

Developing Practical Proposals for the BWC Seventh Review Conference in 2011

A workshop was held in Montreux, Switzerland on the weekend of 9 to 10 April 2011 to consider *Developing Practical Proposals for the Seventh Review Conference of the Biological Weapons Convention*. This was organized and co-hosted by Norway, Indonesia and the BWC Implementation Support Unit (ISU).

It was attended by 51 participants from 25 countries (Algeria, Australia, Brazil, Canada, China, Cuba, Germany, Hungary, India, Indonesia, Iran, Japan, Kenya, Mexico, Netherlands, Norway, Pakistan, Philippines, Russian Federation, South Africa, Switzerland, Turkey, Ukraine, United Kingdom and the United States) and nine organizations (BWC Implementation Support Unit (ISU), Carleton University, European Union, InterAcademy Panel (IAP), International Federation of Biosafety Associations, London School of Economics (LSE), Organisation for the Prohibition of Chemical Weapons (OPCW), University of Bradford, and VERTIC). The workshop programme and co-chairs summary are available at: <http://www.unog.ch/>.

The opening session was addressed by Ambassador Dian Triansyah Djani of Indonesia, by Ambassador Bente Angell-Hansen of Norway and by Richard Lennane, Head of the Implementation Support Unit.

Ambassador Djani said that Indonesia was delighted – together with Norway and the Implementation Support Unit – to be co-hosting this workshop in Montreux on developing practical proposals for the Seventh Review Conference of the Biological Weapons Convention (BWC). He saw the workshop as providing the opportunity to develop ideas for the BWC for the next five years.

Ambassador Ansell-Hansen said that the Seventh Review Conference needed very substantive proposals to help ensure that it was successful. She felt that the Seventh Review Conference was taking place at a new constructive time in multilateral arms control negotiations. She noted a number of areas in which progress could be made following the work programme agreed in 2006: education, CBMs, keeping pace with rapid developments in science and technology, the implications of Article X and the importance of a strong ISU.

Richard Lennane thanked Norway for its very generous financial support of the workshop. He noted that it was the third in a series that had begun at Wilton Park last September, then in Beijing in November, and now at Montreux. He emphasized that all discussion was under Chatham House rules and nothing said in the discussions would be attributed to individuals. He said that his aim would be to provide participants with a hard copy of the summary outcome on Sunday afternoon.

Session 1 provided an *Introduction and Overview: six areas of action for a successful Review Conference*. Introductory remarks were made by Yang Yi of China, by Ambassador Paul van den IJssel of the Netherlands (President-Designate of the Seventh Review Conference) and by Ambassador Masood Khan of Pakistan (who was the President of the Sixth Review Conference in 2006).

Yang Yi of China said that the Seventh Review Conference provided a crucial opportunity to strengthen the BWC. She noted that the workshop held in Beijing in November 2010 – co-hosted by Canada, China and the Implementation Support Unit – had had 84 participants from 32 States Parties and 9 international and specialist organizations. It had not resulted in any conclusions or recommendations but the summary statement had identified several specific proposals for the Seventh Review Conference to consider. She concluded by saying that the key requirements for a successful Seventh Review Conference were ambitions, realism and passion.

Ambassador Paul van den IJssel of the Netherlands said that the Seventh Review Conference was a challenging opportunity. He was seeking practical proposals and encouraged participants to discuss the issues and develop solutions. He noted that six areas of practical action for a successful Seventh Review Conference were:

- the Intersessional Process
- Confidence-Building Measures
- science and technology
- the Implementation Support Unit
- international cooperation and assistance
- compliance and verification

He noted that in order to achieve success, there needed to be action in these areas, although these were not the only areas in which action was needed. He stressed that now was the time for States Parties to work out, develop and create concrete proposals. He felt that there were no serious political differences between the States Parties on the Intersessional Process, the Confidence-Building Measures, science and technology and the Implementation Support Unit. He felt also that States Parties knew where we are now, had a pretty good idea of where we want to go, but may not agree on how best to go. He pointed out that one approach in any given area doesn't mean that other approaches are wrong.

