STATEMENT BY AMBASSADOR ROBERT WOOD  
U.S. SPECIAL REPRESENTATIVE FOR THE BIOLOGICAL WEAPONS CONVENTION

Mr. Chairman,

My delegation regrets that this Conference was unable to reach agreement on a substantive program of post-RevCon work.

We listened closely over the last three weeks, and we were optimistic that it would be possible to reach such an agreement. Many delegations called for a new, stronger intersessional program that would allow for substantive expert work and concrete action. Many delegations supported strengthening the Implementation Support Unit, and taking important steps in a variety of areas, from S&T to international cooperation to national implementation to taking steps to realize the promise of Article VII for emergency assistance.

We could have done those things. We supported them, and were prepared to accept many things we did not support in the interests of a strong, consensus outcome:

- Some delegations wanted to use the intersessional process to discuss their aspirations for a verification protocol. We don’t agree that this is a useful way ahead, but we made clear that we were prepared to engage in a discussion of the full range of proposals for strengthening this Convention.

- One delegation was particularly interested in creating a battalion of mobile biomedical units owned and operated by the BWC. We thought this was neither feasible nor a particularly effective approach, but we were prepared to give it prominence in a new intersessional program.

Our goal was to strengthen BWC States Parties’ ability to cooperate and to take effective action together. In the face of arguments about giving MSPs decision-making authority, we again showed flexibility, and suggested that they could make recommendations instead. All we asked was that we hold the next Review Conference sooner than 2021, so we could take action on those recommendations. It was a simple idea: we need to move beyond the status quo if we are to meet the expectations of States Parties.

Mr. Chairman, my delegation has worked tirelessly in pursuit of a meaningful outcome to this Review Conference. When your proposal for a new ISP turned into a thicket of brackets yesterday, we stayed up all night, first talking with other delegates, and then drafting a compromise proposal, based on your text, that we believe nearly every delegation at this Conference could have accepted with only minor refinements. Many of you have seen it. Unfortunately, a few key delegations were unwilling to engage on it during the day.

We have participated in numerous consultations and meetings today to try to find a way ahead. These have been fruitless.
One delegation, in particular, has been inflexible and unwilling to compromise, or even engage in meaningful discussion, throughout this process. I don't think I need to name that delegation, if you've been attending this Conference. Waiting until after interpretation has ended on the last day of a three-week Conference to announce that you wish to negotiate is simply not a credible way to proceed.

Mr. Chairman, the document we have just adopted gives us a chance to find a way to move ahead over the next year — if we can reach consensus at the Meeting of States Parties in 2017. I have my doubts. This body—a body established by a treaty that aims to exclude completely the possibility of use of biological weapons by anyone—was unable to reach agreement on the simple principle that people who use biological weapons should be brought to justice.

This is our Convention. We spent the last four years working to promote common understanding and effective action, and this is where we are. I encourage all delegations to think about that over the coming months, and consider seriously how we should proceed.
PROPOSED COMPROMISE BASED ON PRESIDENT’S TEXT

25 November 2016 (10:34 AM)

A. Intersessional programme 2017–2020-2018

1. Reaffirming the utility of the previous intersessional programmes from 2003–2015, the Conference decides on the following structure: annual Meetings of States Parties in 2017 and 2018, preceded by alternating annual meetings of four open ended working groups (OEWGs) as described in paragraph 5 below. A Review Conference to consider recommendations from the Meetings of States Parties will be held in 2019.

2. Recognizing the need to balance an ambition to improve the intersessional programme within the constraints — both financial and human resources — facing States Parties, but also cognisant that adequate resources will be required to enable the Implementation Support Unit (ISU) to service the ISP, the Conference decides to allocate fifteen days each year to the intersessional programme.

3. The Meetings of States Parties will last for a period up to 5 days. It will consider the following issues:

   (a) Universalization;
   (b) Report of the ISU;
   (c) Reports of the four OEWGs;
   (d) Financial issues;
   (e) Any other issue relevant to the Convention.

4. The Conference decides to establish four Open Ended Working Groups (OEWG) open to all States Parties for the period 2017–2020-2018 on the following topics:

   (a) Science and Technology;
   (b) National Implementation;
   (c) International Cooperation;
   (d) Preparedness, Response and Assistance.

