
Ninth Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

28 November 2022

English only

Geneva, 28 November to 16 December 2022

Item 12 of the provisional agenda

Follow-up to the recommendations and decisions of the Eighth Review Conference and the question of future review of the Convention

Proposal for inclusion in the final document of the Ninth Review Conference of the Biological Weapons Convention Regarding the Establishment of a Temporary Experts Working Group

Submitted by Canada and the Netherlands

Co-sponsored by: Australia, Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Japan, Lithuania, New Zealand, Nigeria, North Macedonia, Norway, Poland, Portugal, Republic of Korea, Sweden, Switzerland, the United Kingdom, and the United States

1. In 1972, the Biological Weapons Convention (BWC) was an unprecedented disarmament agreement – prohibiting an entire class of weapons of mass destruction. Today, it continues to embody the international norm against the possession and use of biological weapons as, in the words of the Preamble, “such use would be repugnant to the conscience of mankind.” The Preamble also enjoins States Parties “for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons.”

2. In the two decades since the Ad Hoc Group negotiations ended, biological science and technology have undergone extraordinary advances, the pharmaceutical and biotechnology industries have developed and spread globally for the greater good of humanity, and along with these advances the biological weapons threat has evolved. It is in the best interest of all States Parties that the BWC keep pace with these advances, especially in the way that they affect implementation and compliance. While the intersessional work program has sought to address some of these issues, it has not resulted in the adoption of effective measures to adapt to the evolving scientific, technological, and threat landscape.

3. We believe that the BWC forum of States Parties, and the Convention they are entrusted with, are at a momentous crossroads. States Parties must now take concerted action to meet the continuing challenge of excluding completely the possibility of biological agents being used as a weapon. Two decades of political inertia must end. Together, the States Parties must chart a new course for the BWC which adapts to the radically changed landscape of the 21st century and builds confidence in compliance, strengthens implementation (including enhancing international cooperation and assistance), and helps deter development, acquisition, stockpiling, and use of biological weapons.

4. We are of the view that over the past two decades the extraordinary advance and global spread of biological science and technology as well as the evolving biological weapons threat



have left the BWC forum unprepared to launch a negotiation process. Instead, we propose to refocus the BWC forum by building upon and beyond the Intersessional Work Program and replacing it with a temporary Experts Working Group charged with: (1) evaluating possible concrete measures to strengthen the Convention, and (2) reporting its findings to the annual Meeting of States Parties (MSP). The Ninth Review Conference would delegate authority to the MSP to review the report of the Experts Working Group and consider actions to be taken by States Parties, including possible legal, verification, and other measures under the framework of the Convention.

5. The mandate of the proposed Experts Working Group would be fully inclusive in terms of both participation and focus, with a view to achieving shared perspectives on specific measures to strengthen the Convention. Experts and others from all States Parties would be invited to participate. The structured topics for consideration would accommodate consideration of the range of views of States Parties. To this end, we propose that the mandate of the Experts Working Group specifically address these essential areas:

- Measures to further build confidence and enhance transparency;
- Measures to address concerns about compliance;
- Measures to enhance bio-risk management and prevent bioterrorism;
- Measures to enhance international cooperation and assistance.

6. The year 2025 will be at once the 100th anniversary of the signing of the 1925 Geneva Protocol and the 50th anniversary of the entry-into-force of the Biological Weapons Convention. We believe that these impending anniversaries are a reminder of our solemn responsibility as States Parties to address the evolving threat of biological weapons and revitalize the Convention. We urge all States Parties to seize the opportunity of the Ninth Review Conference and to chart a new course forward for the Convention.

{Note: The attachment to this working paper contains the specific proposal by Canada and the Netherlands (supported by the co-sponsors) for inclusion in the final document of the Ninth Review Conference of the Biological Weapons Convention for establishing a temporary Experts Working Group.}

Attachment

Establishment of a temporary Experts Working Group by the Ninth Review Conference

1. The Ninth Review Conference of the Biological and Toxin Weapons Convention hereby decides to establish a temporary Experts Working Group (hereinafter “Experts WG”) to consider specific measures to strengthen the Convention. The report of the Experts WG and its specific findings are intended to provide a basis for considering further actions to be taken by the States Parties, including possible legal, verification, or other measures under the framework of the Convention.
 2. **Participation:** Meetings of the Experts WG would be open to experts and others from all States Parties. The Experts WG would determine the appropriate participation of civil society in its program of work.
 3. **Chair:** The Experts WG would be chaired by the [TBD] group with vice-chairs from the other two groups.
 4. **Working-Methods:** The Experts WG would be governed by consensus, including the adoption of the report of the Experts WG and the findings contained therein.
 5. **Report:** At the completion of its work, the Experts WG would prepare a report. This report would: (1) detail the activities of the Experts WG regarding scientific and technological developments, as well as developments in the biological weapons threat, and (2) provide the Experts WG’s findings regarding specific measures for further strengthening the implementation of the Convention. The Chair of the Experts WG would provide an interim procedural report to the 2023 Meeting of States Parties (MSP). The Experts WG would issue its final report in advance of the 2024 MSP, at which meeting (and any future MSP), the Review Conference authorizes the States Parties to consider the report and to decide upon any further action to be taken by States Parties, including possible legal, verification, or other measures under the framework of the Convention.
 6. **Funding:** [Note: The funding mechanism of the Experts WG would be decided by the Ninth Review Conference and inserted in this section.]
 7. **Schedule/Objectives of Expert WG Meetings:** Six meetings each of two-weeks in length would be convened in Geneva over a two-year period (2023-2024). The first meeting of the Experts Working Group is scheduled for [2023 dates to be inserted].
Meeting #1: Scientific, technological, and BW threat developments (including bioterrorism).
Meeting #2: Measures to further build confidence and enhance transparency.
Meeting #3: Measures to address concerns about compliance.
Meeting #4: Measures to enhance bio-risk management and prevent bioterrorism.
Meeting #5: Measures to enhance international cooperation and assistance.
Meeting #6: Preparation of the report of the Experts Working Group.
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