
**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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Item 12 of the provisional agenda

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

**Decision-making in a future BTWC intersessional work
programme**

**Submitted by the United Kingdom of Great Britain and Northern
Ireland**

I. Introduction

1. In the working paper submitted by the United Kingdom entitled '*Illustrative model intersessional work programme: a proposal for task group structure and agenda items*' (BWC/CONF.VII/WP.2) we argue that future expert and State Party meetings should be able to make decisions of an appropriate nature, to ensure that 'effective action' is taken on those issues where there is clearly consensus that this is a proper course to take. If there is consensus, why should there be any need to wait for the next Review Conference? This can only lead to postponement of actions to strengthen the Convention that ought to be taken promptly.

2. The Organisation for the Prohibition of Chemical Weapons (OPCW) does not operate on the basis that only its Review Conferences can take decisions and the United Kingdom considers that BTWC States Parties should work in a similar way. Of course Review Conferences would remain as the main policy and the key decision-making body for the States Parties, but that should not mean that we should be prevented from taking decisions by consensus during the intersessional work programme. The United Kingdom envisages a process where the Review Conference would delegate appropriate levels of decision-making to intersessional meetings, while major issues would still need to be referred to a Review Conference for decision.

3. It is therefore appropriate to define the scope for decision making at intersessional meetings. The Seventh Review Conference would set this out clearly, to prevent disputes over mandates that would detract from a focus on substantive matters. The United Kingdom believes that we should agree a list of issues where decisions could be taken on discrete topics at Expert Level Meetings (MXPs) and Meetings of States Parties (MSPs), whilst others would be the preserve of the Eighth Review Conference.

II. Decision making post Seventh Review Conference

4. There should be a clear mandate for future meetings—whether Review Conference, MSP, or MXP—on the nature of decision making that would be proper for each body to be able to take to maximise its effectiveness. Something along the following lines could apply.

A. Review Conference

5. The Review Conference would remain the sovereign decision-making body for all matters of substance and procedure relating to the BTWC, including the following:

- (a) Overall content of any Intersessional Work Programme;
- (b) Mandate and size of ISU;
- (c) Action Plans on national implementation and universality;
- (d) Nature of any compliance measures that might be adopted or investigated;
- (e) Article V decisions, such as changes to the Consultative Meeting process;
- (f) Overall operation of the Convention;
- (g) On specific areas/recommendations remitted to it by MSPs; for example, proposals for a new CBM to address scientific and technological (S&T) developments that have implications for the Convention.

B. Annual Meeting of States Parties

6. The Annual MSP would be subordinate to the Review Conference and could take more limited decisions on substance and decisions on matters of procedure relating to the MSP and MXP. Accordingly, its decisions would be modest, rather than ones which were major in nature or which required significant resources or new legislation to give effect to any recommendation. ‘Modest’ would mean things like actions that States Parties might take to provide support for Article VII; whilst ‘major’ would be an expansion of the ISU’s mandate. ‘Modest’ would be setting out a format for annual declarations on biodefence comparable to the CWC Article X declarations, whilst ‘major’ would be a requirement for donations of protective equipment to the ISU. Specifically, the MSP could decide:

- (a) Agendas and participants (as at first and second intersessional programmes);
- (b) To task the ISU with specific roles in support of decisions or to support the on-going programme of work, consistent with mandate and resources available;
- (c) To revisit issues and recommendations at future MSPs;
- (d) Subject to any mandate approved by the Review Conference, specific actions on discrete and clearly defined topics that have been under discussion/developed and agreed at expert or State Party Meeting level such as on national implementation, S&T, Articles III, IV, VII and X issues;
- (e) Subject to any mandate approved by the Review Conference, technical changes to the existing CBMs to improve clarity of the modalities and formats and on any recommendations for specific new CBMs to be adopted by the next Review Conference;
- (f) Specific areas of action or issues to be agreed or addressed at a Review Conference;

(g) Confirmation of the budget for ISU, in accordance with any parameters set by the Review Conference.

C. Annual MXP Task Groups

7. The MXP Task Groups would be subordinate to the Annual MSP and Review Conference; their decisions would accordingly be limited to recommendations to the MSP and procedural matters relating to the Task Groups as follows:

- (a) Setting the agenda and specific topics to be addressed within the overall express mandate given by the Review Conference;
- (b) Who to invite to attend and contribute to such meetings;
- (c) Agreeing any recommendations for decision by the States Parties at an MSP.

