CoW first reading complete and Schrödinger’s Committee convenes

The Ninth Review Conference for the Biological and Toxin Weapons Convention (BWC/BTWC) concluded its first week of proceedings with a committee that both existed but didn’t exist at the same time. During the morning, the Committee of the Whole (CoW) completed its first reading of what might be in the article-by-article review. The CoW was followed by a short plenary called by the President to decide the way forward for the Review Conference. The number of working papers published is now 47.

The situation with regard to statements from international organizations and UN agencies as part of the general debate appears to have been parked for the time being owing to the challenges of finding a solution.

The Committee of the Whole
The CoW met to complete its first reading during the morning with Ambassador Tatiana Molcean (Republic of Moldova) in the Chair, continuing from Article X which had been reached on Thursday. Most suggestions brought forward were in line with positions presented in the general debate. While many proposals for text to be added or taken away from what had been in the final document from the Eighth Review Conference were specific, there were others that were more general that would require specific text to be developed. There were also cross-cutting issues, such as gender, where there were proposals made under a number of articles. A number of proposals were in line with working papers submitted, some of which had specific proposed language within them.

At the time of writing it was not clear when the compilation of suggestions from the first reading would be ready for all delegates.

Plenary on the way forward for the Review Conference
The President of the Review Conference, Ambassador Leonardo Bencini (Italy), informed delegates of further nominations of office holders, including vice-chairs of committees, which were then approved. [A collated list of office holders will be given in a future report in this series.] On the way forward, Ambassador Bencini outlined his suggestion for the Drafting Committee to look at the forward-looking part of the final document and emphasised that all states parties could participate in its deliberations on an equal footing. He spoke of efficiency, transparency, speed and inclusiveness as watchwords for how he saw the Committee operating. Iran questioned whether substantive issues should be dealt with in the Drafting Committee as it interpreted the rules of procedure as the CoW having this role. Russia highlighted that rule 36 spoke of texts being referred to the Drafting Committee by the Conference and that this had not happened. Most delegations taking the floor supported the President’s proposal to convene the Drafting Committee. Following consultations over the lunch break, a compromise was reached.

Schrödinger’s Committee
The compromise reached was that an informal plenary would be held with Sara Lindegren (the Chair of the Drafting Committee) presiding. This informal plenary could put together a basic text to be sent to a formal plenary and then on to the Drafting Committee, enabling
the latter to be convened formally. Very clear signals were given that this was not the
Drafting Committee, even though the session was being chaired by the Chair of the
Drafting Committee and considering the business that had been allocated to the Drafting
Committee. In summary, it was both not the Drafting Committee and the Drafting
Committee at the same time, hence ‘Schrödinger’s Committee’ was born. A consequence
of the compromise was that everyone who was not a member of a state party delegation
was required to leave the room and the proceedings continued behind closed doors,
notwithstanding that there have been many informal plenaries that had been held in open
session in earlier Review Conferences. That these proceedings were held in a closed box
that was unopened to the world only strengthened the Schrödinger analogy.

The informal plenary heard from the facilitators who described how they saw
the issue areas they were dealing with, having each had opportunities for preliminary
discussions with delegates. There was an exchange of views with some discussion of
issues where delegates suggested that they weren’t opposed to particular ideas but that ‘the
time was not yet ripe’ for them. [The concept of unripe time has a long history within the
BWC!] As this exchange of views was held just before the weekend, it provided delegates
and office holders a chance to develop their thinking before proceedings resume in the
second week.

Side events
There were six side events on Friday – three at breakfast and three at lunchtime. Details
are provided on the Conference website.

Some reflections on the first week
A conscious effort is taken in writing these daily summaries to report as objectively as
possible. However, there are times that this style of reporting does not convey some of the
atmosphere of meetings. The following are some personal reflections that do not
necessarily represent anyone’s views other than the author’s own.

The general atmosphere of this Review Conference is positive, with a much
more diverse representation than before in terms of gender and age.
There seems to be significantly greater convergence of perspectives around a
number of previously difficult issue areas such as verification and the enhancement of
Article X than there has been at other recent Review Conferences. It would be a tragedy if
such convergence could not be used as the foundation for substantive progress for the
BWC. Even with a greater convergence of perspectives, there are still many details to be
fleshed out. There will be numerous challenges for delegations who have to reach
judgements on whether the advantages they get from advances in the issues they want to
pursue outweigh the disadvantages in accepting those parts they are less in favour of.
Nevertheless, the majority of states parties seem to be agreeing on a core set of substantive
issues and on where some of the trade-offs may be. Perhaps the most unpredictable
element at this stage within the Review Conference is that the geo-political tensions are
significant and generate uncertainties that raise concerns that consensus will be difficult to
reach at the end of the Conference.

The ejection from the conference room of the non-governmental organizations
and others who were not representing states parties on Friday afternoon was reminiscent
of BWC meetings two decades ago. It used to be the United States who would call for
meetings to be held in private. At the time, Iran and Russia, amongst others, would hint
that the US was taking that position because it wanted to reduce scrutiny after its rejection
of the negotiations for a verification protocol in 2001. It will be interesting to see how the
actions by the latest countries to reduce the openness of BWC meetings are perceived by
those at a distance from the Conference.

This is the sixth report from the Ninth BWC Review Conference (28 November–16 December 2022). These reports have been produced for all BWC meetings with NGO registration since the Sixth Review Conference (2006) by the BioWeapons Prevention Project (BWPP). They are available from <https://www.bwpp.org/reports.html> and <https://www.cbw-events.org.uk/bwc-rep.html>. A subscription link is available on each webpage. Financial support for these reports has been gratefully received from Global Affairs Canada. The reports are written by Richard Guthrie, CBW Events, who is solely responsible for their contents <richard@cbw-events.org.uk>.