

2. BWC Documents

Included in this section of the Briefing Book are BWC documents from previous review conferences and meetings. Documents of the Seventh Review Conference will be posted on the website of the Implementation Support Unit (ISU) at <http://www.unog.ch/bwc> and will be distributed to all delegations at the Review Conference.

Articles XII of the BWC includes provision for a review of the operation of the Convention, with a view to assuring that the purposes of the preamble and the provisions of the Convention are being adequately realised. While the treaty itself only provides that a review conference will be held within the first five years after its entry into force, States Parties agreed at the First Review Conference in 1980 to convene a second review conference, and since 1986 the approximately five-yearly pattern has been maintained.

Review Conferences

States Parties have formally reviewed the operation of the BWC at review conferences held in 1980, 1986, 1991, 1996, 2001/2002 and 2006. During these review conferences, States Parties have reaffirmed that the scope of the Convention extends to new scientific and technological developments, and have also instituted confidence-building data-exchanges in order to enhance transparency and strengthen the BWC. Review conferences, other than the Fifth, adopted additional understandings or agreements that have interpreted, defined or elaborated the meaning or scope of a BWC provision, or that have provided instructions, guidelines or recommendations on how a provision should be implemented. These additional understandings are contained in the Final Declarations of the Review Conferences, copies of which are provided in this section of the Briefing Book. The table below provides information on each of the review conferences:

| Review Conference | Dates | President |
|--------------------------|---|---------------------------------------|
| First Review Conference | 3 rd -21 st March 1980 | Oscar Vaernø (Norway) |
| Second Review Conference | 8 th -26 th September 1986 | Winfried Lang (Austria) |
| Third Review Conference | 9 th -21 st September 1991 | Roberto García Moritán (Argentina) |
| Fourth Review Conference | 25 th November- 6 th December 1996 | Michael Weston (UK) |
| Fifth Review Conference | 19 th November-7 th December 2001 11 th -22 nd November 2002 | Tibor Tóth (Hungary) |
| Sixth Review Conference | 20 th November-8 th December 2006 | Masood Khan (Pakistan) |

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| Seventh Review Conference | 5 th -22 nd December 2011 | Paul van den IJssel (the Netherlands) |
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Copies of the Final Declarations from the First, Second, Third, Fourth and Sixth Review Conferences are provided in this section of the Briefing Book. For reasons of space, only the Final Declarations (Part II of the Final Document) have been included but copies of the full Final Documents are on the ISU website. The Fifth Review Conference did not adopt a Final Declaration; instead this section includes the final report adopted in 2002 and the interim report of the 2001 session. Also included in this section is the Report of the Preparatory Committee for the Review Conference held in April 2011. This document contains the draft Rules of procedure for the Review Conference.

Confidence-Building Measures (CBMs)

At the Second Review Conference in 1986, States Parties agreed to exchange information annually on areas of relevance to the BWC, to encourage publication of results of relevant biological research and to promote contacts between scientists. The modalities for this information exchange were developed at an Ad Hoc Meeting in 1987, and States Parties were first required to submit CBMs to the UN in 1987. The Third Review Conference in September 1991 clarified the mechanism and extended the types of information to be exchanged.

Following the Sixth Review Conference, some States Parties have posted their recent CBM returns on a public section of the ISU website. There is a further area of that website which hosts additional CBM returns which are accessible only to States Parties. This section of the Briefing Book contains the report of the 1987 Ad Hoc Meeting and the CBM forms as revised in 1991. The current CBMs are listed in the following table:

| Confidence-Building Measures | |
|------------------------------|--|
| A | Exchange of data on research centres and laboratories that meet very high national or international safety standards, established for handling, for permitted purposes, biological materials that pose a high individual and community risk or specialise in permitted biological activities directly related to the Convention |
| B | Exchange of information on all outbreaks of infectious diseases and similar occurrences caused by toxins that seem to deviate from the normal pattern |
| C | Encouragement of publication of results of biological research directly related to the Convention, in scientific journals generally available to States Parties, as well as promotion of use for permitted purposes of knowledge gained in this research |
| D | Active promotion of contacts between scientists engaged in biological research directly related to the Convention, including exchanges for joint research on a mutually agreed basis |
| E | Declaration of legislation, regulations or other measures taken to implement the Convention, including (i) implementation of prohibition on the development, production, stockpiling, acquisition or retention of microbial or other biological agents, or toxins, weapons, equipment and means of delivery, specified in Article I; and (ii) export and import controls |
| F | Declaration of past activities in offensive and/or defensive biological research |