5. All meetings of the four OEWGs will each last for a period up to 5 days and will be organized as follows:
2017-and-2019: Science and Technology
2017-and-2019: International Cooperation
2018-and-2020: Preparedness, Response and Assistance

6. [insert chart]...

7. The annual MSP-Chair will be supported by two annual Vice-Chairs, one from each of the other two regional groups. The annual MSP-Chair will be assisted by them, the respective Chairs of the OEWGs and the Chief of the ISU in coordinating the annual programme of work.

8. All meetings of the Meeting of States Parties and the four OEWGs will take any actions and will make any recommendations by consensus.

9. All OEWGs will prepare for consideration of the Annual Meeting of States Parties factual reports reflecting deliberations, including possible recommendations, on the work undertaken on the topics by the groups as reflected in Section B, C, D, and E. In the absence of consensus on any recommendations, the reports will reflect all views.

10. The Review Conference is the highest decision-making body of the BWC. The MSP is responsible for the management of the intersessional programme as mandated by the Review Conference, including administrative, budgetary and procedural matters. The MSP will consider the reports and possible recommendations of the OEWGs, and take actions as appropriate, and provide guidance for follow-up work in accordance with the groups’ mandates as defined in Section B, C, D, and E. Where the MSP has been unable to reach a consensus to take action, the MSP may submit recommendations to the Review Conference in terms of the mandate received from the Review Conference. The MSP will not amend OEWG mandates or make any changes to Review Conference decisions and recommendations, or Article-by-Article review text.

11. The Ninth Review Conference in 2019 will review the work and outcome of the ISP.

B. Science and Technology
12. The Conference decides that in the OEWG the following issues of relevance to the Convention will be discussed in both of its meetings, if required:

(a) Potential benefits and risks of new science and technology developments;
(b) Biological risk assessment and management;
(c) Voluntary model code of conduct for biological scientists and all relevant personnel who conduct bio-science research and other related activities, by drawing on the work already done on this issue in the context of the Convention, adaptable to national requirements;
(d) Science and technology-related developments relevant to the Convention and the activities of multilateral organizations;
(e) Any other science and technology developments of relevance to the Convention.

13. In addition, the OEWG will address the specific topic of (gene editing) in 2017. The specific topic for its 2019 meeting will be determined by the MSP in 2018.

14. Given the technical nature of the issues to be addressed States Parties are invited to nominate for each meeting of the group one or two scientific experts to contribute to its work in an individual capacity. State Parties may also nominate alternate scientific experts whose expertise is directly relevant to the topic if deemed necessary in view of the issues on the agenda. State Parties are invited to provide the experts' names with a synopsis of expertise to the State Parties for information.

15. On a case-by-case basis, the OEWG may invite experts on a specific topic from scientific and technical organisations, as well as other relevant experts, to make presentations and take part in discussions in open informal meetings, at no cost to the BWC budget.

C. National Implementation

16. The Conference decides that in the OEWG the following issues of relevance to the Convention will be discussed in both of its meetings, if required:
(a) Legal measures related to biological and toxin weapons, including measures aimed at combatting the use of biological and toxin weapons by non-state terrorists, and all other actors;

(b) Improvement of CBM submissions in terms of quantity, quality and format;

(c) Voluntary methods to enhance transparency initiatives and activities to promote confidence building under the Convention, as well as to exchange of good practices and information, build capacity and further international cooperation;

(d) Strengthening consultative measures under Article V;

(e) The role of international cooperation and assistance as part of the implementation of the Convention, in particular the reports by State Parties on their implementation of Article X;

(f) Any potential further measures, as appropriate, that would contribute to the enhancement of and confidence in the integrated and comprehensive implementation of the Convention;

(gg) Issues related to Article III, including effective export controls,

(i) measures to provide assistance to other States Parties, including drafting legislation, establishing administrative authorities or regulations, training of personnel, supplying of equipment or advice sharing of best practices, and/or providing financial support;

(ii) harmonization of national approaches for the effective implementation of national export controls in fulfilment of Article III obligations and to enhance the efficacy in the biological field in order to facilitate international biotechnology cooperation. Consideration of elements for effective national export controls, cooperation and capacity-building, and options to ensure non-proliferation of biological weapons, while enhancing international biotechnology cooperation for peaceful purposes.

17. The Conference further decides that the OEWG will devote up to one-day for the discussion of
The full range of approaches to strengthen the Convention and improve its implementation, including various past, existing and future proposals, with an aim to enhancing transparency and compliance.

