

Thursday 15th December 2022

A new draft final document but echoes of the last Review Conference

Wednesday morning started for many delegates with the opening of an email with the new 'Draft Final Document of the Ninth Review Conference'. This was the first version to carry an official document number – BWC/CONF.IX/CRP.2. [CRP.1 was the draft of the procedural report circulated on Sunday. Both documents are currently on the Review Conference website at <https://meetings.unoda.org/bwc-revcon/biological-weapons-convention-ninth-review-conference-2022>.] Part III of CRP.2, the forward-looking part of the final document, was discussed in plenary for the whole working day. The vast majority of delegations feel there is a substantial package on the table that would lead to the most significant strengthening of the Convention in decades, including opening up a path to international verification arrangements and more effective implementation of measures for international cooperation and assistance. Towards the end of the day, Iran explicitly rejected most of the substantive contents of the forward-looking part.

The draft final document in CRP.2

The new draft circulated to delegates contains an updated part II (Solemn Declaration and article-by-article review) and part III (forward-looking/decisions and recommendations). As the forward-looking part was the subject of the plenary debate, this will be the part outlined here. The previous version of this part was circulated late on Sunday and outlined in number 12 in this series of daily reports (on yellow paper in Geneva).

The proposed inter-sessional programme would still include annual Meetings of States Parties (MSPs) but for three days each year compared with four in the earlier draft. The issue areas for the 'Group of Experts on the strengthening of the Convention' now include measures to: 'enhance international cooperation and assistance under Art. X with a view to promoting biological developments for peaceful purposes'; 'address compliance and verification'; 'consider scientific and technological developments relevant to the Convention'; 'improve confidence-building and transparency'; 'achieve effective national implementation of the Convention'; and, 'strengthen assistance, response and preparedness under Art. VII'. References in the earlier topics to biorisk management have been removed. This Group would now meet for two meetings a year for ten days each and complete its work before the end of 2025. The Article X 'Steering Group' remains, together with the Article X voluntary trust fund and development of an Article X Action Plan (this last element should have been mentioned in the summary in daily report 12), but the section on Article X is now the first of the decisions. The new Article VII database would be better connected to the Article X assistance activities. The advisory process for scientific and technological (S&T) developments is now labelled as a 'Scientific Advisory Board', with many details removed but is still essentially a hybrid model. Only two (rather than four) new staff positions would now be created within the Implementation Support Unit (ISU) – an International Cooperation Officer and a Science Officer.

Plenary discussion

After briefly introducing the new draft, the President of the Review Conference, Ambassador Leonardo Bencini (Italy), suspended the plenary for around half an hour to allow delegates time to read and discuss the draft amongst themselves. During part of the

morning, he asked Vice-President Grisselle del Carmen Rodriguez Ramirez (Panama) to preside over the proceedings. The afternoon plenary was delayed owing to ongoing informal consultations. The President set a deadline of 8pm for delegations to get their proposed amendments in writing to the ISU so a revised text could be prepared. The debate went beyond the time that interpretation was available and some delegations requested that they give their statements when interpretation resumed in the morning.

The interventions in the substantive discussion were broadly in support of the package. There were divergences of views within this broadly supportive group but nothing that some hours of negotiation wouldn't seem able to resolve. There were many requests for clarification of financial implications of the proposed package and a briefing session is being arranged. The reordering of sections in the forward-looking part that had led to Article X issues listed first was questioned on the argument that the BWC was primarily a disarmament treaty. It was suggested that an issue area such as compliance and verification should be first or that the sequence adopted in previous Conferences should be used. There was caution expressed that the Group of Experts might become overloaded. The Philippines suggested that the Group should be advised to work on the Article X Steering Group and S&T review structure as a priority. Questions were raised as to whether themes or topics should be allocated to specific meetings for the Group to help guide its work. There were also questions whether this should really be a Group of 'Experts' as there were topics to be discussed that had significant political aspects to them.

There were many requests for clarification of aspects of the proposed package, particularly as some details had been removed and had inadvertently caused confusion. A good example of this was the structure of the S&T review and how the separate parts would operate. There were claims of imbalance between the Article X and S&T review aspects. Others noted that these were dealing with very different areas and that the two issue areas complemented each other.

Iran took the floor towards the end of the day and explicitly rejected most of the substantive contents of the forward-looking part. As it was Iran that struck out the substantive elements of the final document for the Eighth Review Conference (2016), this raised concerns. Iran's stated reason for doing this in 2016 was that a substantive inter-sessional process would make governments too comfortable with the status quo and thus inhibit moves towards a legally binding instrument. With verification on the agenda for the first time in decades, would this still be the case? When the delegation was asked after the debate what the motivation was this time, the instant response was unilateral coercive measures – i.e., sanctions. If Iran carries through with this position, there will be a substantial loss for the BWC and possibly a missed chance for verification if political circumstances change before the Tenth Review Conference. There would be other losses for Iran's fellow members of the non-aligned. It has taken considerable effort by a substantial number of people, inside and outside of governments, to put together such an extensive package of elements for a future work programme that includes a significantly greater level of Article X-related activities than at earlier Review Conferences. If the package is not adopted this year, there seems little likelihood that there would be an appetite to put it back together for the next Review Conference. The loss will be felt by those countries and their populations that would have benefited most from enhanced cooperation and assistance activities.

Side events – There were two side events on Wednesday. At breakfast, UNIDIR convened an in-person briefing on 'Assessing the SecBio Platform Proposal'. At lunchtime, Canada, in partnership with the World Organization for Animal Health, convened a hybrid briefing on 'Grand Challenge for Sustainable Laboratories: Innovation Solutions for Diagnostics Laboratories'.

This is the fourteenth 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>.