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The Preparatory Committee so far and a look toward the second session

Many intergovernmental meetings have had a problem – for example, a confrontational geo-political context, a lack of progress in appointing office holders, or a difficulty scheduling meetings. The Ninth Review Conference for the Biological Weapons Convention has all three, creating a challenging environment even before any pandemic influences are taken into account.

The Convention, signed in 1972, is also known as the Biological and Toxin Weapons Convention and so has two commonly used abbreviations – BWC and BTWC. Like treaties in comparable issue areas, the BWC holds five-yearly Review Conferences which take stock and provide strategic direction for the Convention. The Ninth BWC Review Conference was scheduled for 2021 but postponed owing to pandemic restrictions. To get ready for each Review Conference, a Preparatory Committee (PrepCom) is convened to decide on the practical arrangements (the administrative PrepCom). Starting with the Eighth Review Conference (2016), there has been additional PrepCom time to provide an early chance to discuss issues that might require decisions or agreed understandings at the Review Conference (the substantive PrepCom). It is usual practice in international diplomacy for these two types of PrepComs to have distinct identities and timings but the PrepCom this month will have elements of both.

The substantive PrepCom for the Eighth Review Conference carried out a comprehensive discussion of a wide range of aspects of the Convention. Indeed, in the experience of this author it was the most productive week of BWC meetings ever attended. Owing to the interruptions caused by the pandemic, amongst other influences, many delegations appear to be less prepared compared with 2016 and so discussion this time may be more limited.

The first day of the Preparatory Committee

The first session of the PrepCom was held on 20 December 2021 with a fairly sparse attendance as there were a number of travel complications prompted by the emergence of the omicron variant of COVID-19. The meeting formally took administrative decisions on meeting dates and on the Vice-Chairs – both of which had been discussed at the Meeting of States Parties (MSP) a few weeks earlier. The first session was unable to appoint a Chair for the PrepCom, who would be President-designate of the Review Conference, and so it was presided over by the Vice-Chairs.

Preparations for the Ninth BWC Review Conference since December

One of the key unresolved matters for the Review Conference remains the appointment of the President-designate. This position rotates between the regional groups. Following difficulties in selecting a President-designate, the non-aligned (NAM) group have handed over the Presidency to the other groups. This is not unprecedented, in 1991 the Eastern European Group were unable to find a President-designate for the Third Review Conference and so offered the position to the NAM as the group next in line. As the Western Group would have had the nomination for the Tenth Review Conference, the

expectation is that they might put forward a nomination for the Ninth. At the time of writing, no nomination has been publicly identified. Issues around the timing for the Ninth BWC Review Conference has complicated this matter.

The first session of the PrepCom decided that the three-week Ninth BWC Review Conference should be held during 8-26 August 2022 in Geneva. Since then, states parties to the nuclear Non-Proliferation Treaty (NPT) have decided to hold the four-week Tenth NPT Review Conference in New York during 1-26 August 2022. As each conference would involve many of the same delegates there are clear practical difficulties to holding both in parallel. There has been little public debate on how this might be resolved. This uncertainty may reduce the incentive for some Ambassadors to allow their names to be put forward as candidates for the Presidency of the BWC Review Conference as a number of countries place greater political emphasis on the NPT rather than the BWC.

The geo-political context and allegations regarding biological laboratories

The invasion of Ukraine by Russia and the ensuing international responses have produced a confrontational geo-political context. Russia has alleged that US-funded facilities in Ukraine have been involved in research work that could support biological weapons activities. These allegations have been denied by Ukraine and the USA.

The BWC has procedures for consulting on allegations, primarily the processes under Article V of the Convention. These have been elaborated further in various Review Conference final documents, particularly that of the Third Review Conference (1991). The Eighth Review Conference (2016) included the following text (repeated from earlier conferences) in the Article V section of its Final Document:

18. The Conference reaffirms that:

(a) this article provides an appropriate framework for States Parties to consult and cooperate with one another to resolve any problem and to make any request for clarification, which may have arisen in relation to the objective of, or in the application of, the provisions of the Convention;

(b) any State Party which identifies such a problem should, as a rule, use this framework to address and resolve it; and

(c) States Parties should provide a specific, timely response to any compliance concern alleging a breach of their obligations under the Convention.

If Article V is not invoked, what does this mean for the importance of the Convention? There is a clear argument to be made that the BWC is the forum in which compliance concerns should be discussed if the alleged activities are suggested to be in breach of the Convention. The processes and procedures for raising a compliance question are there. The 200-odd pages of *Note Verbale* recently circulated to BWC states parties by Russia have not been made public although they have been described as being similar to the materials presented to the UN Security Council during March. Either the allegations suggest that there has been a breach of the Convention, in which case it would be logical that Article V should be invoked, or they do not.

Whenever allegations are made, there is a need to examine them in context. Historically, most allegations about development of prohibited weapons have been politically motivated, primarily in attempts to demonise political opponents. Yet there have been allegations that have been eventually proven to be correct – even some that at first had appeared to be politically motivated. A number of analysts with experience of examining comparable allegations over many decades have examined the material published by Russia and concluded that what has been published does not support what is being alleged. Nevertheless, any such allegations need to be examined carefully. Untested allegations undermine the regime to control biological weapons, taking up considerable working time as well as raising questions about whether the regime can deal with potential breaches, and so should be resolved as soon as possible. That is a key reason why the Article V provisions were included in the Convention.

This is the first report from the Preparatory Committee for the Ninth BWC Review Conference being held 4 to 11 April 2022 in Geneva, but which continued for an extra day. These reports are available from <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>> and have been produced for all BWC meetings since the Sixth Review Conference by the BioWeapons Prevention Project (BWPP). A subscription link is available on each webpage. The reports are written by Richard Guthrie, CBW Events, who is solely responsible for their contents. He can be contacted via <richard@cbw-events.org.uk>.