

Monday 7th November 2016

The Eighth BWC 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 being held in Geneva.

The Review Conference was preceded by a Preparatory Committee (PrepCom) that met in two sessions during April and August. In an unprecedented move, the PrepCom considered a number of substantive issues, although it had no mandate to reach conclusions. These additional days of substantive discussion should assist consideration of issues this year, although there is a danger of repetition of some discussion rather than exclusively building upon what has already been considered.

The Conference will follow the Provisional Agenda agreed by the PrepCom. This draft agenda, together with the draft programme of work have been circulated by President-designate Ambassador György Molnár of Hungary. These have been put on the BWC website run by the Implementation Support Unit (ISU) <<http://www.unog.ch/bwc>>. Other Conference documents, such as the Working Papers and background information papers that have already been submitted, are also posted here. Official documents (those that start BWC/...) are also on the UN documents server <<http://documents.un.org>>. The BWPP daily reports from the 2006 Review Conference, and all official meetings since (including the PrepCom), are available via the links listed overleaf.

Issues relating to the Eighth BWC Review Conference

There are a number of issues that will be discussed during the Review Conference. A selection are characterized here following the allocation of topics to facilitators, together with an outline of other issues. The President-designate has indicated that further facilitators may be appointed later.

A key part of the final document is that containing the overarching political statement. The 'Solemn declaration' facilitator is Ambassador Boudjemâa Delmi (Algeria).

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 should be implemented in such a way as to facilitate and promote the use of the life sciences for peaceful purposes. The facilitator for 'Assistance and cooperation' is Zahid Rastam (Malaysia).

The ongoing rapid advances within the life sciences mean that the BWC operates within a rapidly changing scientific and technological (S&T) context which includes advances for peaceful uses as well as possible hostile uses. The need for the Convention to operate effectively within this constantly changing context has led to various proposals as to how some form of ongoing review of S&T developments might be carried out. The 'Science and technology' facilitator is Laurent Masméjean (Switzerland).

The importance of national implementation of Convention obligations has been regularly highlighted. Many states parties have incomplete domestic implementation measures and there is wide recognition there is much room for improvement. Moreover, S&T developments mean that regular reviews of measures help keep them effective. The 'National implementation' facilitator is Ambassador Michael Biontino (Germany).

Response to use of biological weapons falls within Article VII of the Convention which provides for assistance by States Parties if a State Party is 'exposed to danger' because of a breach of the Convention. The 'Article VII' facilitator is Ambassador Alice Guitton (France).

The current ISU mandate ends at this Review Conference. In renewing the mandate, the Review Conference is likely to also consider the scope of the work of the ISU and the level of staffing. The scope of work will be connected with whatever inter-sessional work programme (the series of meetings between review conferences) is agreed. Three inter-sessional processes have been carried out so far. The facilitators for the 'Future intersessional work programme and the ISU' are Ambassador Tehmina Janjua (Pakistan) and Ian McConville (Australia).

BWC membership has risen from 165 at the 2011 Conference to 177 with the Marshall Islands, Cameroon, Nauru, Guyana, Malawi, Myanmar, Mauritania, Andorra, Côte d'Ivoire, Angola, Liberia and Nepal acceding or ratifying – the last two on the Friday before the Review Conference. There have been occasional ambiguities about legal succession across a wide range of multilateral treaties when states gain independence. During 2016, formal clarifications of succession status have been received by the depositaries from Dominica and Vanuatu. Membership remains lower than for the comparable nuclear and chemical treaties.

Most controversial, perhaps, is the issue of verification with some delegations expressing desires to start negotiations on new arrangements and others suggesting the opposite. Some complementary arrangements have been proposed, such as peer review and compliance assessment, which are intended to build greater confidence in compliance through transparency in effective national implementation. A counter argument to these proposals is they are a distraction from the creation of formal verification arrangements.

Contextual events

The Review Conference is being convened less than a week after the First Committee of the UN General Assembly concluded its proceedings in New York. With nuclear disarmament and Syrian chemical weapons issues producing highly contested votes for draft resolutions, this First Committee session has had a more divided atmosphere than in recent years, although this did not affect draft resolution L.56 on the BWC which was adopted by consensus. While many of the disarmament ambassadors from across the world have flown back to Geneva having been working together in New York for the past few weeks the BWC specialists have travelled in from capitals and this may have had an impact upon preparation time for the Review Conference. Divergences of opinion in the UN Security Council and in the Executive Council of the Organization for the Prohibition of Chemical Weapons over responses to chemical weapons issues in Syria may also influence the political context.

There is a notable anniversary during the Review Conference as the halfway point (i.e., the middle Wednesday) marks 45 years since the adoption by the UN General Assembly of resolution 2826 (XXVI) which commended the Biological Weapons Convention to member states and led the way for the Convention to be opened for signature in April 1972.

This is the first report from 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). They are available via <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. A subscription link is available on each page.

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

Tuesday 8th November 2016

The Conference gets underway: opening statements and Rubik's Cubes

The Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) opened on Monday morning with the adoption of a number of administrative decisions, a video message from the UN Secretary-General, a message in person from his representative and the gift of a Rubik's Cube to each of the delegations.

Opening formalities

The Review Conference was opened by Kim Won-soo, United Nations Under Secretary-General and High Representative for Disarmament Affairs who presided over the formal appointment by acclamation of Ambassador György Molnár of Hungary as President of the Conference.

In his opening remarks, the newly elected President noted that there was a growing interest in the BWC, giving as an example that 2016 had seen the highest number ever of returns under the system of Confidence-Building Measures (CBMs) returns. The level of sponsorship of experts to assist in their attendance at the Review Conference was 'unprecedented' with over 40 experts sponsored. The sponsors were Australia, Canada, Finland, Ireland, the Netherlands, Switzerland, and the European Union. He also noted that, by coincidence, this week was International Week of Science and Peace with Thursday being World Science Day for Peace and Development.

Formal decisions taken included: adoption of the agenda, the programme of work, and the rules of procedure [together with understandings relating to interpretation]; and decisions on attendance by non-signatory states [Guinea and Israel], attendance by international organizations, and the appointment of a number of office holders such as Vice-Presidents of the Conference and various committee posts. Such decisions may seem very dry and dull, but it is difficult to have a successful Review Conference unless the legitimacy of the process is firmly established.

Messages from the United Nations

Before the general debate started, UN Secretary-General Ban Ki-moon gave a short video message. He said: 'States parties need to grapple with the growing risks of a biological attack', adding: 'The deliberate release of a biological agent would be a global health and humanitarian catastrophe. Yet there are glaring gaps in our ability to both prevent and respond to this nightmare scenario.' He also spoke of the dual-use nature of the problems being examined, encouraging states parties 'to address the vital question of how to promote advances in life sciences that benefit all humanity, while safeguarding against their use for malicious purposes'.

The video message was followed by an address from Under Secretary-General Kim. He suggested there were four gaps in the efforts to control biological weapons. The first was a 'universality gap' as 19 states are not BWC parties. The second was an 'implementation gap' as many states had not fully implemented the provisions of the

Convention at a national level. The third was a 'response gap', highlighted by lessons learned from the Ebola outbreak in west Africa. The fourth was an 'institutional gap' owing to the BWC being a 'skeleton operation' compared with other disarmament measures. He questioned whether two weeks of meetings each year were sufficient to deal with the range of issues covered by the Convention; whether a three-person Implementation Support Unit (ISU) was enough to deal with the work required; and whether the financial model to support BWC activities was adequate.

General debate

The general debate provides the opportunity for States Parties to make plenary statements in public session. Where copies of statements or presentations have been provided by those who delivered them, the ISU will place these on the BWC website. Statements were given in the morning (in the following order): Hungary, Venezuela (for the non-aligned states), Iceland (for Nordic states), Japan (for the G7 Global Partnership states), Belarus (for the Collective Security Treaty Organization [CSTO] states), Canada (for the JACKSN states, an informal group of Japan, Australia, Canada, Republic of Korea, Switzerland and Norway), USA, Sweden, Morocco, Iraq, UK, Serbia, Japan (national), and the United Arab Emirates. Statements after lunch were given by: Brazil, Spain, Nepal, Russia, Kuwait, Germany, Belarus (national), Cuba, China, Holy See, Philippines, Republic of Moldova, Australia, France, Bulgaria, the Netherlands, Mexico, Pakistan, Belgium, Malaysia and India.

