

Tuesday 13th December 2022

Three drafts for the three parts of the final document, but progress stutters

The Ninth Review Conference for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) entered its final week with draft texts for each part of the final document being circulated to states parties late on Sunday night. [The parts follow the structure of the final document used in recent Review Conferences and outlined in daily report 7 of this series.] All of these drafts were considered and updated over the weekend through informal consultations. The draft of part III – the forward-looking part – was discussed in plenary on Monday morning. The Committee of the Whole (CoW) met in the afternoon to adopt its report, but faced a blockage to moving its work forward.

Three drafts for three parts

Opening the plenary, the President of the Review Conference, Ambassador Leonardo Bencini (Italy), took an optimistic tone, describing this Conference as ‘the opportunity to break the deadlock which has existed in the BWC for the past two decades’. He described the proposals outlined in the documents as ‘obviously still works in progress’ with many issues remaining to be resolved. Part I is the factual procedural report and the draft has a number of gaps as the proceedings of the Conference are not yet complete. Part II is the consolidated text prepared by the Chair of the CoW after the completion of the second reading. Part III is a non-paper by the facilitators that expands upon the work done in the informal plenary that was presided over by the Chair of the Drafting Committee. The President expressed the hope that the three drafts could be merged into a single document which would be the basis of work for the coming week.

The forward-looking package

The non-paper by the facilitators contains a package of proposals. The proposed inter-sessional programme would include annual Meetings of the States Parties (MSPs) and a ‘Group of Experts on the strengthening of the Convention’ that would look at a broad sweep of issues. These include measures for: addressing compliance (including identification of verification measures); enhancing international cooperation and assistance under Article X; improving Confidence-Building Measures (CBMs); achieving effective national implementation; strengthening assistance, response and preparedness under Article VII; and institutional strengthening of the Convention, including the possible establishment of an international agency. This Group of Experts would meet for 15 days per year and would be expected to complete its work before the end of 2025. An ‘Article X Implementation Steering Group’ would be created to facilitate international cooperation activities. A ‘Scientific Advisory Process’, based on a hybrid model, would provide advice on scientific and technological developments relevant to the Convention. Four new staff positions would be created within the Implementation Support Unit (ISU) an International Cooperation Officer, a Science Officer, an Assistance, Response and Preparedness Officer, and an Administrative Assistant. The ISU would also host an Article VII database, maintain Article VII voluntary guidelines and be responsible for managing an Article X Trust Fund.

Such a package would represent a substantial enhancement on current BWC

activities. With most of the working week still ahead, it is likely that this package will be significantly amended before the end of the Conference. The tendency at this stage of a Review Conference has been that elements are removed rather than new ones added.

Plenary discussion

The plenary discussion was broadly supportive of the package. Many delegations noted they they were only providing an initial, general response and could give detailed comments later. This is, after all, a negotiation process and states parties highlighted areas they felt needed further work. Positions expressed on issues broadly followed those given in earlier interventions during the Review Conference.

The Committee of the Whole – adoption of the report

The CoW met in the afternoon, with Ambassador Tatiana Molcean (Republic of Moldova) in the Chair. The stated aim had been to hear initial comments on the consolidated draft and to forward the draft to the plenary. The consolidated draft was broadly welcomed. As with the morning plenary, most delegations were only offering general comments at this stage. The greatest divergence of opinion derived from whether the CoW should work on the consolidated draft before sending it to the plenary. Many delegations wanted to amend the article-by-article review but to do it in plenary where it could be considered alongside the forward-looking part as changes to one could easily lead to changes in the other.

Of the BWC Review Conferences since the format of the final document was revised in 2006, the Sixth (2006) and Seventh (2011) appended two annexes to the report of the CoW that were the compilation of text suggestions from delegations and a draft prepared by the Chair of the article-by-article review. Both times there was a clear disclaimer: ‘The Committee noted that the language in this outcome was not agreed, had not been fully discussed, and had been included without prejudice to the position of any delegation. The Committee decided to transmit the outline to the plenary of the Conference for further discussion and negotiation, as appropriate, with a view to reaching consensus on a final document as soon as possible’. This was also the approach taken during the Eighth Review Conference (2016), but one delegation blocked agreement on including the annexes to the report of the CoW. The same approach was also followed on Monday but this time Russia blocked agreement. Iran, the state party that had blocked agreement in 2016, played a role on Monday in support of appending the texts to the CoW report by putting forward amendments to the disclaimer in an attempt to find consensus.

The adoption by the CoW of only a procedural report means that there is no text of the article-by-article review formally forwarded to the plenary by the CoW. There is no rule or requirement for a final document to include an article-by-article review but this has been the past practice. The Eighth Review Conference worked around this by rapidly adapting the article-by-article review from the Seventh Review Conference but most delegates found this an unsatisfactory process.

Side events

There were four side events on Monday. At breakfast, Russia hosted an in-person briefing on ‘Implementation by the Russian Federation of Article X of the BTWC (co-operation and assistance)’ and the World Health Organization held a hybrid event on ‘Global guidance framework for the responsible use of the life sciences: mitigating biorisks and governing dual-use research: from guidance to action’. There were two in-person events at lunchtime – one by CBWNet on ‘The Legal Effects of the Review Conference’; and the other by the EU, the European Commission, the International Science and Technology Centre (ISTC), and the Science and Technology Centre in Ukraine (STCU) on ‘EU Targeted Initiative on export controls for CBRN-relevant dual-use technologies’.

This is the twelfth report from the Ninth BWC Review Conference (28 November-16 December 2022). These 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>.