D. International Cooperation

187. The Conference decides to continue the cooperation database established by the Seventh Review Conference. The ISU, with inputs to be provided by State Parties, will seek to improve the database to ensure that it is more user-friendly and comprehensive, and ensure that specific, timely and concrete offers of and requests for cooperation be provided by States Parties in the database, taking into account the States Parties concerns over the mismatch of the proposed offers and requests.

198. The Conference decides that in the OEWG the following issues of relevance to the Convention will be discussed in both of its meetings, if required:

(a) Consider the reports for the States Parties on their full implementation of Article X;

(ba) Reports by the ISU on the operation of the cooperation database established by the Seventh Review Conference and its further operationalization;

(cb) Identification of challenges and obstacles to developing international cooperation, assistance and exchange in the biological sciences and technology, including equipment and material, for peaceful purposes to their full potential, and possible means of overcoming these,

(d) Development of including ways and means to guidelines and procedures for mobilising resources, including financial resources to address gaps and needs;

(ee) Facilitation of Education, training, exchange and twinning programmes and other means of developing human resources in biological sciences and technology related to implementation of the Convention;
Promotion of capacity building, through international cooperation, in biosafety and biosecurity and for detecting, reporting and responding to outbreaks of infectious diseases or biological weapons attacks, including in the areas of preparedness, response, and crisis management and mitigation;

Coordination of activities of international organisations and networks related to combatting infectious diseases at all levels, as well as regional and sub-regional cooperation to assist national implementation of the Convention, including CBRN action plans;

E. Preparedness, Response and Assistance

The Conference decides to establish a database to facilitate specific requests for and offers of assistance and cooperation among States Parties in the framework of Article VII. The Conference tasks the ISU to establish and to administer this database on the UNOG website, where these offers and requests will be stored, and to submit an annual report on the operation of the database.

States Parties are invited, individually or together with other states or international and regional organizations, to submit on a voluntary basis specific offers for assistance, information about capabilities that might be available, and/or national points of contact. These may include one or more of the following: response capabilities, expertise, information, protection, detection, surveillance, diagnostic, decontamination, prophylactic and medical counter-measures and other equipment and materials that could be required to assist the States Parties, if requested, in the event that a State Party is exposed to danger as a result of a violation of the Convention. States Parties may use the database to match offers with requests for assistance.

The Conference decides that the following topics will be discussed during the OEWG on Preparedness, Response and Assistance:

a) Practical challenges facing the implementation of Article VII, and possible solutions;
b) A set of guidelines and formats to assist a State Party, if required, when submitting an application for assistance in the framework of Article VII;
c) Operationalization of the database under Article VII;
d) Procedures to improve the prompt and efficient response to a request of assistance by a State Party under Article VII, and coordination and cooperation among States Parties and with relevant international and regional organizations, as appropriate;
e) Examination of how the proposed mobile biomedical units concept might contribute to effective preparation, response and assistance with a view to enhancing implementation of the Convention;
f) Identification of individuals and teams with specialised medical, public health, laboratory or other relevant expertise to work in coordination with the WHO, FAO, OIE, and IPPC and other multilateral organisations to respond to infectious disease outbreaks. Exploration of approaches by which BWC States Parties, individually or collectively, might contribute to the strengthening of the international response capabilities for infectious disease outbreaks, whether natural or deliberate in origin.

F. Sponsorship Programme

232. In order to support and increase the participation of developing States Parties in the meetings of the intersessional programme, the Conference decides to renew the sponsorship programme, funded by voluntary contributions from States Parties in a position to provide them. The sponsorship programme will continue to be administered by the Implementation Support Unit in consultation with the Chair and Vice-chairs of the Meeting of States Parties.

-G. Promotion of Universalization

243. The Conference notes that, although the Convention is a cornerstone of international security, and despite the efforts of the States Parties and the Chairs of the meetings of States Parties with the administrative support of the ISU since the Sixth Review Conference, with only 178 States Parties, membership of the Convention still falls behind other major multilateral arms control, disarmament and non-proliferation treaties. The Conference agrees that a further concerted effort by States Parties, in particular, Depositaeries of the Convention is essential to persuade states not party to join the Convention.