A wide range of issues were raised and, in broad terms, there was little change from previously expressed positions. An exception to this was that some delegations expressed more detailed positions relating to the review of scientific and technological (S&T) developments. However, it is too early to try to identify themes or common threads as the list of speakers is barely half way through and it seems the statements will fill Tuesday and possibly continue into Wednesday. Thus reporting on general debate themes will be held over to a later daily report.

There were notable features of some of the statements given on Monday. Hungary, represented by Minister of State Istvan Mikola, compared the work to come in the Review Conference with the challenge of solving the Rubik's Cube, a famous invention from his country, hence the gift of a cube from the Hungarian Presidency to each delegation. Venezuela outlined the elements relating to the BWC that were contained in the final document of the Margarita Island summit of the Non-Aligned Movement that was held in September; this was the first BWC statement that Venezuela had given as NAM convenor. The JACKSN statement was the first since New Zealand ceased being active in the former JACKSNZ owing to logistical issues. One sentence in the US statement prompted a number of comments in the corridors: 'If we fail to come to consensus this month, it will not damage this Convention' [with emphasis in the posted text on the 'not']. The UAE spoke of its National Committee on Biosecurity that is coming to the conclusion of a four-year programme of work. Nepal's statement was the first it had given since becoming a state party only the week before.

Side events

Two side events were held on Monday, both at lunchtime. One was convened by Germany, entitled 'The Wiesbaden Process - Enhancing the Role of Industry in Combatting the Proliferation of WMD'. The other was convened by Disarmament Dynamics, entitled 'Civil Society Briefing: Understanding the BWC Eighth Review Conference'.

This is the second report from 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). They are available via <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. A subscription link is available on each page.

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

Wednesday 8th November 2016

The second day: some themes from the general debate

The Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) continued on Tuesday with the day's formal activities consisting of further statements made under the 'general debate' agenda item.

Tuesday speakers

The morning started with a further group statement given by Laos for the ASEAN states. This was followed by statements from: Indonesia, New Zealand, Republic of Korea, Turkey, Latvia, Kazakhstan, Slovakia, Estonia, Montenegro, Peru, Thailand, Guatemala, Panama, Colombia, Italy, Myanmar, Ukraine, Ireland, Algeria, Venezuela (national), Iran and Argentina. Statements continued after lunch with: South Africa, Ecuador, Switzerland, Georgia (for Georgia & Germany), Kenya, Chile, Qatar, Mali, Côte d'Ivoire, Poland, Zambia, Armenia, Bosnia Herzegovina, Portugal, Ethiopia, Jordan, Austria, Burkina Faso, Senegal, Zimbabwe, Ghana and Liberia. The Conference then moved on to international organizations with statements given by: the EU, the International Committee of the Red Cross (ICRC) and the 1540 Committee (established under UNSC resolution 1540). Where copies of statements have been provided by those who delivered them, the ISU will place these on the BWC website. The statement by Liberia was its first since becoming a state party. [Côte d'Ivoire gave a statement to the Preparatory Committee in August.]

General debate themes

The analysis here draws on statements made on Monday and Tuesday; there has been about ten hours spent thus far under this agenda item. Themes selected for analysis here are in no particular order. Further themes, including the future inter-sessional work programme, the ISU and verification, will be explored in future reports.

There were many welcomes for the states parties that had joined this since the last Review Conference and numerous calls for universality. Many delegations specifically urged states that were not yet parties to join the Convention.

Article X issues on peaceful uses were raised many times but there was no significant change in positions from those taken in earlier meetings. There were calls within many statements for improved implementation and the expressions of desire for an implementation mechanism of some form. There was support for the database intended to bring together offers of and requests for assistance but also questions raised about why this may not have been more effective. There were calls for Article X to be considered as a topic in any future inter-sessional work programme.

On issues surrounding the review of scientific and technological (S&T) developments there were a range of perspectives put forward. There was no explicit opposition to the idea that there would be advantages in carrying out some form of improved review process, but there were a number of perspectives on how this might be best carried out. A number of delegations gave significantly more detail in their positions on this subject

area than previously, an example of this is Brazil. The nature of the general debate is that delegations tend to promote the ideas they are in favour of rather than criticise others at this stage, making it difficult at this point to see where the overall balance of opinion is on this subject. The scale of participation of an S&T review process, i.e., should it be a small committee or a large body open to all states parties, remains an area of divergent views.

On Article VII and the issues of assistance in the event of use of biological weapons, statements mostly focused on a recognition of the problems posed, rather than solutions. There were a few generic offers of assistance, but specific offers were rare, with the repeated Russian proposal for mobile labs notable in this instance. There were a number of references to overlaps between Article VII and Article X issues, with the importance of effective detection and surveillance for both naturally and deliberately occurring diseases being emphasised.

On national implementation, there were many references to overlaps between BWC-related activities at a national level and resolution 1540 implementation. Some delegations indicated progress in national implementation measures, including indications of sources of advice that were most helpful to them. There was talk of suggested benefits of engaging with a broad range of stakeholders, including within industry and academia. There was some overlap with Article VII issues as some statements made reference to efforts to improve national-level responses to disease outbreaks which might be then used for assistance to others. For example, Ireland noted it was providing training to aid workers to survive CBRN environments.

On Confidence-Building Measures (CBMs), many delegations noted that they had submitted their return this year with some putting forward a sub-text that this is what should be expected of BWC states parties. Concerns were expressed about the low levels of returns which have not yet reached half of states parties submitting in any one year. While CBMs have sometimes been referred to as 'voluntary', Switzerland called them 'politically binding and compulsory' in its statement. Some delegations noted that they had made their CBM returns public; Estonia suggested the default setting for returns should be public, not private. India reiterated its view that CBMs were not a tool to assess BWC compliance.

The statements that contained suggestions of threat perceptions primarily made reference to possible threats from non-state actors with very little reference to potential threats from states.

The most notable feature of the general debate this year has been the sheer number of statements which is higher than in past years. The statements may be repetitive, but in many cases they reflect action in capitals as the preparation of a statement usually involves interactions between government departments. Thus the process of preparing statements raises awareness of BWC issues within the states parties themselves. The number of African delegations making statements is considerably higher this time, in part perhaps reflecting the much greater sponsorship activity, raising the diversity of voices heard in the meeting room.

Side events

Two side events were held on Tuesday. One, convened by Germany at lunchtime, was entitled 'Confidence in Compliance - Peer Review Visits as a Useful Tool for Increased Transparency'. The other, held in the evening, was convened by the UK and Kings College London and consisted of a screening of a BBC TV documentary 'Inside Porton Down' followed by a panel discussion.

This is the third report from 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). They are available via <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. A subscription link is available on each page.

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

Thursday 10th November 2016

Conclusion of the general debate and start of the Committee of the Whole

The third day of the Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) saw completion of the general debate and the first convening of the Committee of the Whole (CoW). Many delegates arrived in the morning looking tired having been following the results of the US election overnight. At the start of the afternoon, the Conference received a briefing on financial issues from UN officials as the backlog of contributions to bodies such as the BWC is threatening the sustainability of activities.

General debate, right of reply and NGO statements

The morning started with a statement from the Organization for the Prohibition of Chemical Weapons (OPCW). This constituted the last statement of the general debate, although the President of the Review Conference, Ambassador György Molnár of Hungary, announced that he would be flexible if any delegation wished to make a general debate statement later.

Rights of reply were used by Syria and Russia; the former wanted to respond to remarks relating to alleged use of chemical weapons that had been made during the general debate; and the latter wanted to respond to remarks by Ukraine that biosafety arrangements in that country had been affected by the loss of a laboratory that is in territory no longer under Ukrainian government control.

Statements by non-governmental organizations were given in the following sequence: University of Bradford; University of London; Biosecure Ltd; VERTIC; Pax Christi International; International Network of Engineers and Scientists; Biosecurity Working Group of the InterAcademy Partnership; Research Group for Biological Arms Control, Hamburg University; University of Sussex; International Office for Innovation in Reducing Crime (IOIRC); ITHACA; International Federation of Biosafety Associations (IFBA) and Bradford Disarmament Research Centre; UPMC Center for Health Security; Parliamentarians for Global Action (PGA); Center for Nonproliferation Studies; Pugwash Conferences on Science and World Affairs; Global Emerging Pathogens Treatment Consortium (GET); and Green Cross International.

