

Tuesday 26th April 2016

Preparing for the Eighth Review Conference: setting the scene

The Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) offers the opportunity for the States Parties to carry out a full review of the purposes and the provisions of the Convention, taking into account relevant scientific and technological developments. The three-week Review Conference is to be held in Geneva during 7-25 November 2016.

Review Conferences are not stand-alone events; they need preparation. Since 1996, each Review Conference has been preceded by a single Preparatory Committee (PrepCom) meeting lasting two or three days. Only procedural issues were discussed. This time arrangements will be different. Two PrepCom meetings are planned: the first, ‘up to two days’, 26-27 April and the second 8-12 August. During the 2015 BWC Meeting of States Parties (MSP), a number of delegations indicated desires that the PrepCom be convened in such a way that it could discuss substantive issues as well in order to better prepare for the Conference. In describing these arrangements, the MSP Report avoided terms such as ‘procedural’ or ‘substantive’. It was agreed that the April meeting ‘would consider the Agenda items on General Exchange of Views and the Organizational aspects of the Review Conference’ and that ‘the meeting in August would provide an opportunity for States Parties to consider comprehensively all provisions of the Convention’.

Organization of the Eighth BWC Review Conference

Ambassador György Molnár of Hungary has been appointed as President-designate for the Conference and the budget has also been agreed; both were confirmed at the 2015 MSP.

Key decisions to be taken at the PrepCom include the agenda and the rules of procedure for the Review Conference. The PrepCom will also recommend the appointments for various official positions within the Review Conference, such as the Vice-Presidents of the Conference, and Chairs and Vice-Chairs of the subsidiary bodies such as the Committee of the Whole (CoW), the Drafting Committee, and the Credentials Committee. The PrepCom can also ask the BWC Implementation Support Unit (ISU) to prepare specific background documentation to assist the work of delegations.

As with other international treaty arrangements, there have been advances in recent years on openness of sessions of BWC meetings. For example, the article-by-article review carried out by the CoW at the Seventh Review Conference was completely public while the equivalent five years earlier had been private. The two run throughs, known as ‘first reading’ and ‘second reading’ were really uncontroversial. They were used by delegations to illustrate what issues were most important to them. Many wanted these on the record. The discussions about what would appear in the final report of the Review Conference were carried out in informal consultations behind closed doors.

An innovation of 2006, and expanded upon in 2011, was the convening of informal plenaries on cross-cutting issues during the early part of the Review Conference and on forward looking issues in the final week. All of these sessions were held as public meetings in 2011.

Issues relating to the Eighth BWC Review Conference

While the majority of work of the April meeting will be on practical arrangements for the Review Conference, such arrangements are discussed in the context of the issues likely to be raised within the Review Conference itself and the August PrepCom meeting. The decision process on the Programme of Work (i.e., how time is allocated during the Conference) will reflect the relative significance in which particular issues are regarded.

The ISU, established in 2006, has been widely seen as a positive development. In considering continuation of its mandate beyond 2016, the Review Conference may also consider the scope of the mandate and the level of staffing.

The inter-sessional processes have been regarded as successful, with some indications of a sense that the second, post-2006, has been seen as the most productive. The third, post-2011, is regarded by many as having reached the limits that the format of the meetings will allow. The final BWPP daily report for the 2015 MSP noted: 'The current arrangements are now resulting in substantively weak reports that take a considerable proportion of available working time to reach agreement on; yet few delegates can identify a constructive use for them – a situation that needs re-examination.'

The ongoing rapid advances within the life sciences mean that the BWC operates within a rapidly changing scientific and technological (S&T) context. These advances bring new positive opportunities for peaceful uses, such as novel medical treatments, but also lead to new negative opportunities for hostile uses and so lead to changes in the nature of risks and threats the BWC may need to counter. Better understanding of this changing context is seen as critical to ensure efforts to control biological weapons remain relevant and effective.

The issue of access to peaceful uses of the life sciences is covered by Article X of the Convention, embodying a bargain that the renunciation of biological weapons and the control of the hostile uses of the life sciences has to be implemented in such a way as to facilitate the use of the life sciences for peaceful purposes. There is a wide divergence of opinion between States Parties about the significance of Article X and whether any form of further implementation of it is required.

