

Monday 4th December 2006

## The end of the second week: A new draft declaration text presented

Friday, the tenth day of the Sixth Review Conference for the Biological and Toxin Weapons Convention (BTWC), saw the distribution of a new compiled draft final declaration following continuation of work in informal channels dealing with specific parts of the text.

There are a number of issues outstanding, the most significant of which are the composition of the new inter-sessional work programme and the question of an action plan for Article X, either of which might be the subject of a significant disagreement which might hold up conclusion of a final declaration. On most other issues, however, the differences in positions between States Parties is sufficiently close that there is likely to be an eventual agreement on these.

### **The latest draft declaration text**

The 19-page text of the draft declaration was presented in such a way that agreed text was written in an ordinary font and text yet to be agreed was highlighted in bold or, occasionally, by some other annotation. This makes the document much easier to read than the system of putting text yet to be agreed into square brackets. [*Note*: often 'agreed' text essentially means text that has not been opposed by any State Party – States Parties will often agree to a text on a particular issue if it is not ideal but not too bad in order to be able to concentrate time on a subject that they consider to be more important.]

There are some notable features of the text that remain in bold, examples of which are as follows:

- Preamble of the Convention – this does not seem to have been considered in detail yet and is completely in bold.
- Article III – there is bolded text about implementing this article in such a way as to be consistent with Article X.
- Article V – several paragraphs about Confidence-Building Measures (CBMs) are bolded. While some text refers to the low participation rate, no text refers to the record number of returns submitted in 2006. New text talks about keeping CBM returns confidential without the express permission of the relevant State Party [see the reflections section below].
- Article VII – some bolded text relating to procedures for assistance and the possibility of the UN Department for Disarmament Affairs establishing an inventory of types of assistance that could be provided by States Parties.
- Article X – terms such as 'compliance', 'equal and non-discriminatory basis', and 'basic objectives of the Convention' are bolded, highlighting the differences in perception towards this article. Other text under this section will be affected depending on whether an action plan on Article X implementation is adopted or not.

- Articles XI and XII – text entirely in bold as yet to be discussed in detail.
- Inter-sessional process 2007-10 – both alternative texts in bold relate to one week meetings of experts and one week meetings of states parties for each of the years 2007-09 with one option being for a two week meeting of states parties in 2010 instead of one week that year. The proposed topics for the inter-sessional meetings have many bolded elements and more topics than there is time for remain on the list.
- Action plans – texts of an action plan on universalization and one on national implementation are included in completely bolded text. No text is included for an action plan on Article X implementation, as had been proposed by the non-aligned group of BTWC States Parties.

Texts on the 2003-05 inter-sessional process and on the proposed Implementation Support Unit (ISU) are in regular font apart from the bolded word ‘three’ in relation to the ISU staff level. Some ISU text is completely blank and is reliant on what might be agreed for the action plans. There is some additional text on CBMs relating to making submission of returns easier included as a separate thematic section towards the end of the draft declaration. [See <<http://www.bwpp.org/6RevCon/documents/BTWCFullText.pdf>> for the full text of the BTWC, ]

### **Reflections on the draft declaration**

The current draft embodies most points raised by States Parties during the Conference so far and on these issues may be seen as a fair reflection of the debate. However, the key Article X and future work programme issues may prove hard to resolve. If a consensus solution can be found to the Article X action plan disagreements, there may be such relief that discussion on a list of topics for the inter-sessional process will become easier. If this were to have happened in informal consultations over the weekend, the Review Conference could be finished in a day or two. If the Article X issues are not resolved quickly, the Conference might only finish late on Friday night.

The text on CBMs contains a significant change. The status of CBM returns has been somewhat ambiguous. Returns have been studied by independent researchers in the past, for example, the SIPRI study published in 1990. The draft declaration includes the sentence: ‘The information supplied by a State Party must not be further circulated or made available without the express permission of that State Party’ – a text that comes from a proposal by Russia, the UK and the US (the depositary powers of the BTWC, the latter two of which have published parts of their CBMs). This would seem to be the first mention in a Review Conference final declaration of the status of CBM returns. The use of the phrase ‘the information’ rather than simply ‘information’ may be unintentional as this would imply inseparability of a CBM return – as long as a State Party wanted just one part to be kept confidential, the whole return would have to be kept unpublished by the ISU. Currently, for example, the UK publishes its return other than Form F on past programmes.

*This is the eleventh report from the Sixth five-yearly Review Conference for the Biological and Toxin Weapons Convention which is being held from 20 November to 8 December 2006 in Geneva. The reports are prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP).*

*These reports are available on the BWPP website via a page dedicated to the Review Conference – <<http://www.bwpp.org/6RevCon/6thRevConResources.html>>. Details of how to subscribe to the reports via e-mail are included there.*

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