The Committee of the Whole

After the NGO statements, the CoW was convened, with Ambassador Michael Biontino of Germany taking the Chair. Following a procedural briefing before lunch, the CoW started a 'first reading' of the article-by-article review during the afternoon using the text from the Seventh Review Conference as a reference point, reaching Article VI. The first reading is intended to allow a compilation of suggested changes without lengthy discussion. Once the compilation has been put together, a 'second reading' can be carried out with the advantages and disadvantages of the various suggestions being discussed.

Further general debate themes

The analysis here draws on statements made on the three days of proceedings. This examination of themes follows on from that in the previous daily report.

Most statements made some reference to the Implementation Support Unit (ISU), with many expressions of thanks for the work it had done. There was no suggestion that its mandate should be allowed to lapse. In terms of the scope of its mandate, some suggestions were made in areas which it might expand its role, which would have resource implications. The issue of the geographical spread of the past and current staff was raised as well as in the context of potential expansion of staffing numbers. There was wide recognition that the tasks allocated to the ISU would have to be linked to any new inter-sessional process and the scale of activities such a process was likely to produce.

On the inter-sessional process, it was clear that most states expected that there would be some form of review of scientific and technological (S&T) developments between Review Conferences. Few statements were specific whether they saw the S&T review as part of the formal inter-sessional process or as a parallel activity. The question of whether inter-sessional meetings should be able to take decisions was the subject of divergent views. However, there are different types of decisions – a decision by an inter-sessional meeting to add an agenda item to its discussion in the following year might be regarded by some as of a different character to a decision requiring commitments by states parties. A number of statements suggested that the Review Conference is the only body that can take decisions, others countered that this suggestion is not codified in any BWC document.

On verification issues, four broad categories of delegations can be observed, recognizing that there are many nuances and difference in emphasis within these categories. There is the perspective that traditional forms of verification are of limited effectiveness in the biological realm and so a verification arrangement for the BWC is not worth pursuing. The most vocal proponent of this is the USA, although specific verification issues were not referred to in its statement on Monday. A second category would like to see some form of verification, but sense political difficulties and so are not sure what to do next. This category hardly raises the issue in public. There is a further category that wants a verification arrangement, but as the time does not seem right that this could be successfully negotiated suggests it is worth examining other options to build confidence in compliance and provide experience of exchange of information. Statements made this week elaborating this sort of position included those by the EU and by Turkey. The fourth category includes those who express desires to start negotiations on verification arrangements as soon as possible. This category is very vocal and tends to see other compliance confidence options as a distraction from a clear goal that a legally binding instrument is the optimum way to strengthen the Convention. Statements elaborating this sort of position included those from Venezuela/NAM and from Russia.

Side events

Five side events were held on Wednesday. Two at breakfast: one, convened by the University of Pittsburgh, was entitled ‘Safety and Security of Synthetic Biology’, with the other convened by the Hamburg Research Group for Biological Weapons Arms Control on ‘Open Source Information for Transparency Building - Launch of an Online Information Tool: The BWPP BioWeapons Monitor 2.0’. Three events were held during the lunch break: convened by the IOIRC, entitled ‘The OPBW- Is it Time?’; by the Russian Federation, entitled ‘Operationalizing mobile biomedical units to deliver protection against biological weapons, investigate their alleged use and contribute to the suppression of epidemics of various origin: Presentation of draft decision’; and by King’s College London, University College London, Sussex University and Switzerland, consisting of a launch of a book ‘Biological Threats in the 21st Century’ and presentation of the ‘Understanding Biological Disarmament’ project.

This is the fourth report from 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). They are available via <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. A subscription link is available on each page.

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

Friday 11th November 2016

Committee of the Whole: first reading completed, second reading anticipated

The fourth day of the Eighth BWC Review Conference started with an announcement by the President, Ambassador György Molnár of Hungary, that Guinea had deposited its instrument of accession with London on Wednesday, making it the 178th state party to the Convention. The morning saw completion of the first reading of the article-by-article review by the Committee of the Whole (CoW). The afternoon saw a hesitant start to the second reading.

As it was the World Science Day for Peace and Development, the side events had a science theme. It was also a special day in which those permanently accredited in Geneva were allowed to bring their children to the Palais des Nations; this reduced the average age of people in the meeting room.

Proceedings of the Committee of the Whole

The CoW was convened with Ambassador Michael Biontino of Germany taking the Chair, it picked up from the previous day's work, starting with Article VII, using the text from the Seventh Review Conference as the reference point. This first run-through was completed by late morning.

The aim had been to start the second reading in the afternoon. As consolidated texts for Articles I to VI had not all been ready before the scheduled start of the proceedings, the afternoon meeting of the CoW was adjourned for an hour. Once this set of compilations were put on the BWC website by the ISU and circulated in the room in hard copy, the CoW reconvened. However, some delegations suggested they would benefit from having more time to consider the compilations of proposed changes. Others suggested that it would be difficult to consider only some of the articles as it was not clear when the compilations for the remainder of the articles would be available.

The meeting of the CoW was therefore adjourned, with the anticipation that the second reading would start on Friday. By late evening, the compilations for all of the articles had been put on the website.

While the delays in getting momentum behind the work of the CoW might be frustrating in the light of the scale of the rest of the work to be done within the Review Conference, it is the opposite problem to that which happened in 2006. At the Sixth Review Conference, the CoW raced ahead in its first couple of days and then had to revisit the Articles that had been previously run through as some delegations claimed that they had not been prepared enough on the earlier days and wanted to examine numerous new suggested issues and revisions.

Committee of the Whole process issues

All review conferences are individual events and have slightly different methods to do their work. Most multilateral treaties have some form of review process; with so many treaties in existence, there are many review conferences. If ever there had been procedural arrangements that were shown to be more effective than any other, these would promptly be

adopted across a broad range of treaties. This has not happened, and thus there remains many different ways of organizing a Review Conference.

The CoW process chosen for this Review Conference, following consultations with states parties, was explained by Ambassador Biontino on Wednesday. He described the CoW as the ‘machine room’ of the BWC ‘ship’. He said his three guiding principles were transparency, inclusiveness and efficiency. On transparency, he stated that all negotiating documents would be available on the website before discussion. On inclusiveness, he stated his intention that all meetings would be open-ended. On efficiency, having noted that there were a variety of papers from earlier Review Conferences, from the inter-sessional process, and Working Papers introduced this year, he suggested using the text resulting from the article-by-article review at the Seventh Review Conference as the reference point.

He proposed that a first reading would compile all the suggestions for changes into one document. The second reading would have a full discussion of all suggested changes and identify which suggestions could be better placed in the forward-looking decisions and recommendations section of the final document. This would be followed by a third reading that would be focused on narrowing differences of positions. He noted that this would have to be on the principle that ‘nothing is agreed until everything is agreed’, including with the decisions and recommendations section. As the third reading would be unlikely to resolve all differences, he recognised that he might, at the end, have to put together a Chair’s text to try and find an acceptable balance between the positions – such a Chair’s text could be used as a negotiating draft – a tool to facilitate consensus. He warned delegates that there was limited time for all of these processes and so that there could be late sessions to get through the work needed.

The implication of this procedural briefing on Wednesday was that the second reading could be used to rapidly agree uncontentious suggestions and consolidate some of the suggested changes where there is more than one similar proposal. This would produce a much more easily understandable text that would make the third reading considerably easier.

Side events and poster session

Five side events were held on Thursday. Two were held at breakfast: one, convened by Switzerland, entitled ‘Update on Two Workshops at Spiez Laboratory: Building a Network of Analytical Biological Laboratories and Examining Science and Technological Developments in the Area of the Convergence of Biology and Chemistry’; and the other, convened by Canada, entitled ‘Global Health Security Agenda Biosafety and Biosecurity Action Package: Lessons learned and next steps for the implementation of the Action Package’. Three events were held during the lunch break: convened by the United Nations Interregional Crime and Justice Research Institute (UNICRI), entitled ‘Identifying Needs and Providing Tailored Solutions: The Experience of the National CBRN Action Plan’; convened by the Geneva Centre for Security Policy, the Global Emerging Pathogens Treatment Consortium (GET), VERTIC and the UK Foreign and Commonwealth Office, entitled ‘Addressing the Biosecurity Governance Challenges Posed by the Ebola Epidemic’; and convened by the Organization for the Prohibition of Chemical Weapons, entitled ‘Science Advice at the OPCW’.