Issues relating to how to respond to use of biological weapons include BWC Article VII which deals with the provision of 'assistance' by States Parties if a State Party is 'exposed to danger' because of a breach of the Convention. No government is likely to have at its disposal the resources to respond to a severe biological attack and so the concept of receiving assistance applies to all countries. The means by which any alleged use might be investigated has been the subject of some controversy in earlier meetings.

The BWC system of Confidence-Building Measures (CBMs) provides for returns to be provided by States Parties on certain relevant activities and facilities. While numbers of returns have been rising, there has been wide recognition that participation in CBMs could be improved further and perhaps that their scope could be redefined.

Compliance/verification is perhaps the most divisive grouping of issues in the BWC, with some States Parties repeatedly declaring support for the negotiation and implementation of new legally binding measures with other States Parties repeatedly declaring their opposition to such measures. The importance of national implementation of BWC obligations is regularly emphasised. Some States Parties have proposed arrangements such as compliance assessment and peer review to build greater confidence in compliance through transparency in effective national implementation while others suggest that these are a distraction from the creation of formal verification arrangements.

BWC membership has risen from 165 at the 2011 Conference to 174 (at 1 April) with the Marshall Islands, Cameroon, Nauru, Guyana, Malawi, Myanmar, Mauritania, Andorra and Côte d'Ivoire acceding or ratifying. With membership of the BWC lower than for the comparable nuclear and chemical treaties, universality remains an issue.

This is the first report from the April meeting of the Preparatory Committee for the Eighth BWC Review Conference. 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 <<http://www.bwpp.org>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>.

The reports are prepared by Richard Guthrie. He can be contacted during the PrepCom on +41 76 507 1026 or <richard@cbw-events.org.uk>.

Wednesday 27th April 2016

The opening day of the Preparatory Committee

The opening of the Preparatory Committee (PrepCom) for the Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) on Tuesday morning marked the formal start of the Convention's five-yearly review process.

Procedural matters

The meeting was opened with Mary Soliman, Acting Director of the Geneva Branch of the UN Office of Disarmament Affairs, presiding over the formal adoption of Ambassador György Molnár of Hungary as Chair of the PrepCom. In his opening remarks, Ambassador Molnár noted that much of the work of this PrepCom would be to underpin the procedural aspects of the Conference; work that was neither glamorous nor exciting, but was vital for a successful outcome.

A number of what are sometimes referred to as 'housekeeping' decisions were taken, such as the formal adoption of the PrepCom agenda, that decisions should be taken by consensus, the use of all UN official languages, participation of signatory states, participation of Israel as an observer, participation of the European Union as an inter-governmental organization and the participation of non-governmental organizations (NGOs). All followed relevant precedents.

Two Vice-Chairs for the PrepCom were appointed: Ambassador Boujemâa Delmi of Algeria and Ambassador Michael Biontino of Germany. Following precedent, the former will become Chair of the Drafting Committee for the Eighth Review Conference and the latter the Chair of the Committee of the Whole.

Implementation Support Unit (ISU) Chief Daniel Feakes noted that two offers for sponsorship for Review Conference delegates who would be otherwise unable to attend were in the pipeline with other pledges in preparation. He also noted that 61 Confidence-Building Measures returns had been received so far this year, 28 of which were public.

The general exchange of views

A new development for this PrepCom was the inclusion of agenda item 5 'General exchange of views'. Ambassador Molnár, on introducing this item, offered specific encouragement to delegates to bring forward new ideas and to ask questions to clarify or elaborate on the suggestions being made; in other words, to make it an interactive session rather than a usual plenary in which statements are listened to without response. He emphasized that no decisions would be made on any proposal until the Review Conference itself, and noted that the sheer number of proposals that had been put forward in writing before the PrepCom indicated interest in strengthening the Convention.

Statements were taken in three tranches: the first was for regional group statements within which Iran spoke for the non-aligned; the second was for States Parties with specific proposals: India, Finland, United States, Russia, UK, France, China, and Switzerland; and the third was for more general statements: Iran (national), Indonesia, Norway, Italy, Australia, Ireland, Japan, Germany, Canada, Morocco, Mexico, Cuba,

Ukraine, Pakistan, Armenia, Belarus, Netherlands, Peru and the Republic of Korea. The statement from the European Union was taken at the end of the third tranche.