Ambassador Masood Khan of Pakistan said that he was glad to see that the BWC was alive and well. He said that it was very important to start early and to engage in discussions. It was important to listen carefully, as positions did change

with time, and to understand positions and perspectives. He emphasized the importance of interpersonal chemistry, saying that negotiations floundered more on mismanaged personal relationships than on the position of capitals. It was important to engage both capitals and the actors in Geneva. He suggested that capitals should be encouraged to sort out differences bilaterally. He noted that small streams of like-minded individuals could become rivers of consensus. He said it was important to move fast and not to procrastinate, as everyone was pressed for time. It was important to choose good ends. The President has to be fair and to lead the Review Conference to the outcome chosen by the States Parties. The President should work for the success of the Review Conference and consult frequently, making use of the Implementation Support Unit. He concluded by saying that what initially looks so profound and abstract is much easier to achieve in real life.

In the subsequent discussion, it was noted that another area requiring action was universalisation of the BWC, as the number of States Parties relative to the number of States Parties in the CWC had become worse over the past 5 years. Other discussion related to the purpose of the Review Conference with reference to Article XII of the Convention, although it was noted that the language in the Final Declaration of the 2006 Review Conference in regard to Article XII had specifically mentioned new scientific and technological developments relevant to the Convention, progress made by States Parties on the implementation of the obligations under the Convention, and progress on the implementation of the decisions and recommendations agreed upon at the Sixth Review Conference. It was also recognized that there was no sense of crisis at the Seventh Review Conference and that the actors should be able to engage with each other with confidence and that a dialogue should lead to a successful outcome.

Session 2 addressed the *Intersessional Process*, with introductory remarks being made by Ambassador Laura Kennedy of the United States.

Ambassador Laura Kennedy of the United States noted that the Sixth Review Conference in 2006 had in its Decisions and Recommendations agreed in regard to the Intersessional Process from 2007 to 2010, that *The Seventh Review Conference will consider the work and outcome of these meetings and decide on any further action*. She said that the Intersessional Process had addressed real needs, and consideration should now be given to which topics to address in future. Ideas had been put forward for a more flexible approach than in the past with broader agendas and the idea of decision making. However, she pointed out that only so many presentations can be considered in a day and a realistic approach needs to be taken as to what might actually be done at an annual meeting. On decisions, it was important that these should only be taken where necessary and where there was consensus. There was potential for expert working groups to pursue issues which should be kept separate from the annual meeting of States Parties; it was possible that there might be topics on which the annual meeting would wish the expert working group to continue to study the topic. She also pointed out that “Time is money” and this is particularly true of “meeting time in Geneva” as it could be expensive to send experts to Geneva for meetings. Proposals had been made

for expert working groups on compliance and surveillance, on science and technology and on Article X. However, working groups might not be the best way to take forward something such as Article X.

In the discussion it was noted that the Intersessional Process had started in 2003 and had been continued in 2006. It was not a permanent substitute for a strengthened Convention and the right balance had to be struck so as to achieve a consensus approach. It was felt the Intersessional Process was a way of keeping the BWC alive and vitalized. It was suggested that the Intersessional Process should address a selected few topics chosen by the Review Conference. There was something of an avoidable overlap between the Meeting of Experts and the Meeting of States Parties. It was felt that annual meetings should be continued with a couple of topics each year. Working groups might be set up on Confidence-Building Measures, on compliance and verification and on Article X. On the question of decision making by the Annual Meeting, a view was expressed that it could be better without decision making as this would allow freer discussion, and decision making could be deferred to the Review Conference.

In the subsequent discussion, the point was made that the Intersessional Process had brought the real world to the BWC in Geneva, as real topics that States Parties care about had been discussed. The value of such meetings was evident. Possible topics for the future included Confidence-Building Measures, combating infectious outbreaks, addressing national implementation. In regard to decision making, it would be irresponsible not to make happen what happens in the real world. The idea was put forward of continuing the dialogue from the Intersessional Process in the virtual world. Another view was expressed that the Intersessional Process was very important for the future functioning of the BWC and that some form of decision making should be included. There should be specific defined topics – which might be continued if they were not completed as planned. There should also be a provision for working groups/standing groups to address particular topics such as advances in science and technology and also Article X. Another participant outlined the situation in regard to decision making in the Chemical Weapons Convention where the Executive Council met four times a year, the Conference of States Parties met annually and the Review Conference was an extension of the Conference of States Parties that met every five years. There was much discussion about whether or not there should be the ability to make decisions at the annual Meeting of States Parties. Several participants recognized that, if there were working groups on topics such as the advances in science and technology, there would be value in decisions being agreed on further topics to be considered by such a working group. These might be seen as management decisions whilst other decisions might be regarded as common understandings. In all cases decisions would be reached by consensus.