A poster session was held after the day’s formal proceedings. Past practice has been that where electronic copies of the posters have been provided by the poster presenters these have been placed on the BWC website by the ISU.

This is the fifth report from the Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC). These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP). They are available via <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. A subscription link is available on each page.

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

Monday 14th November 2016

One week completed: still much work to be done

The final day of the first week of the Eighth BWC Review Conference started with an informal plenary during which the facilitators had a chance to report on their progress to date. One facilitator then had a chance to lead a consultative session. The Committee of the Whole (CoW) then started on its first substantive part of the second reading of the article-by-article review. Openness of the output of the facilitators and the CoW was discussed.

The meeting also heard briefly from the Credentials Committee, which reported that a number of delegations had not yet supplied copies of their formal credentials and these delegations were urged to supply their credentials as soon as possible.

Reports from the facilitators

There are six areas in which facilitators have been appointed to help the states parties reach consensus conclusions at the end of the Review Conference. The areas and their facilitators are: 'Solemn declaration' – Ambassador Boudjemâa Delmi (Algeria); 'Assistance and cooperation' – Zahid Rastam (Malaysia); 'Science and technology' – Laurent Masméjean (Switzerland); 'National implementation' – Ambassador Michael Biontino (Germany); 'Article VII' – Ambassador Alice Guitton (France); and 'Future intersessional work programme and the ISU' – Ambassador Tehmina Janjua (Pakistan) and Ian McConville (Australia). This last area is an amalgam of two highly interlinked subjects, and it would be difficult for either to be considered in an isolated manner.

Some indicated that consultations had already taken place in their areas. Some highlighted work done in looking at relevant working papers submitted and statements made. Most indicated an intention to produce one or more non-papers on their subjects. Non-papers have no official status and are often used in similar circumstances to help structure discussions without dictating or prejudging the outcome. Many connected their work with the themed plenaries that will be held early in the second week. Three non-papers were circulated on Friday, on science and technology (S&T) review, the intersessional work programme and the ISU. The status of these were questioned later in the day (see below).

Article I and Article IV

Towards the end of the reports of the facilitators, there were exchanges on the remit of BWC Article IV and whether it involved national implementation only of Article I or of the whole Convention. The whole text of Article IV reads: 'Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition, or retention of the agents, toxins, weapons, equipment and means of delivery specified in article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere.' The Article IV section of the final documents of both the Sixth and the Seventh Review Conference calls for enacting of measures which 'enhance domestic implementation of the Convention and ensure the prohibition and prevention' of the items in Article I.

Informal plenary on the Solemn Declaration

Once the informal plenary had heard the last of the reports of the facilitators during the morning, Ambassador Delmi (who is also Chair of the Drafting Committee) took the Chair as facilitator on the Solemn Declaration. These proceedings were very similar in style to the first reading of the CoW, with suggestions for changes being made using the counterpart section of the final document of the Seventh Review Conference as a reference point, and with no decisions taken.

Proceedings of the Committee of the Whole

Once the informal session on the Solemn Declaration was complete, the CoW was convened with Ambassador Michael Biontino of Germany taking the Chair. This spent about an hour on its work during the morning, continued after lunch and then into the evening.

Articles I through IV were considered. Only minor changes were adopted, an example was the insertion of the word 'appropriate' in a sentence. Some proposals were withdrawn that were similar to others and in some other cases delegations indicated they would consult with each other where there were proposals on the same subject areas.

The continuation of the CoW past the normal meeting time had to be carried out in English, as the interpreters had gone home, and in a side room, as the audio system in the main room needed support staff to run it who had finished their working day. Only about 40 minutes of additional time was used as the NAM announced they had not yet had a chance to consider collectively Article V onwards. The CoW was therefore adjourned and the NAM used the room to hold their group meeting.

Status of non-papers and article-by-article review drafts

Three facilitation non-papers circulated on Friday and the article-by-article review drafts had been placed on the BWC website. Towards the end of the day, the status of these was questioned. Colombia noted how useful it was that the non-papers and article-by-article review drafts were on the public website. Iran suggested that these papers, as they had no status, should not be posted publicly but should be sent to delegations via e-mail, and this was supported by Venezuela (in its national capacity) and Cuba. The USA supported posting on the public website and noted if this was difficult, documents could be posted to the restricted states parties-only part of the website; noting also that there may not be e-mail contact details for the states parties that had just joined. The UK suggested the non-papers could be produced as working papers. Mexico, Ireland and South Africa spoke in favour of open web posting. As the CoW reconvened in the side room, the President of the Review Conference, Ambassador György Molnár of Hungary, announced that these non-papers would be circulated in hard copy in the meeting room, but electronic distribution would be limited to e-mail and the restricted part of the website.

Side events

Two side events were held on Friday. One, at breakfast, convened by the World Health Organization and the USA, entitled 'The New Health Emergencies Program and Emergency Medical Teams Initiative'.

The other was convened at lunchtime by the European Union, entitled 'EU Council Decision 2016/51/CFSP in Support of the BWC Implemented by UNODA: State of Play'. The second side event that had been scheduled for Friday has been moved to Monday.

This is the sixth report from the Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC). These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP). They are available via <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. A subscription link is available on each page.

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

Tuesday 15th November 2016

First cross-cutting plenary: Article X and science & technology

The first day of the second week of the Eighth BWC Review Conference started with an informal plenary looking at two issues: cooperation and assistance (Article X and related issues) and science and technology (S&T) review which continued into the afternoon. The Committee of the Whole (CoW) then continued its second reading of the article-by-article review, working into the evening. Questions were raised about whether the informal plenaries should be open or closed.

President's introduction

Introducing the day's proceedings, the President of the Review Conference, Ambassador György Molnár of Hungary, summed up the week of activity so far; saying the atmosphere was 'relatively positive' and urged delegations to be flexible in their work towards the outputs of the Conference. He reminded delegates of the words of Kim Won-soo, United Nations Under Secretary-General and High Representative for Disarmament Affairs on the opening day: 'I hope this Conference will take the necessary decisions to lead the way over the next five years in pursuit of a world safer and more secure for all.'

The President announced the appointment of an additional facilitator, Ambassador Hernán Estrada Roman of Nicaragua, who will be working on Article III.

Cross-cutting plenary

The first part of the cross-cutting plenary was chaired by Zahid Rastam of Malaysia as facilitator on 'Assistance and cooperation'. The session started with a briefing from the Implementation Support Unit (ISU) on the operation of the Assistance and Cooperation Database (commonly referred to as the Article X database) and the sponsorship programme. The database currently has 61 offers made by 8 states parties plus 1 group of states parties and 23 requests from 6 states parties. The number of offers significantly increased during 2016. The ISU noted the database had not been used as extensively as had been hoped. On sponsorship, the ISU noted a significant increase in activity. For the inter-sessional period, the number of sponsored attendees never reached double figures for any one meeting. For the August Preparatory Committee meeting, 32 participants from 25 states parties received assistance in their attendance through the ISU. The equivalent figures for the Review Conference are 45 participants from 34 states parties.

Venezuela spoke to the NAM proposal for an Action Plan, as contained in WP.23, which would include a mechanism for 'full, effective and non-discriminatory implementation' of Article X and which also suggests the establishment of a cooperation committee. One aspect that has been the subject of significantly divergent views is the proposal that any Article X mechanism should include arrangements to review denials of export licences. This is opposed by many Western countries. China and Pakistan highlighted their joint proposal, contained in BWC/CONF.VIII/PC/WP.32, for a 'non-proliferation export control and international cooperation regime' to be established under the auspices of the BWC and intended to overcome some of these divergences.

Many delegations highlighted projects that promoted activities such as vaccine production, disease surveillance or development of new medical treatments and which took place outside of the framework of the BWC.

At the change of subject matter, Laurent Masméjean (Switzerland) took the Chair as facilitator on 'Science and technology'. There was a broad commonality of views on the need for improved S&T review, although Brazil and Iran suggested there was no need for a specific structure to review S&T developments.

