

Working Group on the Strengthening of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

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Agenda item 6

Identifying, examining and developing specific and effective measures, including possible legally-binding measures, and making recommendations to strengthen and institutionalize the Convention in all its aspects within the mandate of the Working Group

"Food for Thought" Non-Paper by the Friends of the Chair for the development of a Mechanism to Assess Scientific and Technological Developments Relevant to the BWC and Provide States Parties with Relevant Advice

1. Rapid advances in the life sciences – including convergences with other fields, such as artificial intelligence, additive manufacturing, and robotics – pave the way for applications of biological technologies that are easier, cheaper, faster, and more accessible. These developments offer unprecedented opportunities, including ways of furthering the Convention's aims, but may also increase proliferation and security risks and have implications for the long-term effectiveness of the BWC.
2. There are common understandings, having evolved over several intersessional processes, that these developments necessitate strengthening of the BWC across several areas, including in assistance and cooperation, national implementation, response and preparedness, enhancing confidence in compliance as well as reviewing developments in science and technology.
3. Keeping pace with science and technology is an important part of the Convention, as highlighted in Article XII that calls on States Parties to "take into account any new scientific and technological developments relevant to the Convention." BWC States Parties have emphasized over the years the strong benefits of a Science and Technology (S&T) review process within the framework of the Convention as a cross-cutting issue that would support implementation of the BWC as a whole, with a broad convergence around the principle if not the details of such a process. These areas of convergence include the need for a structured S&T review in general as well as the need for geographical diversity, inclusivity, effectiveness and practicality, a broad range of scientific expertise, independence from political influence, and adequate resources. Divergences exist on a few matters, but there are strong indications that reaching common understanding is possible.
4. There have been many national and cross-regional efforts over the years to find the most suitable approach to a regular science and technology review process. Great detail has been provided in these efforts and progress made towards identifying an approach that is both practical and inclusive and which has widespread support. The review mechanism should have tangible results for the States Parties and its work should be formulated in a way that could necessarily cover both potential risks and benefits in a balanced manner. This work comes from over a decade of ideas and deliberations, including from individual States Parties, MX2 Chairs, dedicated surveys, workshops, analyses from UNIDIR and the Federation of American Scientists, and facilitators for science and technology issues.

5. The 9th RevCon, in paragraph 19 of Section III of the Final Document, decided “to develop with a view to establishing a mechanism to review and assess scientific and technological developments relevant to the Convention and to provide States Parties with relevant advice. In order for this mechanism to be established, the Working Group on the strengthening of the Convention will make appropriate recommendations.”

6. There is widespread support for a mechanism that provides advice to States Parties on scientific and technological developments relevant to the Convention, and is open to all States Parties, based on an appropriate geographic and gender balance. The draft elements for agreement below propose to name the mechanism once established a “Science and Technology Advisory Board”, though a different name may be found that is more suitable.

7. Such a Science and Technology Advisory Board would be based on a two-tier model that consists of two bodies:

(a) An Open-ended Science and Technology Advisory Group, open to all States Parties, and

(b) A limited-size Science and Technology Reporting Committee whose members are nominated from the open-ended Science and Technology Advisory Group.

The work of both bodies of the Science and Technology Advisory Board should never lead to limit or hamper scientific evolution for peaceful purposes and/or life-saving achievements

Either group should be able to establish temporary working groups with narrowly defined mandates, if specific technical expertise is necessary. Finally, such a process must have adequate administrative and practical support from the Implementation Support Unit through the creation of a position of a Science and Technology Officer.

8. Below are some of the elements that such a two-tier body could entail:

Draft Elements for Agreement

BWC Science and Technology Advisory Board

I. Role and Functions

1. The role of the Science and Technology Advisory Board, consisting of an open-ended Science and Technology Advisory Group and a limited-size Science and Technology Reporting Committee, shall be to assist States Parties by providing specific subject-matter advice on scientific and technological developments relevant to the Convention.
2. The Science and Technology Advisory Board shall consider only scientific and technological issues of interest to States Parties and relevant to the Convention. For each Review Conference they shall prepare a broad study of the implications of developments in science and technology for the Convention. Other specific issues for annual review and assessment are to be decided by the annual Meetings of States Parties, taking into account any guidance that may be provided by the Review Conference. Specific topics could be proposed by the Science and Technology Advisory Board or by States Parties.
3. The reports from the two bodies of the Science and Technology Advisory Board to the States Parties shall objectively reflect expert discussions, including different views, provide scientifically grounded analyses and conclusions, and forward recommendations.
4. The functions of the two bodies include the following:
 - a) to monitor, assess, and report on scientific and technological developments relevant to the Convention and their potential implication for the implementation of the Convention;
 - b) to assist States Parties' individual and collective decision-making by providing them with scientific and technological advice for their consideration; and
 - c) In particular, both bodies of the Science Advisory Board shall provide advice in the following areas:
 - i. scientific and technological developments that could pose a significant risk of use for purposes contrary to the Convention's objectives and its articles;
 - ii. scientific and technological developments that could provide significant benefits for the strengthening and implementation of the Convention;
 - iii. developments in national and international governance of science and technology to promote benefits and minimize risks;
 - iv. any other scientific and technological developments of relevance to the Convention.