Session 3 addressed the *Confidence-Building Measures* (CBMs), with introductory remarks being made by Jon Erik Stromo of Norway and by Ochieng Austin Aluoch of Kenya.

The Chairman of this session, Ambassador Desra Percaya of Indonesia, introduced the topic by noting that CBMs played an important role in transparency. They had been initially agreed at the Second Review Conference in 1986 to increase

transparency and to build confidence in compliance. It was important that States Parties made their annual submissions.

Jon Erik Stromo of Norway pointed out that participation in the Confidence-Building Measures was not yet universal and that there was a lack of common understanding in regard to the quality of the information submitted in the CBMs. It took cost and effort to collect the information and there was a lack of any sanction should the CBM not be submitted. Although an increasing number of CBMs were made publicly available, more were in the restricted area. There was very little knowledge about how the States Parties used the CBMs, and there was no session in which the CBM submissions were discussed by the States Parties. Looking ahead to the Seventh Review Conference, there could be changes to the CBMs agreed at the Review Conference and longer term consideration might be given by a working group after the Review Conference. In regard to the possible changes to be agreed at the Seventh Review Conference, Norway together with Germany and Switzerland had held three workshops and would be making a presentation of the suggested amendments at a presentation on Friday 15 April 2011 [in the event, this was held on Thursday 14 April 2011].

Ochieng Austin Aluoch of Kenya noted that only a few States Parties submitted their CBMs on a regular basis. Kenya had submitted its CBM in 2010 and hoped to do so in subsequent years. He felt that attempts should be made to improve the CBMs as there are no alternatives to CBMs in the short term, that all States Parties should be encouraged to submit CBMs. He supported a number of proposed improvements that had been put forward by Filippa Lentzos in *Bradford Review Conference Paper no.24*.

In the subsequent discussion, there was debate about which Articles of the Convention were relevant to the CBMs. This led on to discussion as to whether the implementation of Article X should be a subject of a new CBM, with some speakers noting that the CBMs are politically binding whilst the Articles of the Convention are legally binding. It was recognized that assistance could be given to help States Parties submit their CBMs and thereby increase the participation by States Parties. There was also a suggestion that submission of CBMs might be made easier if previous CBMs were available on-line and States Parties could then make such changes as were necessary to update their CBM submission. It was suggested that there should be more encouragement to make CBM submissions publicly available – possibly by addition of a box that needed to be checked if a State Party agreed that their CBM could be made publicly available. There seemed to be some consensus that some amendments to CBMs should be agreed at the Seventh Review Conference and that a working group should consider further changes after the Review Conference. Some participants expressed the view that the CBMs were not related to compliance but were about building transparency and providing information to other States Parties on activities within their country.

Session 4 addressed *Science and technology*, with introductory remarks being made by Jo Husbands of the InterAcademy Panel on International Issues and by Bob Mathews of Australia.

Jo Husbands said that the importance of addressing the relevance of advances in science and technology to the BWC was widely accepted. She emphasized that it was important

to consider the implications of advances in science and technology not just with regard to the risks but also to the opportunities that such advances provided. She went on to outline the informal scientific advisory network that had been developed over the past decade in respect of the two conventions – the CWC and the BWC. In regard to the CWC, the International Union of Pure and Applied Chemistry (IUPAC) had held workshops in Bergen in 2002, in Zagreb in 2007 and were planning one for 2012 prior to the CWC Review Conferences. The OPCW had seen the value of reaching out to the broader international community in chemistry. In regard to the BWC, the InterAcademies Panel (IAP) was keen to provide an arrangement whereby the life science community was better able to provide advice to governments and the IAP Biosecurity Working Group had been set up in 2004. It had issued a statement on Biosecurity in 2005 and had held meetings in 2006 and in 2010 prior to the Review Conferences in 2006 and 2011 respectively. She pointed out that the IAP studies carried out on the state of science and technology had involved both outside experts and experts within the delegations of States Parties. Whilst these had considered the implications of such advances in science and technology for the BWC, they had not made policy recommendations as this was seen as a matter for the States Parties to address.

