

Ninth 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

19 December 2022

English only

Geneva, 28 November to 16 December 2022

Item 12 of the agenda

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

Draft Terms of Reference and Rules of Procedure toward the development of a BWC Science and Technology Advisory Process

Submitted by North Macedonia

1. Rapid advances in life sciences – including convergences with other fields, such as artificial intelligence, additive manufacturing and robotics – pave the way for applications of biological technologies that are easier, cheaper, faster, and more accessible. These developments offer unprecedented opportunities, including ways of furthering the Convention’s aims, but may also increase proliferation and security risks and have implications for the long-term viability of the Biological Weapons Convention (BWC).
2. There are common understandings, evolving over several intersessional processes, that these developments necessitate strengthening of the BWC across several areas, including in assistance and cooperation, national implementation, response and preparedness, as well as reviewing advances in science and technology.
3. Article XII of the Convention stipulates a review process, or mechanism, that “take[s] into account any new scientific and technological developments relevant to the Convention.” BWC States Parties have emphasized over the years the strong benefits of an S&T review process within the framework of the Convention as a cross-cutting issue, with a broad convergence around the principle if not the details of such a process. These areas of convergence include: need for geographical diversity; inclusivity; effectiveness and practicality; a broad range of scientific expertise; independence from political influence; and adequate resources. Divergences exist on a few matters, but there are strong indications that finding common understanding on those with a committed focus is within reach as well.
4. There have been numerous national and cross-regional efforts over the years to find the most suitable approach to a regular science and technology review process. Great detail has been provided in these efforts and progress made towards identifying an approach that is both practical and inclusive and which has widespread support. This work comes from over a decade of ideas and deliberations, including from individual States Parties, MX2 Chairs, dedicated surveys, workshops, analyses from UNIDIR and the Federation of American Scientists, and facilitators for science and technology issues.
5. Most recently, Ambassador Leonardo Bencini of Italy, in his role as President of the Ninth Review Conference (RevCon), asked Mr. Ljupčo Gjorgjinski of North Macedonia to be Facilitator for review of developments in the field of science and technology during the Ninth RevCon. This effort started by elucidating common principles and characteristics that all agreed were essential; recognized that differences in approach were to some degree differences in how to weight or address these key elements; and used that as basis for developing a common approach.



6. The Ninth Review Conference, in paragraph 19 of Section III of the Final Report, decides “to develop with a view to establish a mechanism to review and assess scientific and technological developments relevant to the Convention and to provide States Parties with relevant advice. In order for this mechanism to be established, the Working Group on the strengthening of the Convention will make appropriate recommendations.”

7. There is widespread support for a mechanism that provides advice to States Parties on scientific and technological developments relevant to the Convention, and is open to all States Parties, based on an appropriate geographic and gender balance. The draft Terms of Reference and Rules of Procedure below propose to name the mechanism once established a “Scientific Advisory Board,” though a different name may be found that is more suitable.

8. Such a Science advisory Board would be based on a hybrid model that contains two parts:

- (a) An Open-ended Scientific Advisory Group, open to all States Parties; and
- (b) A limited-size Scientific Reporting Committee whose members are nominated from the open-ended Scientific Advisory Group.

9. Either group should be able to establish temporary working groups with narrowly defined mandates, if specific technical expertise is necessary.

10. Finally, such a process must have adequate administrative and practical support from the Implementation Support Unit through the establishment of a position of a Science Officer.

11. This working paper contains a draft Terms of Reference and rules of Procedure that propose a way to make such a mechanism work with the hope to inform the work of the Working Group on the strengthening of the Convention and its recommendations.

Draft Terms of Reference BWC Science Advisory Board

I. Role and Functions

1. The role of the Scientific Advisory Board, consisting of an open-ended Scientific Advisory Group and a limited-size Scientific Reporting Committee, shall be to assist States Parties by providing specialised advice on scientific and technological developments relevant to the Convention.
2. The Scientific Advisory Board shall consider only scientific and technological issues of interest to States Parties. For each Review Conference they shall prepare a broad study of the implications of developments in science and technology for the Convention. Other specific issues for study are to be decided by the annual Meeting of States Parties, taking into account any guidance that may be provided by the Review Conference. Specific topics could be proposed by the Scientific Advisory Board by States Parties.
3. The reports from the two advisory groups to the States Parties shall objectively reflect expert discussions, including different views; provide scientifically grounded analyses and conclusions; and forward recommendations.
4. The functions of the advisory groups include the following:
 - (a) To monitor, assess, and report on scientific and technological developments relevant to the Convention and their potential implication for the implementation of the Convention; and
 - (b) To assist States Parties' individual and collective decision-making by providing them with scientific and technological advice for their consideration.
 - (c) In particular, both bodies of the Scientific Advisory Board shall provide advice in the following areas:
 - i. Scientific and technological developments that could pose a significant risk of use contrary to the Convention;
 - ii. Scientific and technological developments that could provide significant benefits for the strengthening and implementation of the Convention;
 - iii. Developments in national and international governance of science and technology to promote benefits and minimize risks;
 - iv. Any other scientific and technological developments of relevance to the Convention.