254. The Conference therefore requests States Parties to:
a) promote universalisation of the Convention through bilateral contacts with states not party;
b) promote universalisation of the Convention through regional and multilateral fora and activities;
c) report, as appropriate, on their activities at annual meetings of States Parties;
d) provide, as appropriate, the ISU with relevant information on activities related to the promotion of universalisation of the Convention.

265. The Conference decides that the Chairs of Meetings of States Parties shall coordinate universalisation activities, address states not party to the Convention, provide an annual report on universalisation activities at meetings of States Parties, and provide a progress report to the Ninth Review Conference. Bearing in mind the primary responsibility of the States Parties on the implementation of this decision, the Conference tasks the Implementation Support Unit to:

- a) provide administrative support to the Chairs of meetings of States Parties in the implementation of this decision;
- b) consolidate and make available information on progress made by states not party towards ratification or accession.

276. The Conference encourages States Parties to give more attention to states in which the ratification or accession process have started or are well advanced, and to those states waiting for further information or assistance or that have other priorities, as described in the annual reports on universalization.

H. Implementation Support Unit

287. The Conference notes that the Implementation Support Unit, which was established by the Sixth Review Conference within the United Nations Office for Disarmament Affairs in order to provide administrative support to meetings agreed by the Review Conference as well as support for the comprehensive implementation and universalisation of the Convention and the exchange of confidence-building measures, has successfully discharged its mandate. The Conference therefore decides to renew the mandate of the Unit, mutatis mutandis, for the period from 2017 to 2019.
298. The Conference decides that the ISU will perform the following tasks:

(a) Implement the decisions regarding the establishment and administration of databases;
(b) Facilitate appropriate coordination and cooperation among State Parties and relevant international organizations to effectively respond to public health emergencies caused by violation of the Convention;
(c) Provide the necessary support for the preparation, organisation and implementation of the four OEWGs of the ISP and the MSP each year;
(d) Support, as appropriate, the implementation by the States Parties of the decisions and recommendations of this Review Conference.

3029. Noting the additional demands of both a quantitative and a qualitative nature placed on the ISU to carry out the functions listed above, and in consideration of the already under resourced staffing and budget profile of the ISU given its existing workload, the Conference decides exceptionally to enhance the ISU budget to cover 2 additional professional posts. Financial resources should also be provided to allow for hiring staff on a short-term basis to fill vacancies resulting from the temporary absence of regular staff members, in accordance with United Nations procedures.

310. The Conference notes that States Parties in a position to do so may consider making voluntary contributions to the activities of the Unit to enhance its ability to carry out its mandated tasks. Any such contributions will be made in full transparency, will be detailed in the annual report of the ISU, and will be used exclusively for the mandated tasks of the Unit.

32. The Conference requests the United Nations Office for Disarmament Affairs to inform States Parties, through the ISU, of all vacancies and urges States Parties, particularly in under-represented regions, to actively seek to encourage suitable candidates to apply.

331. The Conference notes that all staff of the ISU will be engaged through the relevant recruitment procedures of the United Nations, considering the necessity of securing the highest standards of efficiency, competence and integrity, and paying due regard to the importance of recruiting the staff on as wide a geographical basis as possible in accordance with the Charter of the United Nations.
The ISU will submit a concise annual written report to all States Parties on its activities to implement its mandate. The Unit’s performance will be evaluated and its mandate will be reviewed by States Parties at the Ninth Review Conference.

I. Finances

The Conference decides that the costs of the intersessional programme will be shared by all States Parties to the Convention, based on the United Nations scale of assessment pro-rated to take into account differences in membership between the Convention and the United Nations.

The Conference approves the estimated costs for the intersessional programme for the period 2017-2019 to 2020, as contained in BWC/CONF.VIII, noting that these estimated costs were prepared on .......... The MSP manages the budget of the intersessional period within the framework provided by the Review Conference.

The Conference approves the budget for 2017 of ... based on the estimated cost contained in BWC/CONF.VII.

The Conference requests the ISU in close consultation with all interested State Parties, to prepare a draft budget for 2018 and do detailed planning with the goal of strengthening the financial condition of the BWC. The Conference requests the ISU to present its recommendations for consideration and approval of the Meeting of State Parties to be held in 2017.

The Conference notes that, under new UN financial procedures, funds must be available before meetings can be held. The Conference requests States Parties to proceed with the payment of their share of the estimated costs as soon as the assessment notices have been received from the United Nations to help ensure that the meetings can be held as scheduled.