II. Structure and composition

5. The Science and Technology Advisory Board consists of an open-ended Science and Technology Advisory Group and a limited-size Science and Technology Reporting Committee and, if needed, temporary working groups with narrowly defined mandates. The members of the Science and Technology Advisory Board shall serve in their individual capacities as independent experts who would be appointed for a term of 3 years, renewable once.
6. The open-ended Science and Technology Advisory Group and the limited-sized Science and Technology Reporting Committee shall strive to provide relevant scientific and technical expertise drawing on a broad range of specialties, with due consideration to adequate geographic diversity, gender balance and political independence. Only citizens of

States Parties are eligible to be members of either group of the Science and Technology Advisory Board, or of any temporary working group that might be established.

A. Open-Ended Science and Technology Advisory Group

7. The open-ended Science Advisory Group ensures the inclusive and objective character of the overall advisory process. It considers each study topic and provides its technical findings as “food-for-thought” for the limited-size Science and Technology Reporting Committee.

8. All States Parties may nominate experts to participate in the deliberations of the open-ended Science and Technology Advisory Group. Each nominated expert should have a background in a relevant field. Experts nominated to the open-ended Science and Technology Advisory Group are accepted as members at the next meeting of the Group.

9. On the basis of the discussions in the open-ended Science and Technology Advisory Group, the limited-size Science and Technology Reporting Committee shall consider the same study topics and prepare a consensus report to the States Parties with findings and recommendations, to be presented to the next Meeting of States Parties. In circumstances where efforts to achieve consensus are exhausted, the group will reflect areas of divergence in the report.

B. Science and Technology Reporting Committee

10. The Science and Technology Reporting Committee shall consist of up to 30 members, who would be appointed for a term of 3 years, renewable once. The membership shall reflect a broad range of scientific and technical qualifications, balanced representation of the principal areas of the world, and gender balance. The members of the Committee shall serve in their individual capacities as independent experts.

11. The list of nominees for membership in the Science and Technology Reporting Committee shall be compiled by the Chair of the open-ended Science and Technology Advisory Group, upon receiving proposed nominations from interested States Parties, and reflecting consultations conducted with the BWC Bureau, taking into consideration the need for pertinent expertise as well as appropriate balance as stated in paragraph 10. Any State Party would be able to propose experts for nominations. The list of all nominations shall be made available to States Parties with the help of the Science and Technology Officer of the Implementation Support Unit.

12. Nominees shall become members of the Science and Technology Reporting Committee upon completion of a one-month silence procedure within the open-ended Science and Technology Advisory Group from the time of their nomination. Their membership should be based on their demonstrated expertise in particular scientific fields relevant to the implementation of the Convention and their qualifications and experience, taking into account their publications, scientific, academic or professional activities and distinctions, with due regard to ensuring a broad range of relevant specialties. With a view to promoting geographic diversity, special attention should be given to equitable representation of all regions and to experts from countries whose experts have not previously participated in the Science and Technology Reporting Committee.

C. Temporary Working Groups

13. States Parties may establish a temporary working group for a limited time and with a clearly stated mandate to provide advice within a specific time-frame on a specific scientific or technological issue relevant to the Convention that requires in-depth study and participation by outside experts. The Chair of either body of the Science and Technology Advisory Board, after consulting with their body, may propose to States Parties to establish

such a temporary working group. The temporary working group could then be established by the next Meeting of States Parties.

14. A temporary working group shall have no more than 20 members. Members must be citizens of States Parties to the Convention.

15. Each temporary working group shall be chaired by a member of the advisory body which proposed the temporary advisory group and conduct its discussions in close coordination with his/her advisory group. Members of a temporary working group would be nominated by interested States Parties or the Chair of the group that initiated the temporary working group and the nomination considered by the Chair of the open-ended Science and Technology Advisory Group, based on relevant expertise and, if appropriate, in close coordination with the Chair of the Science and Technology Reporting Committee. The Science and Technology Officer in the ISU may provide recommendations as to which expertise would be most pertinent to the subject matter under consideration in the temporary working group.