Bob Mathews of Australia spoke about the review of advances in science and technology relevant to the BWC, giving particular attention to the IAP workshop in Beijing in November 2010, and to what might be done on science and technology during the Intersessional Process from 2012 through to 2015. He said that the rapid advances in science and technology necessitated more frequent reviews than every five years, and he saw the value of the involvement of the IAP in future reviews of science and technology, including during the next Intersessional Process. He said that the OPCW's Scientific Advisory Board model was not a useful model for the BWC: it had been created to provide independent advice to the Director General, it has an exclusive limited membership, and focuses on requests by the OPCW. He proposed that the BWC should adopt an alternative Scientific Advisory Meeting (SAM) process in which the annual Meeting of States Parties would identify which topics in science and technology should be considered by the SAM. The IAP would be asked to provide a report with a factual review of these topics. A panel of the IAP would then discuss the report at a subsequent SAM. The SAM would consider the implications for the BWC and the Chairman of the SAM would submit a report to the Meeting of States Parties. This report would reflect the IAP report and the views of government experts participating in the SAM. This would not necessarily be a consensus report. The SAM Chairman's report would be made available to the States Parties prior to the next Meeting of States Parties and any action required could be taken by consensus.

In subsequent discussion, it was noted that the BWC lacks any mechanism for systematic or long term consideration of the implications of the advances in science and technology for the Convention. Whilst Article XII requires the Review Conferences *shall take into account any new scientific and technological developments relevant to the Convention*, there is no specific discussion during the Review Conferences of such developments. It was noted that advances in science and technology are not only relevant to

Article XII of the Convention but also to Article X. It was felt that a panel considering the advances in science and technology relevant to the Convention should have a balance of expertise relating to human, animal and plant diseases, and involve both industry and academia. Participants recognized that a wider involvement of industry and academia would help education, awareness raising and outreach into the relevant communities thereby bring an increased awareness of the BWC and of its obligations. It was emphasized that the real challenge for any group addressing the advances in science and technology was to make it clear to the diplomats what was important in regard to the Convention, and why.

Session 5 addressed the *Implementation Support Unit*, with introductory remarks being made by Ambassador Masood Khan of Pakistan and by Richard Lennane of the Implementation Support Unit (ISU).

Ambassador Masood Khan of Pakistan said that the ISU had been launched on 20 August 2007 and noted that the consensus needed for the ISU had not been an easy task. It had from the outset been a small unit. He recalled that in his statement at the launch of the ISU he had said that *A small, efficient and highly-focused unit, the ISU will coordinate, concentrate and magnify the efforts of the States Parties. It will harness resources, forge connections, develop networks and identify opportunities.* He added that the ISU had fulfilled this remit fully over the last three and a half years, providing institutional support to the BWC and serving as a clearing house for the States Parties. It was now time to build on what had been achieved in an incremental and evolutionary way. He suggested that the ISU should increase in size but still remain small and economical. It should focus on five areas: future meetings of the BWC in a further Inter-Sessional Process; strengthening the implementation of the Convention; support to the Confidence-Building Measure process; acting as a focal point to improve the modalities of the CBMs; and maintaining the focus on the Convention. There were three areas in which the ISU might be actively engaged by evolving its mandate: Science and technological advances of relevance to the Convention in which the ISU should work closely with the scientific community; Strengthening their capacity to support States Parties in implementing the Convention; and Engagement internationally with international and national partners. Ambassador Khan felt that the time was ripe to look towards the future with a view to making cautious progress towards an eventual permanent secretariat with scientific and legal bodies in support of its activities.

Richard Lennane of the ISU said that he would be giving an overview of the details of the ISU. He pointed out that the ISU had been set up with no clear administrative structure and that the ODA (Office of Disarmament Affairs) had provided the ISU with offices. The ISU was seen as providing administrative support to the Meeting of Experts and to the Meeting of States Parties. It formed part of the annual budget of such meetings, paid for by the 100 or so States Parties that participated in the Meeting of States Parties. If a State Party did not participate then they did not contribute towards the costs of the ISU. He noted that the ISU had been helping States Parties to prepare and submit CBMs and had also been assisting in national implementation. The ISU had undertaken a clearing house role in regard to information about

the Convention. Much of its work had been greatly helped by generous voluntary contributions from States Parties which had enabled the ISU to provide assistance in capitals on drafting and in other ways. In future, he hoped that the ISU would have more flexibility and discretion to act.