A number of views were expressed on membership, with some preferring an open arrangement which all states parties could participate in while others preferred a panel or committee. A method of selection of members would be needed for a review body not open to all states parties. A number of delegations suggested that whichever membership model was selected, there could be additional temporary working groups on specific issues. Various views were expressed about whether the review body should be funded by the individual states parties that provide experts, or whether it should be funded from general BWC funds. Recognition was given to the possibility of sponsorship or assistance to experts from states with fewer resources.

Numerous delegations noted that a functioning S&T review process would need additional resources for the ISU, with many suggesting the Unit would need a dedicated officer to support the S&T review process.

The status of informal plenaries

The openness of informal plenaries was questioned. During the lunch break, one delegation, Iran, raised with the Bureau the question of whether NGOs and other participants who were not delegates of states parties should be in the room during the informal plenaries. Under the rules of procedure, a single delegation can push the meeting to a closed status. This meant that the last half hour or so of the informal plenary was held behind closed doors. NGOs returned to the room at the start of the Committee of the Whole which has been open this year, as in 2011. As there had been no announcement, just a notification to NGOs from the conference staff, most delegates in the room were unaware of what had happened. At the time of writing, it is not clear what will happen on Tuesday.

Closing the informal plenaries would be a rolling back of past practice as all of the informal plenary meetings at the Seventh Review Conference were open to registered NGOs. These were distinct from the informal consultations held in the plenary meeting room which, following long-established practice, were held behind closed doors in 2011.

Proceedings of the Committee of the Whole

Once the informal plenary on S&T review was completed, the CoW was convened with Ambassador Michael Biontino of Germany taking the Chair. This spent about two hours on its work during the afternoon and then continuing into the evening without interpretation for over three hours. Articles V through X were considered. Very rarely was any change adopted. As with Friday, some similarities in proposals were eliminated. Positions taken by delegations were broadly in line with those taken at earlier meetings.

Side event

One side event was held on Monday at lunchtime, convened by France, Fondation pour la Recherche Stratégique and UNIDIR under the title 'Implementing Article VII of the BTWC: Challenges and Opportunities – Lessons Learned from a Tabletop Exercise (TTX) on the Implementation of Article VII of the Biological and Toxin Weapons Convention'.

This is the seventh report from the Eighth Review Conference of the Biological and Toxin Weapons Convention (BWC/BTWC). These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP). They are available via <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. A subscription link is available on each page.

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

Wednesday 16th November 2016

Further cross-cutting plenaries: Article VII and Implementation

The seventh day of the BWC Review Conference started with an announcement that a short session of the Committee of the Whole (CoW) would be held in order to complete the second reading of the article-by-article review ahead of the scheduled plenaries on the facilitated cross-cutting themes. This would enable the Chair of the CoW, Ambassador Michael Biontino of Germany, to collate a new text for the next phase of work.

Before the CoW convened, there was a plenary discussion on the status of meetings which concluded that the CoW would, for the rest of this Review Conference, be considered a closed meeting with only delegates of states parties able to attend. The cross-cutting plenaries are now described as formal plenaries which means they are considered to be open.

Committee of the Whole

The CoW met behind closed doors for about an hour during the morning. The session considered the last of the articles remaining from the work on the 'second reading' the previous night. A new compilation of text is being prepared, taking into account the changes deriving from the second reading. If past practice is a guide, some informal consultations may take place during this compilation process.

Cross-cutting plenary discussions

The first of the cross-cutting plenary topics started in late morning with the President of the Review Conference, Ambassador György Molnár of Hungary handing over the Chair to Ambassador Alice Guitton of France as facilitator on Article VII issues.

Using some varieties of terminology, a number of delegations noted the importance of rapidity in: detection of disease, assessment of the impact of the situation and deployment of relevant humanitarian assistance – all of which needs effective national capacities to carry out. Therefore capacity building in these areas is of direct relevance to Article VII. Switzerland noted national capacities were the first line of defence against deliberate disease. Venezuela for the NAM suggested timely assistance under Article VII was a legal obligation. South Africa noted that in the last inter-sessional process there had been no real discussion on the practicalities of timely assistance and highlighted aspects of their working paper on Article VII implementation, WP.34. The question of procedures to be used remains the subject of debate, including the question of whether humanitarian assistance should be provided before any determination by the UN Security Council. Resources, or lack of, for assistance prompted the description of arrangements in analogous regimes, such as the OPCW voluntary trust fund for assistance. A need for arrangements to ensure effective interaction between the many international organizations that have relevant mandates, such as the WHO, OIE and FAO, and which might be involved in a relevant situation was highlighted. The need for technical capacities on the ground was highlighted by Russia with its proposal for mobile biomedical units.

A number of delegations expressed support for a database relating to Article VII, (following on from the Assistance and Cooperation Database, commonly referred to as the Article X database) which had been proposed in a France-India joint paper, PC/WP.7; although some delegations noted that there may be lessons to be learned regarding implementation issues around the Article X database.

Many delegations suggested that Article VII should be a subject for consideration in any future inter-sessional process.

Ambassador Guitton thanked the delegates for their comments, noted the level of interest in operationalizing this Article and indicated that she would continue consultations. She then handed over the Chair to Ambassador Biontino in his role as facilitator on implementation issues.

The need for a broad range of implementation activities was highlighted, with recognition that there are a variety of national contexts. The need for capacity building in this area was noted by some delegations.

The Implementation Support Unit (ISU) indicated that 80 Confidence-Building Measures (CBMs) returns had now been received this year; a record number, but still only representing some 44 per cent of states parties. It was highlighted that there were inconsistencies in some returns that would appear to derive from the process by which they had been compiled and this might prompt perception of ambiguities. There were many calls from delegations for increased levels of submissions and some indications of the enhanced transparency that comes from making submissions public. The need for an electronic method to make submission of CBM returns easier as suggested by the Sixth Review Conference (but without mandating resources to implement it) was highlighted.

A number of voluntary measures to promote confidence in compliance were raised. France noted that there had now been six peer-review type transparency exercises. India suggested such activities had evolved without unanimity as to their purpose, and indicated that while the delegation was not in a position to endorse such activities, it did not wish to reject them outright. A number of participants in voluntary activities indicated their positive experiences of them. There were suggestions that if groups of states wished to carry out voluntary compliance activities that was up to them but this should not create expectations that others will follow. Cuba suggested that voluntary measures might lead to a false sense of security. A number of states indicated their preference for implementation in the context of a comprehensive legally binding instrument to strengthen the Convention.

The role of codes of conduct as a further tool to reduce the potential for misuse of the life sciences was highlighted.

At the end of the proceedings, Ambassador Biontino indicated that there were a number of speakers still on his list and that discussion on this cross-cutting theme would continue on Wednesday.

Side events

Three side events were held on Tuesday at lunchtime, convened by: the European Biosecurity Regulators Forum (EBRF) and Denmark, entitled 'Immaterial Technology with Dual-Use Potential'; the United Nations Interregional Crime and Justice Research Institute (UNICRI) and the US Federal Bureau of Investigation, entitled 'Understanding and Mitigating Emerging and Future Risks in the Life Sciences: The International Network on Biotechnology'; and the US National Academy of Sciences, entitled 'Science Advising Relevant to the BWC: Initiatives from the InterAcademy Partnership and Its Members'.

These are the last scheduled side events for a week.

This is the eighth report from the Eighth Review Conference of the Biological and Toxin Weapons Convention (BWC/BTWC). These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP). They are available via <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. A subscription link is available on each page.

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

Thursday 17th November 2016

Middle day of the middle week: Halfway there?

The eighth day of the Review Conference marked the halfway point in the proceedings. This was also 45 years to the day since the adoption by the UN General Assembly of resolution 2826 (XXVI) which commended the Biological Weapons Convention to member states and led the way for the Convention to be opened for signature in April 1972. All Conventions are creatures of the era in which they were negotiated and many of the issues being raised at this Review Conference are a reflection of the challenge of making a 1970s-era Convention operate effectively in the contemporary world.

The day's proceedings were dedicated to further thematic cross-cutting plenaries. A request by Eritrea, a non-signatory, to attend the Conference was granted. Towards the end of the morning session the new compilation of text for the article-by-article review, as considered in the Committee of the Whole, was circulated to delegates.

Cross-cutting plenaries – Implementation

The day started with the continuation of the 'Implementation' subject from Tuesday afternoon, being facilitated by Ambassador Michael Biontino of Germany.