II. Structure and composition

5. The Scientific Advisory Board consists of an open-ended Scientific Advisory Group and a limited-size Scientific Reporting Committee and, if needed, temporary working groups with narrowly defined mandates. The members of the Scientific Advisory Board shall serve in their individual capacities as independent experts who would be appointed for a term of 3 years, renewable once.
6. The open-ended Scientific Advisory Group and the limited-sized Scientific Reporting Committee shall strive to provide relevant scientific and technical expertise drawing on a broad range of specialties, with due consideration to adequate geographic diversity, gender balance and political independence. Only citizens of States Parties are eligible to be members of either group of the Scientific Advisory Board, or of any temporary working group that might be established.

Open-ended Scientific Advisory Group

7. The open-ended Scientific Advisory Group ensures the inclusive and objective character of the overall advisory process. It considers each study topic and provides its technical findings as “food-for-thought” for the limited-size Scientific Reporting Committee.

8. All States Parties may nominate experts to participate in the deliberations of the open-ended Scientific Advisory Group. Each nominated expert should have a background in a relevant field. Experts nominated to the open-ended Scientific Advisory Group are accepted as members at the next meeting of the Group.

9. On the basis of the discussions in the open-ended Scientific Advisory Group, the limited-size Scientific Advisory Committee shall consider the same study topics and prepare a consensus report to the States Parties with findings and any recommendations, to be presented to the next Meeting of States Parties. In circumstances where efforts to achieve consensus are exhausted, the group will reflect areas of divergence in the report.

Scientific Reporting Committee

10. The Scientific Reporting Committee shall consist of up to 30 members, who would be appointed for a term of 3 years, renewable once. The membership shall reflect a broad range of scientific and technical qualifications, balanced representation of the principal areas of the world, and gender balance. The members of the Group shall serve in their individual capacities as independent experts.

11. The list of nominees for membership in the Scientific Reporting Committee shall be compiled by the Chair of the open-ended Scientific Advisory Group, upon receiving proposed nominations from interested States Parties, and reflecting consultations conducted with the BWC Bureau, taking into consideration the need for pertinent expertise as well as appropriate balance as stated in paragraph 10. Any State Party would be able to make proposed nominations. The list of such nominations shall be made available to States Parties with the help of the Science Officer in the Implementation Support Unit.

12. Nominees shall become members of the Scientific Reporting Committee upon the completion of a one-month silence procedure within the open-ended Scientific Advisory Group from the time of their nomination. Their membership should be based on their demonstrated expertise in particular scientific fields relevant to the implementation of the Convention and their qualifications and experience, taking into account their publications, scientific, academic or professional activities and distinctions, with due regard to ensuring a broad range of relevant specialties. With a view to promoting geographic diversity, special attention should be given to experts from countries whose experts have not previously participated in the Scientific Reporting Committee.

Temporary Working Groups

13. States Parties may establish a temporary working group for a limited time and with a clearly stated mandate to provide advice within a specific time-frame on a specific scientific or technological issue relevant to the Convention that requires in-depth study and participation by outside experts. The Chair of either advisory group of the Scientific Advisory Board, after consulting with their respective advisory group, may propose to States Parties to establish such a temporary working group. The temporary working group could then be established by the next Meeting of States Parties.

14. A temporary working group shall have no more than 20 members. Members must be citizens of the States Parties to the Convention.

15. Each temporary working group shall be chaired by a member of the advisory group which proposed the temporary advisory group and conduct its discussions in close coordination with his/her advisory group. Members of a temporary working group would be nominated by interested States Parties or the Chair of the relevant group and the nomination considered by the Chair of the open-ended Scientific Advisory Group, based on relevant

expertise and, if appropriate, in close coordination with the Chair of the Scientific Reporting Committee. The Science Officer in the ISU may provide recommendations as to which expertise would be most pertinent to the issues under consideration in the temporary working group.

