

Friday 21st August 2015

The final day: Article VII, adoption of the report and some reflections

The 2015 Meeting of Experts (MX) of the Biological and Toxin Weapons Convention (BWC/BTWC) completed its programme of work with a further discussion, during the morning session, 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 presentations on Monday) and, in the afternoon, adoption of the report of the Meeting. There were no side events on Friday.

The report is uncontroversial, essentially saying that the meeting was convened, was presented with papers and that a number of ideas and suggestions were made. The list of ideas and suggestions is a useful output of the MX. As with past practice, the Chair will prepare a ‘synthesis paper’ for the Meeting of States Parties (MSP) in December.

Article VII

Interventions from states parties were given in the following order: Iran (for the non-aligned), Russia, France, India, UK, South Africa, Canada, Switzerland, Philippines, Cuba, China, Pakistan, USA, Australia, Iran (national), Belarus, and the Netherlands. At the end of the morning session, a presentation was given by the UN Office for Disarmament Affairs on the UN Secretary-General’s mechanism that could be used to investigate alleged uses of biological weapons.

Many links or overlaps between Article VII and Article X were identified, not least because effective response to a deliberately induced outbreak of disease would require further capacity building – a key lesson cited from responses to the recent Ebola cases. Practical concerns were raised about how to implement Article VII – not least questions of whether a request for assistance should be the same as a request for an investigation. The text of Article VII includes reference to a decision by the UN Security Council which presumably would have to be based on some evidence. South Africa spoke to its working paper (WP.10) which included a suggested checklist of information to be included in a request for assistance. Suggestions were made that governments could outline in advance what assistance they might be able to provide in an emergency situation. France and India spoke to their joint working paper (WP.7) on a proposal for an Article VII database along the lines of the existing Article X database. Concerns were raised about duplication of activities with other international bodies such as the World Health Organization and on the concept of ‘command and control’ (see below).

Reflections

A conscious effort is taken in writing these daily summaries to report the facts and not give opinion. However, there are times that this style of reporting does not convey some of the atmosphere of meetings. The following are some personal reflections that do not necessarily represent anyone’s views other than the author’s own.

The terminology of ‘command and control’ in relation to Article VII assistance highlighted many sensitivities about the government receiving assistance remaining in

control of the situation. The term clearly carries with it some overtones of external control, but it does not seem that this is intended in these circumstances. This is an area where clearer definitions would be helpful to ensure that discussion is not inadvertently diverted through unintended differing meanings being associated with terms being used.

With this the final Meeting of Experts in the current inter-sessional process, thoughts have turned to how the knowledge generated within the meetings should be handled by the Eighth BWC Review Conference to be held in 2016 and what form of inter-sessional process should follow. There are clear limits to the current arrangements but it is not clear whether improvements could be made that would attract consensus. A key issue is the cost of getting people into Geneva for the annual meetings.

The further elaboration of the proposal by Russia (WP.14) to open up a new forum for negotiations on a legally binding instrument that would cover key issues to strengthen the Convention, but not including verification issues, was the subject of a side event on Tuesday evening. By the end of that evening the Russian delegation had generated a considerable amount of goodwill, especially amongst delegations with doubts about the proposal, because of the open manner the issues had been dealt with. Possible advantages and disadvantages of the proposed approach were freely discussed. One of the challenges will be that the costs of supporting a new forum could rule out a further inter-sessional process on the existing model as many countries may not wish to sustain the costs for both. On Friday, Russia placed in the room an unofficial translation of its intervention on Wednesday in relation to Ukraine, seemingly to ensure that their words were understood to be more than simply questioning the legality of the Kiev administration (which is how it was summarized in these reports for reasons of space, for example) but were focused on suggestions of a collapsing biosecurity situation in Ukraine. The exchanges on Wednesday took up considerable time and dispersed much of the goodwill generated the evening before. Acceptance of the Russian proposal may hinge on whether delegations believe that any negotiations established would be carried out in a productive manner.

This inter-sessional process is the first to have a review of science and technology (S&T) developments as part of its topics for discussion each year. There have been useful interactions regarding the rapidly changing S&T context that the BWC operates within. However, the number of delegations getting deeply involved in these interactions has been relatively small. This may simply be a reflection of the general problem of science advice – processes and procedures for science advice within governments are a challenge across the world. The different perspectives that policy practitioners and S&T practitioners bring to discussions can bring enlightenment to many contemporary issues; yet those same differences can hinder discussions as well as enlighten them. While non-specialist higher-ups within governments can easily conceive the benefits their country can get from learning the lessons of other countries' national implementation experiences, for example, it is not clear that there is a similar understanding of the benefits that can be drawn from the S&T exchanges. This may be an area that needs further work.

The current inter-sessional process has developed a long way from the 'lowest common denominator' agreement that was adopted at the resumed Fifth BWC Review Conference in 2002, yet there is still a lack of 'common understanding and effective action' that is meant to be the cornerstone of the meetings. The meetings have benefited from greater openness and a willingness to engage with external expertise. [On this point, it is worth noting that discussions with members of the US delegation indicated that their briefing event on Thursday was inadvertently held under closed conditions.] There are lessons to be learned and improvements that could be made to the inter-sessional arrangements. It is important that early consideration is given to what form of work programme may be the most suitable for the post-2016 Review Conference period.

This is the sixth and final report from the Meeting of Experts for the Biological and Toxin Weapons Convention which was held from 10 to 14 August 2015 in Geneva.

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