In the subsequent discussion, clarification was provided about the role of financial contributions by donors: such contributions enabled the ISU to carry out more of the activities under its mandate and to fill some of the gaps that would otherwise occur. The idea of a voluntary trust fund to which States Parties could contribute was welcomed as being a way in which the ISU could have additional flexibility to carry out its mandate effectively. In further discussion about shortfalls in the capability of the ISU, it was said that the ISU has to turn down between one-third and one-half of the invitations that it receives to provide assistance to States Parties because of the lack of staff numbers. There was general agreement that, for the success of the BWC, the ISU needed to continue and that it should increase in size to about 6 or 7 staff members in order to carry out the present range of tasks. If the Review Conference agreed to extend the role of the ISU, then additional resources would be needed. One participant suggested that it would be helpful if the ISU could provide information on staff numbers and costs for a range of the options that were being discussed in preparing for the Review Conference. Another participant proposed that the ISU should provide a report on its performance since the Sixth Review Conference setting out the shortfall. It was suggested that this request might be made to the Preparatory Committee meeting.

Session 6 addressed *International cooperation and assistance*, with introductory remarks being made by Ambassador Desra Percaya of Indonesia and by Volker Beck of Germany.

Ambassador Desra Percaya of Indonesia said that international cooperation and assistance was one of the pillars of the Convention and that strengthening international cooperation would strengthen effective implementation of the Convention. He pointed out that international cooperation was relevant to Article X of the Convention and that assistance was relevant to Article VII should there be a violation of the Convention. He said that the outcome of the Beijing workshop had been to encourage full implementation of all Articles of the Convention. A specific mechanism was being sought for the implementation of Article X. It was recalled that at the Sixth Review Conference, the Non-Aligned Movement (NAM) had proposed an Action Plan for Article X, and that subsequently in 2008 a working paper had been submitted by Cuba on behalf of the NAM proposing an effective mechanism for Article X. He noted that the ISU had a role in facilitating communication and thus acting as a clearing house – a proposal that had been made in *Bradford Review Conference Paper no.28*. He suggested that the Seventh Review Conference should agree in principle to a working group which would give further consideration to the full implementation of Article X.

Volker Beck of Germany noted that questions of intellectual property rights sometimes hampered international cooperation. He went on to note that States Parties had obligations to participate in the Confidence-Building Measures process. He also recalled that prior to 2001 the States Parties had been

engaged in the negotiation of a legally binding Protocol to strengthen the implementation of the Convention. Since 2001, however, global concern had been focused on the spread of disease. He concluded by mentioning that there would be a side event on Friday 15 April [in the event, this was held at lunchtime on Thursday 14 April] in relation to the Confidence-Building Measures process.

In the subsequent discussion, it was noted that, for the Convention on Biological Diversity, a clearing house mechanism had been used effectively to promote and facilitate technical and scientific cooperation as well as capacity building. It was suggested that a similar mechanism should be adopted for the BWC and that it would involve only a modest increase in staffing for the ISU. Another participant emphasized the importance of striking an appropriate balance recognising that Article X was a pillar of the Convention. It was recalled that paragraph 54 of the Final Declaration of the Sixth Review Conference encouraged States Parties to provide information on how Article X was being implemented. In further discussion, it was argued that a specific implementation plan was needed for Article X. It was also pointed out that, although many States Parties wanted to address Article X, it was a reality that many such international collaboration activities are carried out in other fora than the BWC, and it was therefore more effective to focus on the Convention and to look for practical solutions. Another participant noted that whilst Article X was an important obligation so was Article III, and it was important that Article X cooperation should not lead to a greater risk. It was important to arrive at greater confidence in the overall implementation of the Convention.

Session 7 addressed *Compliance and verification*, with introductory remarks being made by Jez Littlewood of Carleton University, Canada, by Ben Steyn of South Africa and by Bob Mathews of Australia.

Jez Littlewood of Carleton University, Canada said that there appeared to be three options in 2011 for the States Parties to the Convention in regard to compliance and verification. First, the States Parties could go along ‘The Road to Nowhere’ by going back to 1994 and starting again. Secondly, the States Parties could go along ‘The Road Well Travelled’ by continuing the Intersessional Process between the Sixth and Seventh Review Conferences which has had useful outcomes – but has the Convention been strengthened? Third, the States Parties could go along ‘The Road to Who Knows Where’ in which the method of working could be altered. There appeared to be three approaches – some things need managing, some things could strengthen the Convention by building on existing agreements which are not just those of the Sixth Review Conference but also ideas agreed at earlier Review Conferences, and some things could address the strategic environment, looking ahead to where the States Parties want to be in five or more years hence and considering how best to get there.

