

Thursday 15th December 2011

## Committee of the Whole: second reading started, slow progress

The Seventh Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) continued on Wednesday with the Committee of the Whole meeting in the main conference room in both the morning and the afternoon with some meetings of the facilitated consultations in between.

The three facilitators appointed to examine and consult on particular issue areas – Paul Wilson (Australia) on Confidence-Building Measures (CBMs) forms, Zahid Rastam (Malaysia) on review of scientific and technological developments and Gary Domingo (Philippines) on cooperation and assistance – had been asked to report back to the President with initial results by Wednesday evening, if possible. However at least one facilitation meeting was scheduled for Thursday morning. Corridor discussions indicated that progress was being made in a number of areas, although it was not clear when all of the results from the facilitators would be known.

Progress in the Committee of the Whole was not as fast as the Chair of that Committee had hoped for, based on his opening remarks of the morning. However, up to Wednesday, the Conference had been able to keep pace with the ‘Provisional indicative programme of work’ circulated by the President in November.

### **Article-by-article review / Committee of the Whole**

The second reading of article-by-article review started in the Committee of the Whole with Ambassador Desra Percaya (Indonesia) in the chair. A new document was circulated as the meeting opened in the morning. This contained the text of the Sixth Review Conference article-by-article review with suggested amendments from the first reading included as text in bold – this typographical device replacing the more traditional ‘not yet agreed’ text being enclosed in square brackets. There were many proposals for additional paragraphs. This document bore the reference BWC/CONF.VII/COW/INF.2. Also circulated were some further proposals for language from Iran.

In his opening remarks, Ambassador Percaya expressed the hope that progress would be sufficient to enable him to produce a draft report overnight, based on the Chair’s best judgement of where consensus lies, in order to be able to transmit a formal report of the Committee, including the draft article-by-article review, back to the Review Conference promptly. Once the process of running through the paragraphs containing bold text started, it became increasingly clear that there were a number of points on which it was not possible for States Parties to reach agreement at that time. In some cases these were questions relating to which articles certain points should be made under. In others there were more substantive issues of disagreement, such as on a proposed paragraph on verification measures. A predominant theme was a question of balance, not of the article-by-article review as a whole but regarding the expression of obligations deriving from other articles within the text for individual articles.

The Chair requested the assistance of Syndoph Endoni (Nigeria) and Reto Wollenmann (Switzerland) to act in an informal capacity to do some ‘shuttle diplomacy’ between delegations that had expressed divergent views on particular paragraphs in order to try to reach consensus on those paragraphs.

At the end of the day, a first draft of the procedural section of the report of the Committee of the Whole was circulated. As with other BWC procedural reports, this appears to be largely uncontroversial as it simply describes that the committee met and what its remit was, etc. The outline of the draft final declaration, which includes the article-by-article review, would be appended to the procedural paragraphs.

### **Format of the Final Document**

The stated aim of the President of the Review Conference, Ambassador Paul van den IJssel (Netherlands), is that the Final Document of this Review Conference will follow the three part format of the Final Document of the Sixth Review Conference.

The first of the three parts in 2006 consisted of a procedural report that described how the Conference was organized, which States Parties and observers attended, who was appointed to which posts, details of official documents circulated, and a brief outline of the work of the Conference. The second part was known as the ‘Final Declaration’ and consisted of the solemn declaration and article-by-article review, the 2011 counterpart of which is currently under consideration by the Committee of the Whole. The third part contained the decisions and recommendations of the Sixth Review Conference. The decisions and recommendations were forward-looking, and the 2011 counterpart will have its foundations in the discussions in the thematic informal plenaries that have already been held.

As there are other international meetings where the terms ‘final document’ and ‘final declaration’ are synonymous, the distinction between them within the BWC context has occasionally caused confusion.

### **Side Events**

Three side events were held on Wednesday – one in the morning and two at lunchtime. The morning event was convened by the James Martin Center for Nonproliferation Studies (CNS) on ‘Global Perspectives on Re-Envisaging the Biological Weapons Convention’, a special edition of the *Nonproliferation Review* produced in cooperation with the EU Institute for Security Studies. The event was introduced by Amy Smithson (CNS) and presentations were given by Cindy Vestergaard (Danish Institute for International Studies), Ralf Trapp (consultant), Ursula Jenal (Jenal & Partners Biosafety Consultants) and Filippa Lentzos (London School of Economics), each of whom were authors in the edition <<http://tandfonline.co.uk/t/NonproliferationReviewSI>>.

One lunchtime event was convened by the Verification Research, Training and Information Centre (VERTIC) <<http://www.vertic.org>> to celebrate 25 years since the organization’s founding. The event also provide the opportunity to provide an update on VERTIC’s work on national legislation for BWC implementation and expansion of its National Implementation Measures programme to cover UN Security Council resolution 1540. Presentations were given by Jo Adamson (UK), John Griffin (Canada), Mohammad Hashemzai (Afghanistan) and Scott Spence (VERTIC). The event was chaired by Angela Woodward (VERTIC). The other was convened by Texas Tech University School of Law in collaboration with the International Council for the Life Sciences (ICLS) on ‘Cost Effective Regulation for the MENA and Asia Region’. Panelists were Tim Trevan (ICLS), Victoria Sutton (Texas Tech) and Ali Mohammedi (Ferdous International Foundation).

*This is the ninth report from the Seventh Review Conference of the Biological and Toxin Weapons Convention which is being held from 5 to 22 December 2011 in Geneva. The reports are designed to help people who are not in Geneva to follow the proceedings. Copies of these reports and those from the earlier meetings are available via <<http://www.bwpp.org/reports.html>>.*

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