

Thursday 14th August 2014*

The final day: Article VII and adoption of the report

The 2014 Meeting of Experts (MX) completed its programme of work on Friday with a further discussion on 'How to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties' (following on from the discussions on Monday) and adoption of the report of the Meeting. There were no side events on Friday.

The report was adopted by consensus as it is uncontroversial, essentially saying that the meeting was convened, was presented with papers and a number of ideas and suggestions were made. The list of ideas and suggestions is a useful output of the MX. As there is no recommendation for adoption or further consideration of any particular suggestion, there is no need for debate about the contents of the report. As with earlier meetings, the Chair will prepare a 'synthesis paper' on his own authority for the Meeting of States Parties (MSP) which will convene during 1-5 December.

Article VII

Statements were given by: India, Sweden, Pakistan, Nepal, UK, Netherlands, Russia, Mexico, USA, Switzerland, Australia, Japan and Cuba. Some took the floor more than once. Some working papers were introduced or referred to.

The Ebola outbreak in west Africa was cited a number of times by delegates and was clearly an influence in focusing minds. Some distinctions were made between activities that would need to take place to provide assistance and those that would run in parallel to carry out an investigation of alleged use of biological weapons. There was some uncertainty what processes and procedures should be followed, with a recognition that time delays could be harmful to victims, especially if they had to wait for the UN Security Council to make a decision. This emphasised the need for clear processes to make such a request. The need for effective coordination so that assistance reaches those who require it and that resources allocated are not inadvertently wasted was also highlighted.

The creation of a database relating to Article VII was suggested, with discussion about whether this should be best implemented in conjunction with, or separate to, the Article X database run by the ISU. Further suggestions included compilation of a list of Article VII contact points (as these might be different from those provided for general BWC purposes) and the establishment of a voluntary trust fund. Some comments were made that this would all be easier if there was a comprehensive mechanism to strengthen the Convention. There were a number of interactions between India and the UK about the definition of assistance which were seen as useful in clarifying what was meant. This may result in a common understanding being developed during the MSP.

The UN Secretary-General's investigation mechanism was referred to. Sweden gave details of a training course it had convened for potential investigators. Pakistan requested a background paper from the ISU outlining the details of this mechanism.

Reflections

A conscious effort is taken in writing these daily summaries to report the facts and not give opinion. However, there are many times that the author is asked – ‘so what do you think about what happened?’ The following are some personal reflections that do not necessarily represent anyone’s views other than the author’s own.

Perhaps the event this week most worthy of comment was the Russian delegation introducing their ideas for informal discussions to take place on creating the conditions to be able to carry out negotiations on an instrument to strengthen the Convention. As was noted at their side event, what was proposed was simply a set of initial thoughts. It is clear that Russia has identified a problem – there are certainly many countries that want to examine the possibilities of such an instrument but there is no ongoing forum in which to discuss such an examination – although it is not yet clear whether what has been put forward is a workable solution. The proposed outline instrument would create an Organization for the Prohibition of Biological Weapons (OPBW) but without verification activities. For many governments, the key element of strengthening the Convention is verification. For the USA in particular, verification is not up for discussion. The verification issue is at the core of the divergences of views on strengthening the BWC, hence the significance of the ongoing ‘We need to talk about compliance’ discussion prompted by Australia in 2012. Financial issues would have to be overcome. The inability of getting a decision to expand the ISU from three staff to five in 2011 does not bode well for a discussions toward creating an OPBW unless the new body is seen as adding something significant to strengthening the Convention.

Cynics may look at the timing of the Russian proposal and connect it with the global political situation. Others may say informal discussions on strengthening the Convention are long overdue and the Russians are performing a service by raising this. From either perspective, it is worth examining what might happen if the informal discussions were to gain some momentum. One element of the Russian proposal is that consensus would not necessarily be needed to start negotiations on a new instrument. This is a tactic that has worked well in other areas such as the Arms Trade Treaty. The non-aligned countries have repeatedly wanted to ensure all decision-making within the BWC is carried out by consensus, yet the agreement of the non-aligned would be vital for any negotiations to be started. The nuclear-weapon states have concerns that new legal instruments would be negotiated by like-minded states to prohibit the use of nuclear weapons and a decision by like-minded states to negotiate an instrument within the BWC context could energize the possibilities of nuclear talks. This means that both the non-aligned and the states possessing nuclear weapons could find themselves in uncomfortable or paradoxical positions if a proposal for talks amongst like-minded states were put forward.

The impact of this proposal on the Eighth BWC Review Conference needs to be considered. The Russians have clearly expressed a hope that this informal discussion process will be helpful. The geographical rotations mean that a delegate from the Eastern European Group, of which Russia is a key member, will sit in the President’s seat at the Review Conference. The Conference will suffer from an issue of timing – the US Presidential election will be held on 8 November 2016, just a few weeks before the Review Conference starts and the winner will be sworn in just a few weeks after it finishes. Much as it is distasteful for multilateral processes to be held up by national situations of just one country, the reality is that Eighth Review Conference may be hampered by a lack of engagement by US authorities. This will be more pronounced if there is a highly controversial item on the agenda.

In short, the Russian proposal may create a useful forum for an exchange of ideas, but care must be taken to ensure the benefits outweigh the significant potential costs.

This is the sixth and final report from the Meeting of Experts for the Biological and Toxin Weapons Convention which was held from 4 to 8 August 2014 in Geneva. The reports were prepared by Richard Guthrie <richard@cbw-events.org.uk> on behalf of the BioWeapons Prevention Project (BWPP). Copies of the reports are available via the BWPP website at <<http://www.bwpp.org>>.