He noted that since the Sixth Review Conference the time allocated to annual meetings had been two weeks (one week MX and one week MSP) and suggested that it was time to go back to three weeks of meetings each year. He felt that the States Parties should consider the question of how well have they done since the Sixth Review Conference. He

suggested that there was an information deficit, in that there is a lack of information on how States Parties are implementing the Convention. More information needs to be shared and there needs to be a bit of structure too. He noted that reports on compliance are called for at the PrepCom but these could be formalised with some structure whilst recognizing that it is up to individual States Parties to decide how they wish to demonstrate their compliance with the Convention.

He urged that bringing in strategy considerations would help States Parties to think beyond the immediate Review Conference. He recalled that the VEREX process had allowed the States Parties to think about the issue without commitment and suggested that this type of process could be extended across the whole of the Convention. This could be achieved by designing the Intersessional Process so that it had three elements – managing the Convention, strengthening elements of the Convention and a strategic vision considering how to reach a desired future goal.

Ben Steyn of South Africa said that one needed to consider whether the topic was ‘Compliance and Verification’ or ‘Compliance or Verification’. If verification was the main requirement, then it was necessary to go back to 1994 and one then got into the debate about whether the Convention is verifiable or not. He suggested that verification was not the right approach as it would waste a lot of time and energy. He said that the emphasis needed to be on compliance and he said that States Parties need to develop a common understanding as to what States Parties have to do in order to be compliant. The steps that are needed to demonstrate compliance should be easily identifiable – and could be declarations, transparency measures, or consultation and cooperation measures (Article V). He said that a larger ISU was needed in order to move forward, and he urged that a start be made at the Seventh Review Conference. Ideas can then be further explored in the Intersessional Process. He felt that something was needed that was more than politically binding and that States Parties should explore how they could achieve something that was legally binding.

Bob Mathews of Australia then spoke about a Compliance Working Group. He considered that to demonstrate realistic optimism States Parties must recognize that there was no point in going back to the Protocol negotiations. He proposed that a Compliance Working Group should be set up to discuss and develop common understandings on relevant BWC verification/compliance monitoring issues. It would then be appropriate to consider how to promote effective action to achieve a legally binding Protocol through a multilateral negotiation process. Such a Compliance Working Group would need to consider issues such as verification versus compliance monitoring and semantics versus substance. The Compliance Working Group would also need to have a conceptual discussion about enhanced mechanisms to enable each State Party to demonstrate compliance with the Convention, and also to improve confidence that other States Parties are in compliance with the Convention. It would be important for such a Compliance Working Group to review the significant changes in the world since the 1990s and to recognize the changing international security environment with the rapid advances in the life sciences and the globalization of the biotechnology sector.

In the subsequent discussion support was expressed for

including a strategic approach and to seeking a vision of what sort of regime was required for the Convention a decade hence. In discussion about whether a piecemeal approach might have a role to play, it was suggested that different elements of compliance monitoring might be evaluated by States Parties in a voluntary or possibly even a politically binding way. At a later stage when States Parties were comfortable with the various elements that had been evaluated in this way, then an overarching legally-binding agreement might be agreed. Another participant suggested that States Parties needed to consider what kind of activities they were concerned about in other States Parties, what kind of information was needed about such activities to give confidence that the States Party was in compliance, and what kind of arrangements should there be for checking that the information provided was correct. Another intervention noted that the Financial Action Task Force (FATF) is an inter-governmental body whose purpose is the development and promotion of policies, both at national and international levels, to combat money laundering and terrorist financing. The Task Force is seen as a “policy-making body” which works to generate the necessary political will to bring about national legislative and regulatory reforms in these areas. Although this is not a legally-binding arrangement, the Task Force monitors and verifies each states’ activities by visiting the various states and reporting quite critically on their findings. Another participant noted the importance of involving industry and noted that industry had much more intrusive visits in the context of ISO (International Organisation for Standardization) accreditation. Another participant said that the States Parties needed to sort out where they were now in order to decide where they wanted to go, and urged that States Parties start thinking about compliance and how this might be demonstrated, noting that the Confidence-Building Measures as they are now are not the tool to address compliance.

Session 8 addressed *Conclusions and next steps*, with remarks being made by Ambassador Desra Percaya of Indonesia, by Ambassador Hilde Skorpen of Norway and by Richard Lennane of the Implementation Support Unit.

