The next intersessional process

Submitted by the United States of America

I. Introduction

1. Beginning in 2003, BWC States Parties have conducted an innovative program of information sharing and exchange on topics relevant to the Convention, which has come to be known as the “intersessional process.” The objective of the intersessional process, throughout this period, has been to “develop common understandings and promote effective action” on such topics.

2. The intersessional process has been an unequivocal success. Participation in meetings — particularly in terms of presentations — has steadily increased, and has broadened in terms of geographic representation. Elements of civil society have increasingly become partners in efforts to support the Convention. Dialogue in Geneva has generated heightened awareness, convergence of views, and substantial activity at the national and regional levels in areas ranging from biosafety and security to the development of implementing legislation to cooperation in disease surveillance and response. In recent years, assistance providers in these areas have identified BWC intersessional meetings as a key opportunity both to meet and develop relationships with potential partners, and to coordinate assistance programs. In short, the intersessional process has become a place where experts from many different sectors in many different countries come together to address issues that lie at the intersection of science, security, health, and law enforcement.

3. Past success, however, does not argue for a static approach. To address increasingly challenging issues and develop more concrete outcomes and products, the intersessional process needs to evolve. A new approach should be pursued that has the following characteristics:

   (a) More ambitious agenda: Many of the topics addressed in past intersessional meetings – scientific responsibility, national legislation, disease surveillance and response, etc. – merit continued attention. Other areas which require greater attention include efforts to enhance confidence in effective implementation and compliance, efforts to counter the threat of bioterrorism, efforts to monitor and respond appropriately to developments in science and technology, and efforts to increase both national and international preparedness to detect and respond to sudden outbreaks of infectious disease.

   (b) More interactive: a side effect of increasingly active participation has been that the sheer number of presentations within the limited meeting time available limits opportunities for discussion and debate, which are essential to promoting common understanding and effective action.

   (c) More results-oriented: In some cases, exchanges of views and information are, in themselves, extremely valuable, but these are sometimes a slow and indirect way to promote effective action. Where possible, BWC States Parties should use the intersessional process to develop specific recommendations, guidelines, or best practices to assist and support States Parties and, where practical, establish metrics to document progress. Such products might be recommended to a future Review Conference, or recommended to States Parties for their consideration, as tools they might wish to apply.

   (d) Greater differentiation between Expert and Annual meetings: One criticism of the intersessional process has been the degree to which Annual Meetings of States
Parties (MSP) tend to be a replay of the preceding Meeting of experts (MX). To address this – and, indeed, to accomplish the objectives described above – greater clarity about the respective roles of these two types of meetings is called for.

II. Proposed topics for intersessional work

A. Global health/security

4. The intersessional process should seek to: develop common understandings and promote effective action on international cooperation and assistance in detecting, reporting, and responding to outbreaks of infectious disease or biological weapons attacks; identify and address impediments to prompt, effective international response; develop, if needed, appropriate metrics to evaluate progress; and report to the 8th Review Conference on next steps. This could include exchanging information and developing recommendations, guidelines, metrics, or other relevant tools including:

   (a) Developing recommendations, in close cooperation with WHO, OIE, and FAO, on options for States Parties to address regulatory and other barriers to the timely provision and acceptance of assistance;

   (b) Compiling information on relevant sources of both capacity building and emergency assistance, including information on how to access such assistance;

   (c) Exchanging information on preparedness, response, and crisis management leading to recommendations or common understandings on these topics and their relevance not only to national response capacity but to facilitating effective international assistance.

B. Strengthening implementation of the BWC

5. States Parties should agree that the next intersessional process will work to:

   (a) strengthen national implementation of BWC obligations through improved transparency of the status of implementation by States Parties and the identification of specific measures and practices that States Parties should consider as possible means to fulfill their obligations;

   (b) Explore options for strengthening the BWC Confidence Building regime (by improving both the utility of, and participation in, the process);

   (c) Consider options for addressing doubts and ambiguities in accordance with Article V of the Convention. Specific issues for consideration could include:

      (i) Development of an “implementation handbook” with illustrative approaches to establishing and organizing a national focal point, collecting and submitting CBM information, appropriate criminal and civil legal provisions, pathogen safety/security measures, control lists, etc.