16. The Chair of a temporary working group may invite additional relevant subject matter experts from academia, research institutions, industry and other relevant organisations to support its work through inter alia participation at, and contributions to, its meetings.

III. Independence

17. Maintaining the independence of the advisory process from political influence is essential for its credibility and long-term value. Members of the open-ended Science and Technology Advisory Group, limited-size Science and Technology Reporting Committee or any temporary working group shall serve in an individual capacity as independent experts. If for any reason a member of any of the groups is unable to take part in its work, a replacement shall be appointed according to the same procedure stipulated above.

18. Drawing on experience from other advisory bodies to best ensure independence, experts should be required to make relevant declarations and disclosures and assurances of confidentiality. Other safeguards that may be utilized include terms of reference, confirmation of scientific qualifications and requirements, appropriate selection and funding procedures, and similar provisions. The safeguards for the advisory process could include a specific provision on conflict of interests and a code of conduct developed in line with the Tianjin Guidelines.

IV. Resources

19. The open-ended Science and Technology Advisory Group and the limited-size Science and Technology Reporting Committee should each hold at least one in-person meeting per year. Additional meetings could, for reasons of budget and flexibility, be in-person or virtual, as appropriate.

20. States Parties' assessed contributions should cover one meeting per year of the open-ended Science and Technology Advisory Group and one ISU Science and Technology Officer. The costs for the limited-size Science and Technology Reporting Committee, including travel costs, should be covered by States Parties' assessed contributions. Additional activities, including temporary working groups, if further decided, could be funded by a combination of States Parties' assessed and voluntary contributions.

V. Relationship With the Implementation Support Unit (ISU)

21. The BWC ISU shall provide support required for the preparation, organisation, and implementation of the activities of all bodies of the Science and Technology Advisory Board.

22. The ISU shall include one Science and Technology Officer, with a relevant professional qualification, as a full-time permanent position in order to provide such support.

VI. Rules of Procedure

23. The Rules of Procedure of the open-ended Science and Technology Advisory Group and the limited-size Science and Technology Reporting Committee are contained in the appendix to this Elements paper.

24. The Rules of Procedure shall apply *mutatis mutandis* to any temporary working group.

Draft Procedural Elements

I. Mode of operation

1. The open-ended Science and Technology Advisory Group and the limited-size Science and Technology Reporting Committee each appoints by consensus on an annual basis a Chair and a Vice-Chair from among its members.
2. The Chair of each advisory body, through the Chief of the Implementation Support Unit (ISU), notifies each member of his/her advisory body of a planned meeting, stating the purpose, the venue, the opening date and the expected duration of the meeting, as far in advance as possible, but at least 30 days before the opening day of the meeting. The provisional agenda is transmitted together with the notice of the meeting.
3. A provisional agenda for each meeting of the respective advisory body is prepared by its Chair. The advisory body adopts an agenda for each of its meetings on the basis of the provisional agenda submitted by the Chair. The provisional agenda may be revised, as necessary, by deferring, deleting or amending items.
4. The States Parties may include in the agenda of the advisory bodies any item of relevance to the Convention.

II. Temporary working groups

5. A temporary working group is chaired by a member of the advisory body, which has proposed the establishment of this temporary working group, appointed for that purpose by the Chair of this advisory body with other members concurring, or registering dissent without breaking consensus.
6. The Chair of the open-ended Science and Technology Advisory Group transmits to the Chair of each temporary working group a mandate setting out: (a) the specific issue to be addressed, and (b) the time within which the temporary working group must report on the issue.
7. The Chair of the temporary working group convenes meetings of the group. For this purpose, the Chair, through the Chief of the ISU, notifies each member of the temporary working group of a planned meeting, stating the purpose, the venue, the opening date and the expected duration of the meeting, at least 30 days before the opening day of the meeting.

III. Observers

8. Unless prior written approval has been obtained from the Chair of the relevant working group, observers will not be permitted to attend meetings of either advisory body.

IV. Administrative and technical support

9. The Chief of the ISU provides, through the ISU, administrative and technical support for the preparation, organisation and implementation of activities of advisory groups.

V. Languages

10. The official languages of the Science and Technology Advisory Board are Arabic, Chinese, English, French, Russian and Spanish. The working language is English. Interpretation is arranged by the ISU.

VI. Reports

11. The Science and Technology Advisory Board provides to States Parties a combined annual report of the activities of all its bodies, including an account of their contributions during the year.

12. The combined report includes the reports of the open-ended, limited-size, and – if applicable – temporary working groups covering the reporting year. The combined report is adopted by consensus. Conclusions and recommendations are developed by consensus. If consensus on the conclusions and recommendations cannot be achieved, the report reflects on diverging views, as appropriate.