It was said at the outset that a comprehensive written summary would be available electronically as early as possible during the coming week.

In regard to the Intersessional Process, it was evident that that this had addressed a broad range of issues and there was general agreement that it was useful. Practical proposals to strengthen the Convention could be explored in this process which could include topics such as CBMs and ways of improving them, compliance, Article X, advances in science and technology, dual use education, Article V, and procedures for Article VI. As to working methods in the Intersessional Process, it was evident that a more flexible approach could be adopted with a broader agenda and limited decision-making powers.

On international cooperation and assistance, it was evident that this was a difficult topic. Ideas had been put forward about a mechanism to implement Article X, but more detail was needed as to what was envisaged. The idea of a working group on Article X had been suggested and the importance of avoiding duplication noted. Practical ways of doing more on international cooperation and assistance might be explored

such as improved information sharing, and using the ISU as a clearing house to facilitate the access to and provision of information.

In regard to the Confidence-Building Measure process, it was noted that this was the only agreed mechanism. Consideration had been given to how the CBMs might be improved, and there was also discussion about their analysis and use.

In regard to the Implementation Support Unit, it was noted that there was broad agreement that they had provided invaluable assistance to the States Parties for the implementation of the Convention. There was support for some increase, and the question of whether the mandate for the ISU should be extended had been noted.

In regard to science and technology there appeared to be agreement that a new process is needed that might consider a couple of topics each year and build on the two-way links between the BWC and the InterAcademies Panel (IAP).

On compliance and verification there was a need to address what verification means, how to demonstrate compliance and how to address shortcoming. The way ahead appeared to favour a standing Working Group on Compliance.

In general observations, it was observed that the workshop had had a good mix of participants with more than 90% of those present engaging in the discussion. The point made during the workshop of listening carefully to what was being said was stressed as it was noted that positions do change and such changes may be missed if careful attention is not paid to what is actually being said. The value of discussing new ideas with other States Parties especially in other regional groups was also stressed as this can help to find solutions that attract consensus.

The co-chairs’ summary posted on the ISU website included the following as its conclusions on preparing for a successful Review Conference;

States Parties were advised to prepare for success not failure. Participants discussed the need to establish markers for success in advance of the Review Conference. It was suggested that the Review Conference should not settle for the lowest common denominator but that States Parties should work to identify areas where action could be taken and that will make a real difference to international peace and security.

The workshop heard guidance on how to achieve a successful outcome, including the importance of:

- * *Starting early – it was necessary to engage actors that could influence discussions and outcomes;*
- * *Listening intently – to understand the positions and perspectives that drive these actors;*
- * *Building interpersonal chemistry amongst negotiators – conferences flounder most commonly not because of difference between national positions but because of mismanaged relationships;*
- * *Working with all stakeholders – States Parties, through their missions and in capitals, as well as the wider community, NGOs, industry and scientists;*
- * *Building bridges between groups of like minded countries and coalitions – to encourage stakeholders to move into a shared space.*

Reflections on the Government of Norway/Government of Indonesia and ISU workshop

This was another timely workshop with its participation from 25 countries (Algeria, Australia, Brazil, Canada, China, Cuba, Germany, Hungary, India, Indonesia, Iran, Japan, Kenya, Mexico, Netherlands, Norway, Pakistan, Philippines, Russian Federation, South Africa, Switzerland, Turkey, Ukraine, United Kingdom and the United States) and nine organizations (BWC Implementation Support Unit, Carleton University, European Union, InterAcademy Panel, International Federation of Biosafety Associations, London School of Economics, Organisation for the Prohibition of Chemical Weapons, University of Bradford, and VERTIC). It focused on consideration of six areas of action for a successful Seventh Review Conference: the Intersessional Process, the Confidence-Building Measures, science and technology, the Implementation Support Unit, international cooperation and assistance, and compliance and verification. These areas had already emerged from previous workshops such as that in Wilton Park in September 2010 and Beijing in November 2010 as being areas on which there was broad agreement that action needed to be taken even though what that action should be was not agreed.

The sessions considering these topics were introduced by short presentations which, unlike those made at the Beijing workshop, are not available on the ISU website at unog.ch. Discussions were lively and frank. The various aspects of the topics were debated and various ideas put forward that might attract consensus at the Review Conference. It was widely recognised that these ideas need to be put forward *prior* to the Seventh Review Conference itself, as novel ideas put forward then are unlikely to find consensus. All were encouraged to develop and put forward proposals and papers so that bridges can be built between the differing viewpoints and solutions found that are likely to attract consensus. This should be done by posting such ideas on the Think Zone for the Seventh Review Conference on the ISU website as well as making full use of any workshops or seminars between now and the Review Conference.