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| | and development programmes since 1 January 1946 |
| G | Declaration of facilities, both governmental and non-governmental, producing vaccines licensed for the protection of humans |

States Parties have agreed to submit their CBMs to the UN Office for Disarmament Affairs (UNODA) by 15 April each year. In recent years, UNODA has encouraged the electronic submission of CBMs by States Parties. More information on preparing and submitting CBMs is on the ISU website at <http://www.unog.ch/bwc>.

Strengthening the BWC – VEREX and the Ad Hoc Group

At the Third Review Conference it was agreed to create an Ad Hoc Group of Governmental Experts (known as VEREX) that would identify, examine, and evaluate potential verification measures, from a scientific and technical standpoint. VEREX would explore the utility of such mechanisms for determining whether a State Party was developing, producing, stockpiling, acquiring or retaining microbial or other biological agents or toxins, of types and in quantities that have no justification for prophylactic, protective or peaceful purposes or weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict. This group of experts met four times in 1992 and 1993 to complete its work and submitted a consensus report which was circulated to all States Parties. A copy of the final report is provided in this section of the Briefing Book.

A majority of States Parties called for a Special Conference to discuss the final report and consider further actions, as provided in VEREX's mandate. The Special Conference, held in September 1994, agreed to establish an Ad Hoc Group, open to all, to "consider appropriate measures, including possible verification measures, and draft proposals to strengthen the Convention, to be included, as appropriate, in a legally binding instrument, to be submitted for the consideration of the States Parties." A copy of the Final Declaration of the Special Conference is provided in this section of the Briefing Book.

The Special Conference mandated the Ad Hoc Group to consider inter alia four areas: definitions of terms and objective criteria; incorporation of existing and further enhanced confidence-building and transparency measures, as appropriate, into the regime; a system of measures to promote compliance with the Convention; and specific measures designed to ensure the effective and full implementation of Article X on international cooperation and exchange in the field of peaceful activities.

At the Fourth BWC Review Conference in 1996, the States Parties considered the work of the Ad Hoc Group and the progress made thus far was welcomed. The Review Conference also encouraged the Ad Hoc Group to conclude its work on the legally-binding instrument at the latest by the Fifth Review Conference to be held in 2001. Within the Ad Hoc Group, States Parties negotiated a 'rolling text' of a draft protocol. With many differences remaining between States Parties at the beginning of 2001, the Chairman of the Ad Hoc Group, Ambassador Tibor Tóth of Hungary introduced a compromise text (often referred to as the 'composite text') in March 2001 addressing the many different views on certain issues to act as a stimulus to the conclusion of the negotiations. Copies of the incremental versions of the 'rolling text' are on the internet at <http://www.opbw.org> and a copy of the 'composite text' is at <http://www.opbw.org/ahg/docs/CRP8.pdf>

However, at its 24th session in July/August 2001, which was the last scheduled session before the Fifth Review Conference, the Ad Hoc Group was unable to conclude the negotiations on the draft protocol and was also unable to adopt a report for submission to the Fifth Review Conference.

The Inter-Sessional Process

The Fifth Review Conference convened in December 2001, but disagreement over certain issues, especially the fate of the Ad Hoc Group, led to the Conference being suspended for one year. When it reconvened in November 2002, the Fifth Review Conference decided to hold annual meetings of States Parties over the inter-sessional period leading up to the Review Conference in 2006 to discuss and promote common understanding and effective action on:

- i. The adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation;
- ii. National mechanisms to establish and maintain the security and oversight of pathogenic microorganisms and toxins;
- iii. Enhancing international capabilities for responding to, investigating and mitigating the effects of cases of alleged use of biological or toxin weapons or suspicious outbreaks of disease;
- iv. Strengthening and broadening national and international institutional efforts and existing mechanisms for the surveillance, detection, diagnosis and combating of infectious diseases affecting humans, animals, and plants; and
- v. The content, promulgation, and adoption of codes of conduct for scientists.