16. The Chair of a temporary working group may invite additional relevant subject matter experts from academia, industry and other research organisations to support its work through inter alia participation at, and contributions to, its meetings.

III. Independence

17. Maintaining the independence of the advisory process from political influence is essential for its credibility and long-term value. Members of the open-ended Scientific Advisory Group, limited-size Scientific Reporting Committee or any temporary working group shall serve in an individual capacity as independent experts. If for any reason a member of any of the groups is unable to take part in its work, a replacement shall be appointed according to the same procedure stipulated above.

18. Drawing on experience from other advisory bodies to best ensure independence, experts should be required to make relevant declarations and disclosures and assurances of confidentiality. Other safeguards that may be utilized include terms of reference, confirmation of scientific qualifications and requirements, appropriate selection and funding procedures, and similar provisions. The safeguards for the advisory process could include a specific provision on conflict of interests and a code of conduct developed in line with the Tianjin Guidelines.

IV. Resources

19. The open-ended Scientific Advisory Group and the limited-size Scientific Advisory Committee should each hold at least one in-person meeting per year. Additional meetings could, for reasons of budget and flexibility, be in-person or virtual, as appropriate.

20. States Parties' annual contributions should cover one meeting per year of the open-ended Scientific Advisory Group and a dedicated ISU staff member. The costs for the limited-size Scientific Reporting Committee, including travel costs, should be covered by States Parties' annual contributions. Additional activities, including temporary working groups, if further decided, could be funded by a combination of States Parties' annual and voluntary contributions.

V. Relationship With the Implementation Support Unit (ISU)

21. The BWC ISU shall provide support required for the preparation, organisation, and implementation of the activities of the activities of all scientific advisory groups.

22. The ISU shall include a "Science Officer", with technical credentials, as a full-time permanent position in order to help provide such support.

VI. Rules of Procedure

23. The Rules of Procedure of the open-ended Scientific Advisory Group and the limited-size Scientific Reporting Committee are contained in the appendix to these Terms of Reference.

24. The Rules of Procedure shall apply mutatis mutandis to any temporary working group.

Draft Rules of Procedure

Rule 1

Mode of operation

1. The open-ended Scientific Advisory Group and the limited-size Scientific Reporting Committee each appoints by consensus on an annual basis a Chair and a Vice-Chair from among its members.
2. The Chair of each advisory group, through the Chief of the Implementation Support Unit (ISU), notifies each member of the advisory group of a planned meeting, stating the purpose, the venue, the opening date and the expected duration of the meeting, as far in advance as possible, but at least 30 days before the opening day of the meeting. The provisional agenda is transmitted together with the notice of the meeting.
3. A provisional agenda for each meeting of the advisory group is prepared by its Chair. The advisory group adopts an agenda for each of its meetings on the basis of the provisional agenda submitted by the Chair. The provisional agenda may be revised, as necessary, by deferring, deleting or amending items on the agenda.
4. The States Parties may include in the agenda of the advisory groups any item related to the terms of reference.

Temporary working groups

5. A temporary working group is chaired by a member of that advisory group which had proposed establishment of the temporary working group, appointed for that purpose by its Chair with other members concurring.
6. The Chair of the open-ended Working Group transmits to the Chair of each temporary working group a mandate setting out: (a) the specific issue to be addressed, and (b) the time limit within which the temporary working group must report on the issue.
7. The Chair of the temporary working group convenes meetings of the group. For this purpose, the Chair, through the Chief of the ISU, notifies each member of the temporary working group of a planned meeting, stating the purpose, the venue, the opening date and the expected duration of the meeting, at least 30 days before the opening day of the meeting.

Rule 2

Observers

8. Unless prior written approval has been obtained from the Chair of the relevant working group, observers will not be permitted to attend meetings of either advisory group.

Rule 3

Administrative and technical support

9. The Chief of the ISU provides, through the ISU, administrative and technical support for the preparation, organisation and implementation of activities of advisory groups.

Rule 4

Languages

10. The official languages of the working groups are Arabic, Chinese, English, French, Russian and Spanish. The working language is English. Interpretation is arranged by the ISU.

Rule 5**Reports**

11. The advisory groups provide to States Parties a combined annual report of their activities including an account of their contributions during the year.

12. The combined report includes the reports of the open-ended, limited-size, and temporary working groups covering the same period. All such reports are adopted by consensus. The conclusions and recommendations are developed through a consensus process. If consensus on the conclusions and recommendations cannot be achieved, the report reflects any minority view(s), as appropriate.
