

Thursday 1st December 2016

The Eighth BWC Review Conference: a minimal outcome

The Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) reached its conclusion on Friday with an extremely weak Final Document that included no substantive discussion topics for any inter-sessional work, only an annual Meeting of States Parties (MSP) with no specific agenda apart from for the first year in which it 'will seek to make progress on issues of substance and process for the period before the next Review Conference, with a view to reaching consensus on an intersessional process'. The document also preserved the Implementation Support Unit (ISU). It was, in the words of one delegate, 'minimal'.

Bringing together the elements of the Final Document

The first formal act of the day was for the plenary to acknowledge the report of the Committee of the Whole (CoW), which as noted in the previous report was purely procedural with no appended text. At the same time, the draft procedural section of the Final Document was circulated. Informal consultations were then convened behind closed doors to attempt to agree an article-by-article review text. This was led by Ambassador Michael Biontino of Germany with strict guidance from the President of the Review Conference, Ambassador György Molnár of Hungary, that no suggestions for amendment would be considered if they were opposed. The starting point was again the comparable text from the Seventh Review Conference. This format produced a consensus text by lunchtime. There were very few edits apart from the text relating to Article VII which benefited from the work that had been done by the facilitator in this area, Ambassador Alice Guitton of France. A similar session on the Solemn declaration, also convened by Ambassador Biontino (as Ambassador Delmi of Algeria who had led on this part of the Final Document had other commitments) produced a consensus text during the afternoon.

In parallel with this, the President of the Review Conference was attempting to find consensus for the forward-looking part. A process that was clearly difficult.

Adoption of the Final Document and closing statements

The result of the three weeks of work at the Review Conference was clearly the weakest inter-sessional work programme since the resumed Fifth Review Conference that established the first of these for the period 2003-05. There were many more closing statements than usual, predominantly of anger and disappointment at the way things had turned out. Many comments were pointed about the activities of Iran, but there is a strong diplomatic tradition that means countries do not always name other delegations being criticized in formal statements when there are strong disagreements. A notable feature was that a number of the NAM countries making statements did not align themselves with the Venezuela/NAM statement. This is rare in this form of setting.

The USA was overt in its comments that 'one delegation' was the cause of the difficulties and publicly circulated the draft of the forward looking section it had put together as a compromise following the overnight consultations that subsequently had been rejected. Malaysia said the outcome was what was possible for the Conference but not what was possible for the Convention. Mexico suggested the Review Conference outcome was an

'abuse of the rule of consensus'. Brazil declared itself 'not satisfied' with the result. The Netherlands called the result 'disappointing' and 'not commensurate with the efforts and the wish of many of us here'. India described the outcome as 'less than our expectations'. Chile noted that they could not hide their frustration at the outcome. These comments were typical of the majority of statements. The Review Conference was closed at 21.20.

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.

It is no surprise to see the USA and other Western states on the opposite side of an argument from Iran and the non-aligned, nor for there to be disagreements between Russia and the West – this is global politics as usual. This case was different. It is not clear what Iran was seeking to achieve. The devastation wreaked on the BWC by the sequential slicing away of inter-sessional activities by that delegation did not seem to have a clear purpose. As noted in report no 15, Iran had seemed to want to create circumstances in which a new legally binding instrument for the Convention could be promoted, but it is hard to understand how the actions by the delegation were aimed at achieving this; especially at a cost of the loss of the inter-sessional process which included aspects such as Article X, which natural allies of Iran are consistently in favour of, and Article VII, into which Russia had put significant efforts through its mobile biomedical units proposals. If the motivations of Iran are not understood, then the possibilities of retrieving some form of inter-sessional work from the 2017 MSP may be fruitless. From the perspective of this author, the behaviour of Iran remains a puzzle. That delegation's activities had a number of knock-on effects epitomised by its effort to close meetings to NGOs which led to the ejection of the EU from the CoW meetings as well as leading to the ejection of Syria as a signatory state from these meetings – a notable act in the context of current global politics. The knock-on effects of the slicing back of the inter-sessional work programme will be more severe.

The result is without doubt bad for the BWC, but could it have wider ramifications? As a Western European, this author would not pretend to have any particular insight into the workings of the Non-Aligned Movement, but having spent many hours in and around BWC meetings, there seems to be an unprecedented disconnect between the majority of NAM delegations and the convenorship in this field. Although Venezuela formally holds the NAM convenorship, Iran (the previous convenor) was overtly driving policy in a number of areas.

Was it a mistake for the USA to send mixed signals? The delegation was very active in seeking a consensus result. Yet there remained questions over what had been meant by one sentence in the US opening statement on the first day, delivered by Thomas M. Countryman, Acting Under Secretary of State for Arms Control and International Security: 'If we fail to come to consensus this month, it will not damage this Convention' [with emphasis in the posted text on the 'not']. From the perspective of this author, the weak result has significantly damaged the implementation prospects for the Convention.

While any shock to a system can produce innovation, it is not clear whether the same conditions will apply in December 2017 and so any innovation may be curtailed. In all, progress within the regime to control biological weapons has been put back many years.

This is the sixteenth, and final, report from the Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) that was held in Geneva 7-25 November 2016. These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by Richard Guthrie for the BioWeapons Prevention Project (BWPP). He was assisted for the duration of this Review Conference by Lisa Gridley; her internship being funded by the New Zealand Peace and Disarmament Education Trust (PADET).

The reports are available via <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. An e-mail subscription link is available on each page where those interested can sign up for future reports. The author can be contacted via <richard@cbw-events.org.uk>.