Many of the statements made references to Working Papers submitted to the PrepCom or in recent years of the last inter-sessional process. It is notable that at least 12 Working Papers have so far been submitted to this PrepCom meeting; no similar papers were submitted to the PrepComs in 2006 or 2011. With so many papers submitted, there is not space to detail them here. All are on the ISU website <<http://www.unog.ch/bwc>>.

With many topics being discussed, this daily report will focus on the review of scientific and technological (S&T) issues with other issues under discussion being carried over to the final daily report which will cover Wednesday's activities.

There was a broad consensus that there is a need for a more effective means for the BWC States Parties to review S&T developments and that any form of review process would need to be sustainable (i.e., not just a one-off event). There was common ground on the need for a review process to provide relevant information in a timely manner that can allow policy processes to keep pace with S&T developments, but, during this discussion, no clear common ground on how to turn this into practical action. The relevance of S&T developments for a variety of BWC articles was noted, so that an effective S&T review process would enhance many aspects of the Convention.

Some of elements of the proposals called for open-ended arrangements in which experts from any State Party that wished to participate could be part of the process. This has advantages of inclusivity but has financial and logistical implications. It was noted that inclusivity could be hindered as some States Parties may not be able to afford the financial costs of sending experts to meetings. There were also proposals for a committee or board of a selected number of eminent experts. This would inevitably be less inclusive than a review mechanism open to all, but could operate with greater flexibility and at a lower cost. Selection of such a committee would have to have an agreed process and any selection process could have political implications. Some delegates noted that inclusivity included issues around diversity of perspectives, not only on technical and political matters but also, by implication, cultural and economic factors.

There were many calls that any review process should be led by governments with technical input from relevant experts. While interventions indicated that some delegations thought there could be a clear distinction between the technical and the political, others indicated that the point that these two meet can be complicated – technical issues sit within a political context and political issues in an area such as the control on biological weapons sit within a technical context.

A number of delegations noted that it was useful to identify where proposals have common elements as well as to identify differences so that common ground can be sought between now and November with a chance to examine these issues again during the August PrepCom meeting.

Side Event

There was a lunchtime side event convened by Russia under the title of 'Strengthening the Biological Weapons Convention' to discuss the Working Papers that delegation has submitted on 'Operationalising mobile biomedical units to deliver protection against biological weapons, investigate their alleged use, and to suppress epidemics of various etiology' and 'Proposal for the establishment of a Scientific Advisory Committee'. Presentations were given by Vladimir Ladanov (Ministry of Foreign Affairs), Yulia Demina and Vyacheslav Smolenskiy (both of the Federal Service for Surveillance on Consumer Rights Protection and Human Well-Being [Rospotrebnadzor]).

This is the second report from the April meeting of the Preparatory Committee for the Eighth BWC Review Conference. 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 <<http://www.bwpp.org>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>.

The reports are prepared by Richard Guthrie. He can be contacted during the PrepCom on +41 76 507 1026 or <richard@cbw-events.org.uk>.

Sunday 1st May 2016

The Preparatory Committee concludes its first session

The Preparatory Committee (PrepCom) for the Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) concluded on Wednesday with adoption of an interim report. Proceedings were concluded at lunchtime and were focused on procedural and administrative matters. The PrepCom will reconvene on 8 August.

Procedural matters

Some decisions seemed to cause no problems. For example, Ambassador György Molnár of Hungary was confirmed as President of the Review Conference (the decision regarding to him taken on Tuesday related only to his role as Chair of the PrepCom) as were the dates and duration of the Review Conference. Other decisions proved difficult to some delegations who explained they had no objection in principle to the decisions but had anticipated taking them formally in August. Therefore, the PrepCom ‘reached understandings on recommendations for final adoption in August’ for a number of issues. The interim report was relatively uncontroversial as it followed the relevant precedents.

