

Recommendations of the Steering Committee of the Pugwash Study Group on the Implementation of the Chemical and Biological Weapons Conventions for the Seventh Review Conference of the States Parties to the Biological and Toxin Weapons Convention

All nations have a common interest in the strengthening and effective implementation of the Biological and Toxin Weapons Convention (BWC). There is an increased concern globally about the consequences of disease whether induced naturally or deliberately. The 1972 Convention and the Review Conferences of 1980, 1986, 1991, 1996, 2001-2 and 2006 have reinforced the international norm against the possession and use of biological and toxin weapons, embracing all developments in the life sciences and in other fields of science relevant to the Convention. The prohibition is comprehensive in its scope. 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.

The points that we outline in the following represent our view of what are realistically achievable at the Seventh Review Conference.

1. Universalization of the Convention.

The Biological and Toxin Weapons Convention currently has 165 States Parties and 12 Signatory States. 19 States have neither signed nor acceded to the Convention. The Chemical Weapons Convention has 188 States Parties and 2 Signatory States. Whilst successive Chairs of the BWC annual Meetings have made some progress since the Sixth Review Conference in 2006, it is evident that **more** is required in future.

We recommend that the States Parties at the Seventh Review Conference should take steps to provide high level leadership and a sustained committed attention to universalization throughout the period to the Eighth Review Conference and for reports on progress to be made not only to the annual Meetings of States Parties but also to the Eighth Review Conference. This could be by appointing either a troika made up of the President of the Seventh Review Conference, the Chair of the Committee of the Whole and the Chair of the Drafting Committee, in close cooperation with the Russian Federation, the United Kingdom and the United States as Depositaries, and supported by the Implementation Support Unit, or, alternatively, a Special Representative for Universality, similar to that proposed in the OPCW Advisory Panel Report in July 2011.

2. The Intersessional Process.

The annual meetings have been very successful in sharing information on the topics that had been considered since the Sixth Review Conference. However, it is becoming clear that for the next intersessional period there would be advantages in supporting the annual meetings by standing working groups on subjects such as science and technology, on Confidence-Building Measures, and on compliance with all the provisions of the Convention. It is also recognized that the annual Meeting of States Parties should be able to request that such standing working groups carry out further work – and thus that the annual Meeting of States

Parties should have some decision making and delegation powers where appropriate and on the basis of consensus.

We recommend that the States Parties at the Seventh Review Conference should agree that there should be annual Meetings of States Parties during the intersessional period that are prepared for by standing working groups and meetings of experts. These annual meetings should take decisions where appropriate on the basis of consensus.

3. National Implementation together with Education and Outreach.

Although the Sixth Review Conference in 2006 recognised the importance of national implementation by reaffirming *the commitment of States Parties to take the necessary national measures* and also reaffirmed *that the enactment and implementation of necessary national measures ... would strengthen the effectiveness of the Convention*, it is evident that more is needed. In addition, it has become evident that the level of awareness and education of life scientists around the world as to their obligations under the Convention is inadequate given the dual use nature of the knowledge and materials related to biological weapons.

We recommend that the States Parties at the Seventh Review Conference should adopt an Action Plan with an interim target that two thirds of the States Parties to the Convention shall have adopted effective national implementation legislation by the time of the Eighth Review Conference. Furthermore, the States Parties should take action to implement effective education of and outreach to all those engaged in the life sciences so that they are aware of their national and international obligations not to misuse the life sciences. The ISU should be charged with being a focal point for the coordination, on the technical level, of these efforts.

4. Confidence-Building Measures Regime.

The present CBM regime was agreed at the Third Review Conference in 1991. It is now evident the regime needs to be amended and made more effective for today's world. Since the Sixth Review Conference in 2006 there has been much debate during the intersessional period about the Confidence-Building Measures regime in side sessions and using an e-panel.

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

5. Advances in Science and Technology.

It is recognized that the present system – in which information on advances in science and technology is provided in a background paper for the Review Conference but is not adequately discussed or considered at the Review Conference – is inadequate for today's world in which the developments in science and technology have important implications for **all** the Articles of the Convention and need to be considered more frequently by States Parties. Furthermore, we recognize that the rapid convergence of chemistry and biology

requires that steps be taken to promote cross-fertilization between the BWC and CWC regimes in this area and we welcome the recent first steps to do this.

We recognise that the ability of the BWC regime to consider the relevant advances and developments in science and technology is of vital importance to ensuring the continuing viability and relevance of the Convention. Consequently, we recommend that the States Parties at the Seventh Review Conference should agree to set up a standing working group of scientific and technical experts open to all States Parties to address specific topics identified by the Review Conference and then the annual Meetings of States Parties and to report on the implications for all Articles of the Convention, with a view to the strengthening of the Convention, of the advances in the particular area of science and technology. Further cooperation with the OPCW in this field is strongly encouraged.

6. International Cooperation and Assistance.

Although there are extensive cooperation and assistance programmes between the States Parties, it is clear that more needs to be done to demonstrate the implementation of Article X of the Convention. In this respect, we particularly recognise the importance of both North-South and South-South cooperation and its value in capacity building and preparedness.

We recommend that the implementation of Article X should be considered during the intersessional period as one of the priority issues with a view to identifying ways and means of fostering international cooperation in the peaceful applications of biology relevant to the Convention. We further recommend that the States Parties at the Seventh Review Conference should agree that the Implementation Support Unit should have a reasonable addition to its staff to operate a clearing house mechanism on international cooperation and assistance and that the ISU shall report to each annual Meeting of States Parties. In addition, the ISU should benefit from and build upon the experience gained by the clearing house to promote international cooperation established almost 20 years ago for the Convention on Biological Diversity.

7. Compliance and demonstration of compliance.

It is recognised that almost 40 years after the Biological and Toxin Weapons Convention opened for signature that it is timely to consider what sort of measures to demonstrate compliance with the obligations of the Convention should be in place in 2020.

We recommend that the States Parties at the Seventh Review Conference should agree to set up a standing working group to consider a conceptual discussion of what measures would demonstrate compliance, and how clarification might be obtained in respect of any queries regarding compliance. It could with advantage look ahead to what sort of compliance regime the Convention should have a decade or so into the future. It could suggest that promising approaches to improve compliance could be evaluated on a voluntary trial basis by States Parties with consideration being given subsequently to how these might be implemented by all States Parties.

8. The Implementation Support Unit.

There has been universal praise for the work carried out by the Implementation Support Unit since its launch on 20 August 2007. However, it should be noted that because of its current limited staff, it is currently unable to accept between one-third and one-half of the requests that it received to assist States Parties in the implementation of the Convention. There is no doubt that the mandate for the Implementation Support Unit needs to be extended and expanded to carry out the tasks agreed by the Seventh Review Conference.

We recommend that the States Parties at the Seventh Review Conference should agree to the continuation of the ISU and give it an appropriate mandate and resources to carry out the decisions taken and the tasks set out in the Final Document of the Seventh Review Conference.

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