Some points were made additional to those noted in the previous daily report. On Confidence-Building Measures (CBMs), Japan reminded the room of its suggestion to allow first-time submission of CBM returns to be done on a 'step-by-step' basis. Colombia noted that the preparation of CBM returns can help governments with national implementation, including by promoting interaction between ministries that have relevant responsibilities.

Cross-cutting plenaries – Article III

This session was held with Ambassador Hernán Estrada Roman of Nicaragua, the facilitator appointed this week to focus on these issues, in the Chair.

As Article III obliges states parties not to transfer relevant items 'to any recipient whatsoever' unless they are for peaceful purposes, the focus of the discussion was on export control systems. Many delegations raised the question of balance between the obligations for each state party to ensure it does not assist others in the acquisition of biological weapons while at the same time to ensure fullest possible access to materials and technologies for peaceful purposes under Article X. Some delegations do not like these articles being linked directly.

There were two working papers that were often referred to in this discussion; each offered a different model of operation. One, put forward by India and USA (WP.1), has as its focus improvements to national export control arrangements. The other, put forward by China and Pakistan (PC/WP.32), proposes the creation of a new export control arrangement under the auspices of the BWC. There are elements of these papers that constitute common ground, but key elements contain clear differences which will be challenging to bring together in a final document of the Review Conference.

The role of the Australia Group remained the subject of divergent views. Suggestions were made that this informal arrangement between certain governments to

coordinate export controls in this subject area is unfair and discriminatory; members of the group denied this, arguing it is an arrangement amongst a group of BWC states parties to harmonise practice and exchange information.

Cross-cutting plenaries – Future intersessional work programme and the ISU

This session was co-chaired by the facilitators for these subjects, Ambassador Tehmina Janjua of Pakistan and Ian McConville of Australia.

There was broad agreement of the need for an intersessional work programme (often called the inter-sessional process or ISP). Few specific suggestions were made in this session about structure or topics. It was suggested that a strength of the second ISP (2007-10) was the diversity of the subjects under discussion, while the third (2012-15) spent most of its work on standing agenda items. The third ISP had been unable to build on its work year by year. Decision-making powers were discussed. These ranged from suggestions that Meetings of States Parties (MSPs) could recommend actions to be taken by states parties, to suggestions of flexibility in deciding the agenda for each year. MSPs might also take a greater role in financial oversight of the ISU. Others suggested the Review Conference should be the only body to take decisions.

There was praise for the work of the ISU and recognition of the limited resources available to it. Proposers of additional tasks allocated to the ISU acknowledged these would require additional resources. Two potential new staffing roles were identified during the discussions; the first would be an officer dealing with science and technology (S&T) review and the other an officer dealing with assistance and cooperation issues. The suggestion was made that instead of extending the ISU mandate for the five years to the next Conference it should be made permanent. A counter to this was that the ISU was a temporary arrangement until a legally binding instrument to strengthen the Convention was adopted.

Cross-cutting plenaries – Solemn Declaration

This the final session of the day was chaired by Ambassador Boudjemâa Delmi of Algeria (who is also Chair of the Drafting Committee) as facilitator on this subject. The session continued for nearly an hour in a side room without interpretation after the usual end time. Some progress was made on text. Ambassador Delmi said he would consult with delegations and hoped to return to this in plenary session on Thursday afternoon.

A brief assessment of the first half of the Review Conference

At the halfway point, there is visible progress in a number of areas; for example, facilitation on specific issues has focused thinking. The Committee of the Whole adopted its report on the ninth day at the Sixth Review Conference in 2006 and on the tenth day at the Seventh in 2011. Significant momentum will have to be built up in the Committee's work to keep to a similar timetable this time.

There is much work to be done in a number of areas, but there is time to carry this out, given sufficient political will. Review Conferences deal with challenging issues – indeed, if a Review Conference was only to deal with simple issues there would be no reason to convene it. As in earlier Review Conferences, there are a number of competing priorities between the various delegations and the key to success will be how these priorities are brought together in a final document. As one of the facilitators said in plenary on Wednesday, a consensus outcome will need a bit of pain as well as joy.

Side events There were no side events on Wednesday.

This is the ninth report from the Eighth Review Conference of the Biological and Toxin Weapons Convention (BWC/BTWC). These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP). They are available via <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. A subscription link is available on each page.

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

Friday 18th November 2016

Committee of the Whole third reading and a draft elements text

The official proceedings of the ninth day of the Review Conference consisted of a closed meeting of the Committee of the Whole (CoW) followed by an open plenary on the Solemn Declaration. More significantly, there were a number of actions being taken in order to bring together a non-paper that would allow delegates to gain a sense of what the Final Document might look like. This was distributed after the end of the formal proceedings.

Committee of the Whole

The day started with a 'third reading' of the article-by-article review text, with Ambassador Michael Biontino of Germany in the Chair. Following the discussions on Tuesday regarding openness of meetings, this was held behind closed doors with only delegates of states parties able to attend. From discussions with those in the meeting, it would seem that little progress was made on substantive textual changes. The session provided an opportunity for a further exchange of views on each of the articles, but little else. The next step was for the Chair to compile a 'best guess text' in which he attempted to find a balance between the positions put forward. Such texts are often used within multilateral negotiations.

Cross-cutting plenaries – Solemn declaration

The afternoon was taken up by a further plenary session on the Solemn declaration with Ambassador Boudjemâa Delmi of Algeria (who is also Chair of the Drafting Committee) as facilitator on this subject. As with the CoW, little progress was made on substantive textual changes. Past experience within Review Conferences has been that compromises on the Solemn declaration text have been more forthcoming once the rest of the text of the Final Document is better developed.

'Elements for a Draft Final Document'

In parallel with the formal proceedings in the main meeting room, the facilitators integrated their draft texts so that a non-paper could be produced. These texts, combined with the CoW Chair's best guess text, were put together in a draft elements paper that allows delegations to get a better sense of how the overall Final Document is forming. This non-paper was published late on Thursday and has no formal status. There are clearly many issues within it that are yet to be resolved. The draft elements text follows the basic structure of the Final Documents of the Sixth and Seventh Review Conferences.

Final Document structure

With the work of the Review Conference moving towards specific efforts to bring together the Final Document, this is an opportune moment to consider the structure that has been used in recent Review Conferences and which is being repeated in this Conference. The current Final Document structure was something of an innovation at the Sixth Review Conference in 2006. The Fifth Review Conference had been unable to agree a Final Document in the traditional sense and so this provided the chance to create a new format.

The first part of the Final Document structure is 'I. Organization and work of the Conference' and is often called the 'procedural report' of the Conference. This part of the Document has been largely uncontroversial as it simply describes the practical aspects of convening the Conference, which states parties and others attended, and who took on which roles; for example, the officers of committees. In 2006 and 2011, this section contained the decisions on the dates for the following year's Meetings of Experts and Meetings of States Parties and so it is reasonable to assume that this procedural part this year will follow this pattern. Draft language for the procedural section usually appears only a few days before the end of the Review Conference as there is little to be decided within this section, being almost entirely factual.

The next part within the structure is the 'II. Final Declaration' which consists of the Solemn declaration and the article-by-article review. This part of the text is intended to be primarily a review of past activities and is usually highly contested, most notably on questions of 'balance', although in past years there has been no simple consensus on where such a balance should lie. The Solemn declaration can be regarded as the preambular paragraphs to the article-by-article review, although some see this section as the overarching political statement of the Review Conference.

The third part within the structure is 'III. Decisions and recommendations' and is often called the 'forward-looking' part during the work in the Review Conferences. Although it is broadly forward looking, the first sub-section has consistently so far been about the previous inter-sessional process. The decisions and recommendations section from the Sixth Review Conference had the following headings: 'Work of the 2003-2005 Meetings of States Parties', 'Implementation Support Unit', 'Intersessional Programme 2007-2010', 'Confidence-building Measures', and 'Promotion of Universalization'. The decisions and recommendations section from the Seventh Review Conference had the following headings: 'A. Outcome of the 2007-2010 intersessional programme', 'B. Intersessional programme 2012-2015', 'C. Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X', 'D. Review of developments in the field of science and technology related to the Convention', 'E. Strengthening national implementation', 'F. Confidence-building measures', 'G. Promotion of universalization', 'H. Implementation Support Unit', and 'I. Finances'. Items C through E were the sections on the Standing Agenda Items to be considered in the inter-sessional process.