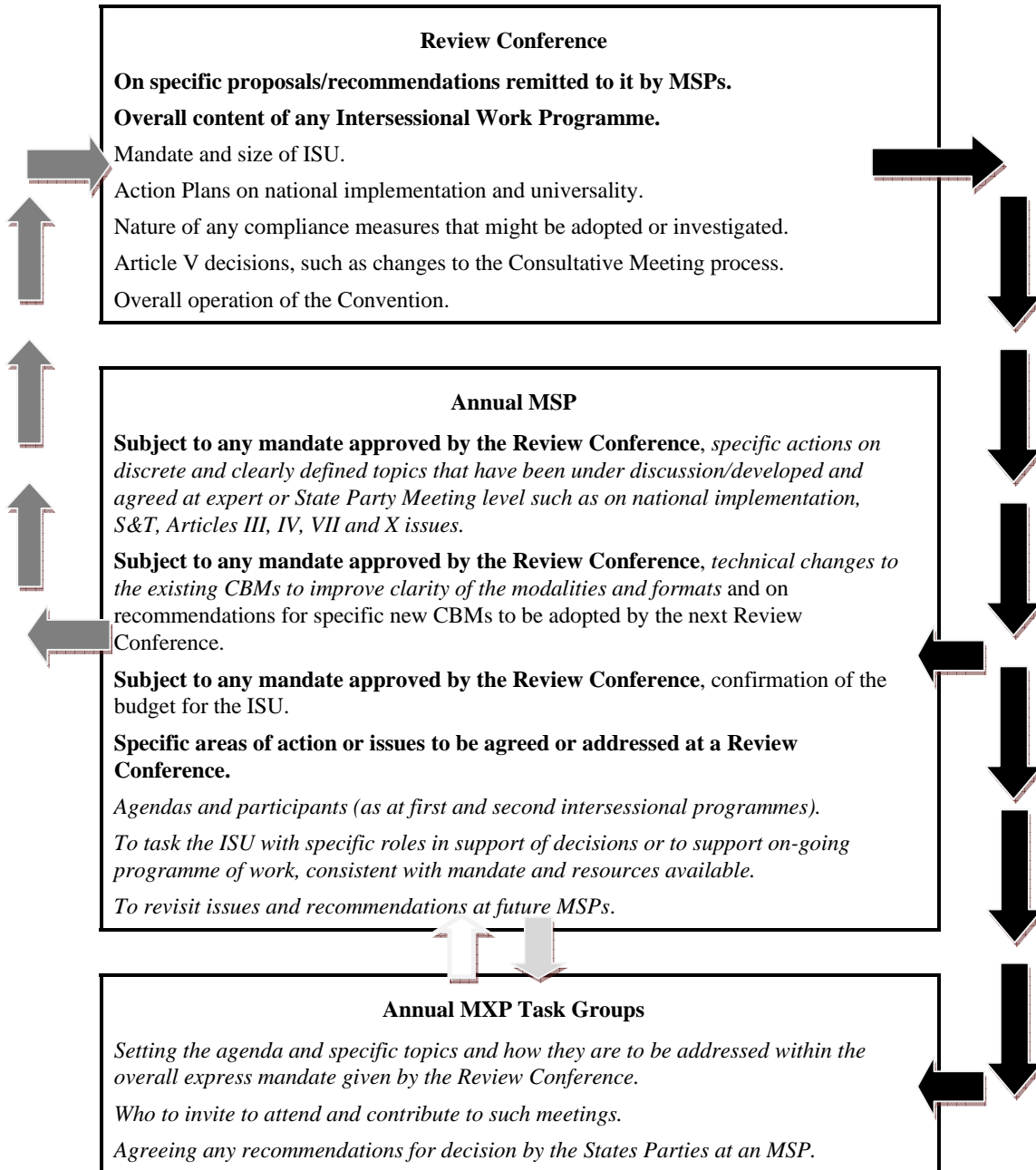
D. Requirement for consensus

8. The consensus and voting rules for all meetings would apply *mutatis mutandis* as per the current Rules of Procedure for BTWC Review Conferences. Consensus provides a safeguard for all States Parties that they are not compelled to accept recommendations and proposals that they feel either require more time for mature deliberation, or where there are fundamental differences of principle at stake.

Annex

[English only]

Tasking and decision-making flow chart



Key

1. Black arrows indicate that the Review Conference can task either MSP or Annual Task Groups with specific issues to be addressed.
 2. Dark grey shows that the Annual MSP can submit proposals to the Review Conference whilst the light grey indicates that it can also direct Task Groups to address specific issues that help support or further priorities set by the Annual MSPs.
 3. The white arrow shows that Task Groups only submit proposals to the Annual MSP for their consideration. Text in *italics* indicates reserved decision making rights for the Annual MSP and Annual MXP Task Groups.
 4. Normal type shows areas where direction/guidance is derived from the Review Conference.
 5. **Bold text** shows direct linkages between the Review Conference and Annual MSP where powers or mandates are delegated or recommendations considered.
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