Topics i and ii were considered in 2003, topics iii and iv in 2004 and topic v in 2005. Each of the meetings was preceded by a two-week meeting of experts.

| Meeting | Dates | Chairman |
|--------------------------------|--|-----------------------------|
| 2003 Meeting of Experts | 18 th -29 th August 2003 | Tibor Tóth (Hungary) |
| 2003 Meeting of States Parties | 10 th -14 th November 2003 | Tibor Tóth (Hungary) |
| 2004 Meeting of Experts | 19 th -30 th July 2004 | Peter Goosen (South Africa) |
| 2004 Meeting of States Parties | 6 th -10 th December 2004 | Peter Goosen (South Africa) |
| 2005 Meeting of Experts | 13 th -24 th June 2005 | John Freeman (UK) |
| 2005 Meeting of States Parties | 5 th -9 th December 2005 | John Freeman (UK) |

In the final document of the Sixth Review Conference, it simply “notes” that the meetings “functioned as an important forum for exchange of national experiences and in depth deliberations among States Parties” and that they “engendered greater common understanding on steps to be taken to further strengthen the implementation of the Convention”. The Conference “endorses the consensus outcome documents” from the Meeting of States Parties.

The Sixth Review Conference agreed to establish a second Inter-Sessional Process. The topics agreed upon were:

- i. Ways and means to enhance national implementation, including enforcement of national legislation, strengthening of national institutions and coordination among national law enforcement institutions;

- ii. Regional and sub regional cooperation on BWC implementation;
- iii. National, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins;
- iv. Oversight, education, awareness raising, and adoption and/or development of codes of conduct with the aim to prevent misuse in the context of advances in bio science and bio technology research with the potential of use for purposes prohibited by the Convention;
- v. 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; and
- vi. 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.

Topics i and ii were dealt with in 2007, iii and iv in 2008, v in 2009, and vi in 2010. For the second Inter-Sessional Process, the Meetings of Experts for each year was reduced to one week.

| Meeting | Dates | Chairman |
|--------------------------------|--|--------------------------|
| 2007 Meeting of Experts | 20 th -24 th August 2007 | Masood Khan (Pakistan) |
| 2007 Meeting of States Parties | 10 th -14 th December 2007 | Masood Khan (Pakistan) |
| 2008 Meeting of Experts | 18 th -22 nd August 2008 | Georgi Avramchev (FYROM) |
| 2008 Meeting of States Parties | 1 st -5 th December 2008 | Georgi Avramchev (FYROM) |
| 2009 Meeting of Experts | 24 th -28 th August 2009 | Marius Grinius (Canada) |
| 2009 Meeting of States Parties | 7 th -11 th December 2009 | Marius Grinius (Canada) |
| 2010 Meeting of Experts | 23 rd -27 th August 2010 | Pedro Oyarce (Chile) |
| 2010 Meeting of States Parties | 6 th -10 th December 2010 | Pedro Oyarce (Chile) |

The Seventh Review Conference is tasked with considering the work of these meetings and deciding whether any further action will be taken. The programmes within the two inter-sessional periods have been broadly considered a success. It is possible that any new inter-sessional activities agreed upon by the Seventh Review Conference could be based upon what has gone before or could have new topics or other characteristics. Copies of the key parts of the reports adopted by each of the Meetings of States Parties are provided in this section of the Briefing Book.

Science & Technology Background documents

From 2008, prompted in part by the topics under discussion that year, the ISU has produced background documents on relevant developments in scientific and technological fields. One of the implications of the rapid developments in the life sciences is that it can be difficult for non-specialists to identify and follow key advances that may have implications for the BWC. The ISU papers in this series from 2008, 2009 and 2010 are provided in this section of the Briefing Book.