation and on cooperation and assistance.

36. The actual outcome was indeed disappointing and demonstrated that a single State Party could block a satisfactory outcome. For the future, States Parties will need to be prepared to use the provisions that they have to vote on matters of substance should a consensus not be forthcoming. It is evident from the Eighth Review Conference that the vast majority of the States Parties are indeed keen to make the Biological and Toxin Weapons Convention stronger and more effective to the benefit of international peace and security and thus to all of us.

The logo for HSPPOP, featuring the letters 'HSP' in white and 'POP' in blue, set against a tan background.

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

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