

BWC Working Paper on the Intersessional Process
Submitted by New Zealand¹

Background

At the reconvened session of the Fifth Review Conference in November 2002, States Parties agreed to hold three annual meetings of the States Parties of one week duration commencing in 2003 until the Sixth Review Conference to discuss and promote common understanding and effective action on:

- the adoption of necessary national measures to implement the prohibitions set forth in the Convention, including the enactment of penal legislation;
- national mechanisms to establish and maintain the security and oversight of pathogenic micro-organisms and toxins;
- 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;
- 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;
- the content promulgation and adoption of codes of conduct for scientists.

It was agreed that each meeting of the States Parties would be preceded by a meeting of experts. The meetings of experts would prepare factual reports describing their work.

The intersessional meetings held in the 2003-2005 period demonstrated the constructive role that such a process can play in maintaining momentum on BWC issues between review conferences. Intersessional meetings can address issues in more depth and can consider recent developments or innovations. They can also facilitate the active participation of relevant experts and international agencies in the technical details of the Convention's work. As such, there would be considerable value in provisions for an intersessional process being formalised at this review conference to allow for the continuation of these meetings throughout the next review cycle.

In terms of logistical mechanisms, the existing format of an experts' meeting followed by a meeting of states parties is still relevant and this composition of meetings should continue.

It is important the work undertaken at these intersessional meetings is fed into the review process. In this respect, the submission of factual reports to Meetings of States Parties may not provide the most effective means of ensuring that progress made during intersessional meetings is effectively implemented. It may be worthwhile to look at a more formal system of recommendations made on the basis of intersessional outcomes, which could then be adopted at review conferences.

¹ This is one of a series of papers prepared in consultation with Japan, Australia, Canada, Republic of Korea, Switzerland, Norway and New Zealand (JACKSNNZ).

The review conference should provide some direction in regard to topics to be discussed at these meetings. There should, however, be some flexibility permitted to allow states parties to discuss recent developments, innovations or issues which are relevant to the work of the Convention.

Recommendations

- An intersessional work programme has demonstrated its potential to contribute effectively to the strengthening and implementation of the Convention as a whole. Accordingly, the practice should be continued during the next review cycle.
 - Intersessional topics for consideration during the next review cycle could include the following:
 - Implementation and periodic review of a universalisation action plan
 - further development of confidence-building measures at national, regional, and multilateral levels
 - further development of biosafety and biosecurity practices at national, regional, and multilateral levels
 - The potential for mutually reinforcing activity programmes between the BWC and UNSCR 1540
 - Any intersessional programme established should retain sufficient flexibility on a year-to-year basis to allow the consideration of new items, which may arise in the form of unforeseen developments and recent innovations that are relevant to the work of the Convention.
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