      (ii) CBMs: improvements to content, format, and process, aimed at improving relevance, utility, and participation. This should include expanding and strengthening reporting of national implementation measures and steps that would facilitate moving to a standardized electronic data structure.

C. Science and technology

6. The intersessional process should seek to:
   (a) Identify best practices for supporting the ongoing development of the culture of responsibility, and related oversight mechanisms, within the life sciences community, including in the area of education;
   (b) Develop recommendations for the 8th RevCon in response to developments in science and technology, on the basis of both national reports and inputs from the Inter-Academy Panel or other international scientific bodies.

7. Attention should be paid not only to developments with potential weapons application, but also developments in diagnostics, countermeasures, and other areas that may mitigate the biological weapons threat. In addition to government experts, the participation of non-governmental stakeholders (including industry) should be sought, given the need for active engagement of these communities.

III. Proposed structure for intersessional work

8. To accomplish these goals, the United States proposes that BWC States Parties adopt a modified method of work for the next intersessional period, along the following lines:
   (a) Working Groups: Achieving concrete results, in many cases, may require more than one meeting to discuss an issue. This suggests that the current practice of addressing one topic each year should be abandoned in favor of a more flexible approach. The establishment of dedicated working groups on the topics described above, each with an overall mandate and a set of specific issues handed down from the Review Conference, would allow several topics to be addressed each year, and revisited in an iterative fashion if necessary. Working Groups would report to the Annual MSP, including forwarding any recommendations or common understandings, advising on the status of discussions, and reporting on plans for the following year’s consultations. Working Groups would be open to participation by experts from all BWC States Parties. To accommodate smaller delegations, meetings should be held back-to-back, rather than in parallel; however, this would still ensure that related issues are clustered under each working group, so that individual experts would not need to remain in Geneva for the full period, thus conserving resources.

   (b) Annual Meeting: The Annual MSP should have a clear and distinct role: this should include providing a venue for general debate on intersessional topics; reviewing and responding to reports and recommendations from the Working Groups; reviewing the reports of the Chairman and the ISU; considering broader issues not assigned to specific Working Groups, such as universality; taking decisions within the scope of the responsibilities delegated to it by the Review Conference, and making recommendations to the 8th Review Conference.

   (c) Leadership: The Working Group/Annual Meeting structure creates a cadre of leaders, rather than placing the entire responsibility on the annual BWC Chairman. Ideally, Working Group leaders should be available to serve for more than a single year, to provide continuity. They should be sufficiently engaged in the issues under their purview to ensure that work is not limited only to formal meeting time, but that consultations and discussion will continue, by electronic and other means, over the year. Appropriate geographic representation should be sought. The Working Group leaders and the Chairman should
work with regional coordinators and depositaries to ensure that the work of the intersessional process is well-prepared and smoothly executed

IV. The need for additional meeting time

9. Achieving more concrete results with a more ambitious agenda will unavoidably require additional meeting time. The current schedule allows a total of only 20 days of expert consultations on all topics combined between one Review Conference and the next: even with Working Group leaders playing an active role between meetings and greater use of electronic platforms, this is unlikely to be sufficient to develop substantive recommendations, guidelines, or best practices.

10. The United States would see merit in allocating a full week of meeting time each year for each working group, in addition to the one-week Annual Meeting. However, consultations have suggested that many delegations would have difficulty financing either their share of the meeting costs or the participation of experts from capitals. Accordingly, we propose a two-week period for expert consultations, to be divided among three Working Groups, (e.g., three days per group, with one day for spillover and informal consultations) and a one-week annual meeting. This would return the intersessional process to the two weeks of expert meeting time per year that was allocated in 2003 – 2005.