
**Seventh 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**

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

Proposal for a working group to address compliance issues

Submitted by Australia, Japan and New Zealand

I. Introduction

1. A strengthened Biological Weapons Convention (BWC) is critical to national and international security. Full compliance with the BWC is in the security interests of all States Parties, as this will reduce the possibility of BW proliferation and raise barriers to bioterrorism.
2. In their preparations for the Seventh Review Conference in December 2011, many States Parties have identified enhancing assurance of compliance with the Convention as a priority for strengthening the regime. Many States Parties have also expressed the view that we should build on the success of the 2007-2010 intersessional process with a more flexible process for 2012-2015¹ that is more adaptable to our changing world, including in relation to compliance issues.
3. In that context, this working paper proposes that the Review Conference agree to establish in the 2012-2015 Intersessional Period a working group to address *inter alia* compliance issues.

II. Scope of the working group

4. A working group should be established *inter alia* to discuss and develop common understandings on issues relevant to enhancing assurance of compliance with the BWC. In addressing compliance issues, the working group could consider two broad questions:

¹ Further information on a proposed structure for the 2012-2015 intersessional process is available in working paper BWC/CONF.VII/WP.12 submitted by Australia and Japan. The working paper proposes, *inter alia*, a restructured annual Meeting of Experts based on working groups which would be constituted throughout the intersessional period and would each address a basket of issues.

A. What constitutes compliance with the BWC?

5. A practical first step for the working group in addressing compliance issues would be to consider what constitutes compliance with the BWC.

B. How can States Parties better demonstrate their compliance with the BWC and thereby enhance assurance for other States Parties?

6. Having considered what constitutes compliance with the BWC, there would be value in the working group undertaking a conceptual discussion about how States Parties can better demonstrate their compliance with the BWC and thereby enhance assurance for other States Parties. In this regard, the Working Group could consider:

(a) whether there is a role for CBMs or declarations in demonstrating compliance, and if so, whether additional information to that which is already requested in the current CBMs would enhance assurance of compliance;

(b) whether the consultation and cooperation mechanisms under Article V² require further development, including, for example, consideration of mutually agreed visits to sites of compliance concern;

(c) whether mechanisms for the investigation of alleged use of biological weapons (Article VI) require further attention, including the role of the UN Secretary-General's Investigation Mechanism;

(d) the potential impact of advances in the life sciences on demonstrating compliance and enhancing assurance of compliance, including, for example, the impact of rapid advances in bio-forensics.

III. How would the working group be set up?

7. The modalities of the working group would need to be consistent with broader arrangements agreed at the Review Conference for the 2012-2015 intersessional process.

8. This working paper proposes that the working group be open-ended, with its meetings scheduled as part of an annual Meeting of Experts held in August. The chair of the working group could be appointed by States Parties on an annual basis, or for the duration of the 2012-2015 intersessional period.

9. The chair of the working group would prepare an annual report, reflecting the views expressed by members of the group but not necessarily consensus. The report would be circulated prior to the subsequent Meeting of States Parties (MSP) to allow States Parties to consider any actions required. This would include the selection of issues to be considered by the working group in the following year. Any decisions and actions recommended by the MSP relevant to the implementation and operation of the BWC arising from the work of the working group would be subject to consideration and review at the subsequent Review Conference.

² See paragraph 21 of BWC/CONF.VI/6.