Annexed to the Final Document in both 2006 and 2011 were the 'Agenda of the Conference, as adopted', 'Rules of Procedure of the Conference, as adopted' and a list of the official documents of the Conference. The first two of these annexes were not circulated within the Conferences as they were available to delegates in their original forms. The documents lists were compiled after the Review Conferences had concluded. In 2011 there was an additional annex: 'Revised forms for the submission of the Confidence-Building Measures' which contained the results of the consultations on how to simplify the CBM forms with the intention of widening participation.

In both 2006 and 2011, there were a number of places in which the Final Document contained some repetition. In each case, time was short to resolve certain issues and there is a good argument that it was better to spend time to resolve those issues rather than neaten up the text of the Final Document. This may also apply during the negotiations of the current Final Document.

Side events There were no side events on Thursday.

This is the tenth report from the Eighth Review Conference of the Biological and Toxin Weapons Convention (BWC/BTWC). These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP). They are available via <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. A subscription link is available on each page.

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

Monday 21st November 2016

First reactions to the draft elements, and the 'alternative BWC'

The tenth day of the Review Conference marked the end of the second week of proceedings. Delegations were provided with the opportunity to air their views on the 'Elements for a Draft Final Document' non-paper that had been circulated on Thursday. In the evening, the latest round was held of the alternative BWC – the Bowling World Cup.

Solemn declaration

The morning was taken up by a short further plenary session on the Solemn declaration with Ambassador Boudjemâa Delmi of Algeria as facilitator on this subject. Some limited progress was made on textual changes. A small room consultation behind closed doors was convened in the afternoon, in parallel with the plenary, which is said to have made some further progress on the Solemn declaration.

'Elements for a Draft Final Document' – an outline

The non-paper circulated on Thursday by the President of the Review Conference, Ambassador György Molnár of Hungary combined the 'best guess' text from the Chair of the Committee of the Whole (CoW) with drafts resulting from the work of the facilitators and has no formal status. The draft elements text follows the basic structure of the Final Documents of the previous two Review Conferences.

The CoW text has been seen in a number of earlier versions and there is still much to be resolved within it. The second section, the forward-looking decisions and recommendations, outlines an inter-sessional work programme totalling 15 days per year (it was 10 per year last time) comprising three open-ended working groups (OEWGs) and a Science and Technology Committee (STC). The three OEWGs are on Implementation, Cooperation [based around Article X issues], and Preparedness and Assistance [based around Article VII issues]. It has to be emphasised that this non-paper is a very early iteration of the sort of material that might be in the Final Document. However, as always with this type of negotiation, nothing is agreed until everything is agreed.

'Elements for a Draft Final Document' – first reactions

The plenary session in the afternoon gave space for delegations to give their first public response to the non-paper on draft elements. The President indicated that the aim of this plenary was to get general comments rather than issues with specific elements. He acknowledged during the discussions there were some inconsistencies between the sections drafted by the facilitators owing to time constraints in putting the document together.

Most delegations taking the floor indicated there were parts of the non-paper they were comfortable with and parts they would not be able to agree on. A number indicated that the overall package contained elements that would cross their red lines. There were no suggestions that this would be close to the Final Document; indeed, there were many suggestions that there was going to be a considerable amount of effort needed to bring the work of the Review Conference to its conclusion.

The nature of diplomatic language is that no delegation put themselves in the position of rejecting the text out of hand and most of the interventions focused on the elements around which consensus might be achieved. Nevertheless, Iran indicated that the non-paper did not enjoy its support and was not a benchmark that could be used, noting that the work of the Review Conference needed consensus, not simply the views of the majority.

Venezuela, speaking for the non-aligned, suggested that the non-paper did not reflect NAM views as expressed in the CoW, and would like to return to the third reading text rather than the Chair's 'best guess'. Russia suggested that many ideas by its delegation and from the NAM had been ignored and so, from its perspective, the article-by-article review contained a bias towards the West.

There were a variety of phrases used about elements of the text, primarily regarding the forward-looking section as this was the first time this had been seen compiled together. Canada said there were some 'good solid ideas' but said some were 'problematic'. Malaysia described some elements as 'not fully matured', but that challenges to bring the Final Document together were not insurmountable. Debate was expected. Australia noted that there would be strong critiques of the text. Pakistan, indicated it knew the amalgam of material in the non-paper would not satisfy all, and would therefore be subject to discussion.

On the content of the inter-session programme, a number of delegations suggested that there would not be enough time to carry out an examination of all of the topics and sub-topics. It was noted that the topic list was, in some cases, simply a listing of what had been suggested without any attempt to prioritize them. If there were too many topics, it was suggested that there might be a dilution of effort. India, said that the topics were substantive but needed to be more succinct and specific. One topic likely to be controversial is the suggestion that up to one day each year be used to 'consider appropriate measures on a legally binding instrument, including verification'. Cuba suggested there was not enough about verification in the non-paper. The USA said nothing about this, but if past practice is a guide, is likely to oppose inclusion of such a suggestion.

Questions were raised about financial implications. The suggestion of five extra working days for the work programme and two further ISU staff would mean additional costs and there were requests for calculations to be made. The UK suggested the finance sub-section should include a reminder that assessed dues are needed in advance. Iran suggested the work programme structure and topics needed to be made to fit the purposes of the Convention first and budgetary considerations could then follow.

On timing, India and the UK both noted that it was good to have something to consider before the start of the third week.

In his concluding remarks, the President noted that further discussion on the article-by-article review would be based on the third reading text, taking note of the 'best guess' text.

Bowled over

The alternative BWC, the 'Bowling World Cup', was hosted by Switzerland at a bowling alley on Friday evening. While there were no official prizes this year, the highest scorer in an individual game was Robert Friedman (USA). The Bowling World Cup had been started around 1998 and continued through various Convention meetings until the political challenges of 2001. The revival of this tradition in 2006 was taken as an optimistic sign that a positive outcome may be reached at the Sixth Review Conference, as indeed it was.

Side events There were no side events on Friday.

This is the eleventh report from the Eighth Review Conference of the Biological and Toxin Weapons Convention (BWC/BTWC). These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP). They are available via <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. A subscription link is available on each page.

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

Tuesday 22nd November 2016

More draft elements reactions and a CoW extended beyond its natural life

The second week of the Review Conference started with the opportunity for delegations to put forward detailed comments on the 'Elements for a Draft Final Document' non-paper that had been circulated on Thursday. This continued into the afternoon and was followed by a further meeting of the Committee of the Whole (CoW) which was convened behind closed doors. In parallel with the official proceedings, it was clear a range of informal consultations were being undertaken.

Delegates are suffering from the effects of large scale non-BWC activities going on around them. Last week there was a series of meetings in neighbouring conference rooms that caused crowds and queues at all of the facilities. On Monday of this week, the entire Bar Serpent – the coffee bar next to the BWC conference room – was taken over for the setting up of the annual UN Bazaar, a major fundraising event for charity being held on Tuesday that in 2015 attracted over 6000 visitors. This means there is no seating area for the time being. In the history of the BWC, many deals have been done over coffee in the Bar Serpent over contested issues. The loss of this area, even for just a day or two, may hinder reaching agreement on some of the topics.

'Elements for a Draft Final Document' – detailed reactions

The plenary session in the morning gave space for delegations to give further public responses to the non-paper on draft elements circulated on Thursday, and in particular the forward-looking section.

The session started with a presentation on finances, given by the Implementation Support Unit (ISU), following requests by various delegations on Friday for calculations of the cost implications of possible decisions of the Review Conference. The ISU identified costs for 15 days of meetings a year, ISU staff expansion (from three to five, with consequent additional equipment and travel budgets), sponsorship arrangements for experts, improving the Article X database, and establishing an Article VII database. The estimated total for such a programme would be some 2.30 million US Dollars. This compares with a 2016 BWC expenditure of USD 1.97 million.

On financial matters, Iran asked whether it would be better to compare the possible new inter-sessional programme with expenditure in 2015 rather than 2016. South Africa suggested that the Meetings of States Parties (MSPs) should manage the budget of the inter-sessional period within guidelines provided by the Review Conference. The UK suggested it was happy to pay additional costs if there were additional benefits, and that a zero-growth cost base would mean zero additional benefit. Australia noted that a breakdown of expected assessed contributions by state party would be useful. Japan suggested that discussion of ISU expansion should start with the possible addition of one extra person.