An unprecedented total of 10 Background Papers had been requested from the Implementation Support Unit (ISU) for later this year. Three papers were suggested for removal from this list: on international organizations, universality, and science and technology (S&T) developments. There was little expression of interest to continue the international organizations paper as most information contained within it is readily available elsewhere. The paper on universality duplicates much of what is produced in the annual reports on the subject, but non-continuance was rejected as it might be interpreted as lowering the significance of the issue. No similar argument was put forward about the S&T paper and it was dropped. Corridor discussions with delegates suggested that they do not see this as lowering the significance of the issue, although it might be perceived as such from the outside. It would seem the format of the S&T paper, based mostly on national contributions, was not widely regarded as a useful tool. It was noted that national Working Papers also cover S&T issues; however, a number of interventions highlighted a need to ensure that language should not be a barrier to participation in BWC activities. A significant element of the cost of the Background Papers is translation into each of the official languages; Working Papers are distributed in the language of submission only.

The general exchange of views (reporting held over from *PrepCom report 2*)

As noted in the second daily report, some coverage of the general exchange of views was held over to this report. The S&T issues were previously covered.

Many delegations welcomed Côte d’Ivoire, the most recent new member of the Convention. As with other exchanges in BWC meetings there were many references to effective implementation, Article X issues and to desires for a legally binding instrument to strengthen the Convention.

Article VII was a much stronger theme than was seen in 2011, reflecting the prominence it had in the inter-sessional programme. Interactions with health security issues were noted, including a need for better response to disease outbreaks in general. References

were made to recent Working Papers, including those on an Article VII assistance database and on the process for requesting assistance. References were made to the UN Secretary-General's mechanism for investigation of alleged use of biological weapons; India called for an investigation mechanism within the BWC itself, owned by the States Parties. Russia elaborated on its offer of mobile laboratories.

The recently-completed inter-sessional process was noted as not having produced much common understanding or effective action – a point made in different ways by Iran and the USA, for example. Some delegations indicated that an ability to take decisions within the inter-sessional meetings would enhance their effectiveness, others were opposed to decision making outside of the Review Conference process.

Australia and the EU noted that they had made sponsorship offers to assist delegates to the Review Conference who might not otherwise been able to attend.

As with the S&T issues, a number of delegations noted that it was useful to identify where ideas have common elements as well as to identify differences so that common ground can be sought between now and November with a chance to examine these issues again during the August PrepCom meeting.

Side Event

Two side events were convened on Wednesday. At breakfast, a meeting was convened by the United States entitled: 'Discussion of U.S Proposals for Post Review Conference Work' which introduced a Working Paper: 'Strengthening the Ability to take Action: An Essential Agenda for the Eighth Review Conference'. Presentations were given by Robert Wood and Christopher Park from the delegation. At lunchtime, a meeting was convened by the European Union, entitled: 'Launch of the New EU Council Decision in Support of the BWC'. Opening remarks were given by Peter Sørensen (EU) and Mary Soliman (UN Office for Disarmament Affairs [ODA]). Presentations were given by Jean Pascal Zanders (UN ODA), Beatriz Londoño Soto (Colombia), Deepak Dhital (Nepal) and Eloi Laourou (Benin). The event was chaired by Andras Kos (EU).

Reflections

A conscious effort is taken in writing these daily summaries to report objectively 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 atmosphere over these two days was very much like the first week of a Review Conference. Proposals put forward were general and nobody wants to expend political capital criticising proposals by others at this early stage as it is not clear whether other issues might come up. The S&T discussion was productive, but there are many challenges in identifying a review process that meets the approval of all States Parties.

While delegations look at what form of work programme might result from the Eighth Review Conference, there is an unanswered question lurking in the background – What is the inter-sessional process for? In other words, how should the work programme lead to a more effective Convention? Not least, the programme should have flexibility to respond to real world practical events such as lessons from the Ebola outbreak or the development of the CRISPR gene editing tools that happened in the last five-year cycle.

On Tuesday, it was announced that roughly \$400k was yet to be received in agreed contributions to the BWC budget over a number of years, a magnitude that could have serious implications for future activities. A backlog of such a scale suggests some governments may not be taking their BWC obligations seriously.

This is the third and final report from the April meeting of the Preparatory Committee for the Eighth BWC Review Conference. 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 <<http://www.bwpp.org>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>.

The reports are prepared by Richard Guthrie <richard@cbw-events.org.uk>.