There appeared to be convergence on what might be agreed concerning several of the topics, such as the Intersessional Process, the Confidence-Building Measures, science and technology and the Implementation Support Unit. There was also similar convergence on another topic which was not discussed as a separate topic although it was mentioned – that of promoting the universalization of the Convention. On the other two topics – international cooperation and assistance (Article X), and compliance and verification – there was agreement that these needed to be addressed although precisely how was less clear.

On the Intersessional Process, it was evident that this had been very successful in sharing information on the topics that had been considered since the Sixth Review Conference. There was a feeling that it was time to support the annual meetings by standing groups or working groups on subjects such as science and technology, on Confidence-Building Measures, on Article X, and on compliance and verification. It was recognized that the annual Meeting of States Parties should be able to request that such working groups carry out further work or, in the case of science and technology, to

request the working group to consider further particular topics – and thus that the annual Meeting of States Parties should have some decision making powers where appropriate and on the basis of consensus.

On the Confidence-Building Measures, it appeared that some modifications to the existing CBM process might be agreed at the Review Conference, with a working group subsequently considering further modification. As at the Second Review conference when the modalities of the CBMs were agreed at a subsequent meeting in 1987, agreement to adopt further changes to the CBM process might be made at a subsequent Meeting of States Parties.

On science and technology, it was recognized that the present system – in which information of advances in science and technology was provided in a background paper for the Review Conference but was not considered at that Review Conference – was inadequate for today's world in which the developments in science and technology had important implications for all the Articles of the Convention and should be considered by States Parties. There appeared to be agreement to having a standing group/working group of scientific and technical experts open to all States Parties. This group would address specific topics identified by the annual Meeting of States Parties, and might include participation by experts in the particular topics being addressed, perhaps following along the lines of the guests of the Chair in the Meetings of Experts in the Intersessional Process since the Sixth Review Conference in 2006.

On the Implementation Support Unit, it was noted that because of its 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. A staff of about 6 to 7 would be necessary to carry out the Unit's current mandate fully. It was recognized that additional staff would be needed for some of the proposals made during the workshop such as the ISU acting as a clearing house to promote international cooperation and assistance.

There was also agreement that further effort was needed on universalisation although this was not a specific topic at Montreux. It is disappointing that the number of States Parties to the BWC has only increased from 155 to 164 over the past five years whilst the number of States Parties to the CWC has increased from 178 to 188 States Parties during the same period. The lack of progress in regard to the BWC is even more marked when it is recalled that the accession of further States can be expected to become more problematic as the total approaches the maximum possible. There would appear to be merit in an Action Plan on universalization in which the ISU are encouraged to liaise closely with the OPCW, so that the ISU can benefit as much as possible from the experience of the OPCW in obtaining new accessions.

The other two topics that were considered at Montreux were international cooperation and assistance (Article X) and compliance and verification. Although there was less apparent agreement on how these topics should be addressed, there was broad agreement that they both needed to be addressed at the Seventh Review Conference. Some participants sought a specific mechanism to address the question of international cooperation and assistance, although it was less clear what such a mechanism would actually do. It was noted that one

proposal had been made to establish a clearing house mechanism building on the experience gained by the clearing house to promote international cooperation established almost 20 years ago for the Convention on Biological Diversity. One solution was perhaps to have a working group on international cooperation and assistance.

In regard to compliance and verification, this was seen as being a topic for a working group subsequent to the Seventh Review Conference, which might consider what measures would demonstrate compliance, and how clarification might be obtained in respect of any queries regarding compliance.

Overall, the Montreux workshop again demonstrated the value of bringing together participants from a number of States Parties and representatives from other organizations, as it

was possible to explore in some depth what practical proposals might be developed for the areas of action that needed to be addressed to achieve a successful Seventh Review Conference. Now the time for these ideas to be developed more fully and made available to the States Parties to consider *prior* to the Seventh Review Conference. The Think Zone of the Seventh Review Conference website of unog.ch/bwc would provide a good forum in which to share such developed proposals and to seek views upon them.

This review was written by Graham S. Pearson, HSP Advisory Board.