

Friday 17th December 2015

## Fourth day: Article VII and further consultations

The fourth day of the 2015 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC), was opened by the Chair, Ambassador Mazlan Muhammad of Malaysia, with an announcement that a compilation of suggested changes to the Chair's non-paper [essentially, the draft of the substantive part of the final report of the meeting] was to be circulated to States Parties. The allocated topic for the morning session was 'How to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties'. The afternoon session had been allocated as a catch-up slot should any of the topics of the Meeting needed more time for discussion in formal session. As this was not the case, the afternoon was used for informal consultations.

### Article VII

Statements were given by Iran/NAM, Switzerland, Canada, USA, Japan, UK, France, India, Cuba, Australia, Argentina, Netherlands, Russia, South Africa and China.

An implicit argument underpinning a number of contributions was that improved capacities to counter any infectious disease makes any potential use of deliberate disease less effective and thus less attractive to attempt. The UK noted that effective public health systems constitute the first line of defence against an attack with biological weapons.

There was recognition of a lack of detailed procedures or mechanisms for Article VII implementation, hence the creation of the topic. This made this particular subject area a prime candidate for which the MSP could move towards 'effective action'. A number of calls were made to learn lessons from the provision of assistance in response to the Ebola outbreak. The South African proposal to the Meeting of Experts about the creation of forms with checklists to ease the compilation of the information needed to rapidly put together a request for assistance was revisited; this would focus on enabling prompt humanitarian assistance. A number of delegations called for standard operating procedures to be adopted. Calls were made for avoidance of duplication of arrangements. However, a key lesson of the Ebola outbreak – the failure of the single path of formal communications used to prompt large-scale international assistance – was not raised explicitly. The lesson here may be a need for redundancy in mechanisms to raise the alarm.

France and India spoke to their joint proposal for a database, similar to that which already exists for Article X, noting that this would aid provision of assistance, help improve coordination between potential donors and providing an additional incentive for those outside the Convention to join it to benefit from assistance activities.

Some states referred to investigation activities under this topic. Russia suggested investigations of alleged use were not the topic on the agenda. India suggested that a request for humanitarian assistance would take a different form, and need different information, to a request for an investigation. South Africa noted that more work was needed on this aspect and that it was open to ideas to develop its proposal further.

For the Security Council to decide there has been a violation, and thus trigger assistance under Article VII, it needs to be informed of the allegation of use. The Council would want to take a decision on the basis of evidence. It is arguable that provision of the information to the Council containing that allegation would be taken to constitute a 'complaint' under Article VI (which deals with investigations), whether or not it was formally labelled as such. There are a number of perspectives on the connections between these two articles and so discussion at the Review Conference might clarify the situation.

### **Informal consultations**

There were some informal consultations in the morning regarding the remaining decisions related to the Eighth Review Conference. These appear to have consisted of an exchange of views with no substantive progress towards a conclusion.

Informal consultations on the substantive elements on the MSP Report started during lunchtime and, apart from a short pause to change rooms for logistical reasons, continued for about five hours. In most diplomatic processes, this form of informal consultation becomes focused on just a few issues fairly rapidly. In this case, nearly all topics reflected in the draft were up for discussion and there were no agreed paragraphs. This is exceptional for a document under consultation for so long.

Another Chair's draft report text will be prepared for Friday morning. If that cannot gain consensus, following consultations, then options for adoption of a procedural report with no substantive element will have to be considered. There are precedents in other international arrangements for a Chair's summary to be distributed in lieu of the substantive elements of a report.

Proposed draft procedural elements of the final report were published in the morning. These simply describe the practical aspects of convening the MSP and are thus uncontroversial in themselves. This text could form the basis of a procedural report if taken together with the two decisions remaining regarding the Review Conference.

The consequences if no report at all is adopted from the MSP go further than political failure. There would be no decision on the Eighth Review Conference which would mean that, while other political solutions are being sought, there would be no authority to do basic preparation tasks such as reserving conference rooms; meaning that if there was eventually political authority to convene the Review Conference there might then be no rooms available. Additionally, the budget for the ISU for 2016 is contained within the budget for the Review Conference. No decision on the Review Conference budget would mean no funding for the ISU.

### **Side events**

There were four side events on Thursday. Two were convened at breakfast: one by the USA on 'Lessons Learned and Implications of the Ebola Virus Disease Outbreak for the BWC: Update on Research Project to Inform Recommendations for the 8th Review Conference'; the other by France and India entitled 'Proposal for establishment of a database for assistance in the framework of Article VII of the BWC'. Two were held at lunchtime: one convened by Green Cross International on 'Biosafety and Security: Laboratory Procedures and Personnel Ethics in Developing Countries'; the other by Belgium, Germany, France, Luxembourg, the Netherlands and the USA on 'BTWC BENELUX Peer Review: Lessons learned & presentation of new initiatives by Germany and the US/Canada'.

***NOTE: There will be an additional MSP report covering the final day of the Meeting. This will be published next week and will be posted at the web locations given below.***

*This is the fifth report from the BWC Meeting of States Parties, being held from 14 to 18 December 2015 in Geneva. These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP) and are available via the BWPP website at <<http://www.bwpp.org>> and via <<http://www.cbw-events.org.uk/bwc-rep.html>>.*

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