Some questions were raised about why the science and technology (S&T) review process should be considered separately, and also why it was a committee while the other arrangements were open ended working groups (OEWGs). The UK suggested S&T was

different from other topics as understanding the developments in the life sciences underpinned the implementation of all articles of the Convention. Switzerland suggested S&T was a 'key feature' of the inter-sessional work programme while Ireland said it was of 'critical importance'. Malaysia asked a number of questions about the proposed S&T committee which were echoed by other delegations; such as: how would states parties be chosen to participate in the committee? Would this be through regional group nominations? Would each state party be on the committee for the whole inter-sessional period or only for part of it, for one year perhaps? If a state party is chosen to be involved, can it only choose one expert or could it change its nominated expert depending on the topic under consideration? Finland suggested the S&T review could be one expert per country, open to all. The UK indicated it would prefer an open-ended process, but would compromise on membership if this helped secure a review process. China suggested new language on development of codes of conduct.

On the inter-sessional work programme, many delegations used terms like 'streamlined' to describe what they thought should be done to the list of topics and sub-topics. There were suggestions that the MSP may be too long at five days, and other suggestions that the work of the Implementation OEWG could be moved to the MSP each year. Russia suggested the quantity of topics should not sacrifice quality of discussion. Finland noted that the three OEWGs have overlapping mandates, and there was a need to avoid duplicating work. On decision making, there was a re-emergence of the South African proposal made during the Preparatory Committee that the bodies established in the inter-sessional programme should report to the MSPs and be guided in their work by the MSPs.

Clearly divergent views were expressed in two areas. One was the proposal in the non-paper that the Assistance OEWG could deal with appeals regarding transfer denials (i.e., cases where export licences were refused). This was opposed by a number of primarily Western delegations. The other was the proposal that the MSP could consider appropriate measures on a legally binding instrument, including verification. This was supported by the NAM and by China, amongst others, and opposed by the USA.

At end of the plenary, the President of the Review Conference, Ambassador György Molnár of Hungary, thanked delegations for their comments and indicated he would take them into account in putting together a new non-paper 'as soon as possible' that could be the basis for moving forward to achieve consensus.

Committee of the Whole

Following the plenary session, the CoW returned to the text resulting from its third reading last week, following the rejection of the 'best guess' text put together by CoW Chair. Many delegates were frustrated with what became a fourth reading with the same working methods that had previously not managed to produce substantive changes to the text of the article-by-article review. What 'progress' was made was to accept as text for the first two articles the exact language used in the Seventh Review Conference Final Document with changes to only the occasional word. The announced plan, as of the end of the day on Monday, was to continue this process during Tuesday, including discussing Articles III and IV in a small room consultation during Tuesday evening.

There are moments that negotiation can be seen as theatre and times that difficult processes have to be undergone to achieve a broader objective.

Side events There were no side events on Monday.

This is the twelfth report from the Eighth Review Conference of the Biological and Toxin Weapons Convention (BWC/BTWC). These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP). They are available via <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. A subscription link is available on each page.

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

Wednesday 23rd November 2016

The Eighth BWC Review Conference: waiting for the end-game

Tuesday began with a further meeting of the Committee of the Whole (CoW) which took the whole morning. The afternoon was taken up with an update on financial issues and a plenary discussing the Solemn declaration.

The annual UN Bazaar caused some distraction from the proceedings in the meeting rooms, although this distraction was rather pleasurable as there were stalls serving traditional foods from their parts of the world as well as selling other goods. It would appear facilities will be back to normal from Wednesday.

Underpinning much of the discussion of the day was the expectation that the President of the Review Conference, Ambassador György Molnár of Hungary, would be putting together a new non-paper, as had been announced on Monday. By the close of formal proceedings on Tuesday, no new non-paper had been circulated.

Committee of the Whole

The CoW continued with what is effectively its 'fourth reading' of the article-by-article review, starting with a discussion of Article V; by lunch it had reached Article VII. The CoW carried out its proceedings behind closed doors and appears to have made little substantive progress in this session. At the end of the day's formal proceedings there were informal consultations facilitated by the Chair of the Committee of the Whole, Ambassador Michael Biontino of Germany.

Financial issues

The Chief of the Implementation Support Unit (ISU), Daniel Feakes, provided an update on financial issues during the afternoon. Further work on estimating the costs for the activities proposed in the non-paper circulated on Thursday had brought the estimates down to USD 1.985 million from the USD 2.303 million presented on Monday. The annual cost of the ISU and the Meeting of Experts and Meeting of States Parties was USD 1.387 million during the last inter-sessional process (2012-15). The cost estimate of activities in 2016 remained at USD 1.967 million.

A request was made for a breakdown for what this would mean for each state party. The President noted that as the proposed sum was very similar to the total for 2016, the assessments for this year would provide a good guide. [*Note: the scale of assessments were published for the Preparatory Committee and can be found in document BWC/CONF.VIII/PC/6.*]

There followed a discussion on the position of the ISU within the UN Office for Disarmament Affairs (UNODA). The discussion was started by Iran, who had noted that the open ended working group (OEWG) on nuclear issues had been paid for out of the UN regular budget and had wondered if there might be space in this budget to carry out the work of the ISU. The delegation indicated it was not calling for a switch, merely to see whether unused resources could be unlocked to save the BWC states parties some funds. Mary

Soliman, Acting Director, UNODA Geneva Branch, stated that the nuclear OEWG had been funded from the regular budget following a specific decision of the UN General Assembly and indicated the UNODA did not have the spare capacity to take on further tasks. In short, whether the ISU was paid directly by the BWC states parties or through the UN regular budget, the costs would be about the same. It was also noted that, as the BWC membership is lower than that of the UN, non-states parties would be contributing to the costs of support of the BWC.

Solemn declaration

The afternoon saw a further plenary on the Solemn declaration with Ambassador Boudjemâa Delmi of Algeria as facilitator on this subject taking the Chair. He noted that a number of informal consultations had taken place and that he was extremely satisfied with the results emerging from them. He outlined three principles that had guided him in his work on the Solemn declaration, which he described as a 'political declaration': it should reiterate positions from the previous Review Conferences; it should be taking a consensus position, not that of any particular person or group; and, it needs to focus on the main aims of the Convention. He put forward a text that resulted from the consultations and which focused on particular areas of contention, including accountability in any case of use of biological weapons and on international cooperation. Ambassador Delmi suggested that where there was no agreement on text, the language used should revert back to that used in the Seventh Review Conference.

The paragraph-by-paragraph review of the facilitator's text did not get far before there was a request to re-insert an earlier proposed amendment on which it had not been possible to reach agreement during earlier consultations. This was followed by a number of similar requests, resulting in a text that was less clean than at the start of the session.

On the issues surrounding the areas of contention identified by Ambassador Delmi, there was some substantive discussion but no agreement on new text.

Expectations for the final days of the Review Conference

The pace of formal proceedings in the conference room is too slow to be able to reach their conclusions before the end of the Review Conference. Indeed, such proceedings might be considered as 'marking time' while the President's non-paper is being prepared. This has been a pattern of activity seen in some earlier Review Conferences attended by this author.

Much will depend on how much traction the new non-paper can gain with delegations. Even if it is seen as a workable text, it will be subject to intense further negotiation, including late-night sessions, to bring the Review Conference to its conclusion.

Side events

There was one side event on Tuesday. It was held at lunchtime and convened by VERTIC on 'BTWC - Implementing Legislation Analysis and Online Legislative Assistance Tool'.

Erratum

Many thanks to all those who spotted that report no 12 started with the words 'The second week of the Review Conference' when it was indeed the start of the third!

This is the thirteenth report from the Eighth Review Conference of the Biological and Toxin Weapons Convention (BWC/BTWC). These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP). They are available via <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. A subscription link is available on each page.

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

Thursday 24th November 2016

Entering the endgame: a new text and a new move towards consensus?

Wednesday began with a further meeting of the Committee of the Whole (CoW) which took most of the morning. This was followed by some brief general debate statements. The afternoon was taken up with a plenary discussing the Solemn declaration.

The significance of the official proceedings was overshadowed by the circulation of two documents: the draft report of the Committee of the Whole (CoW); and the 'President's Proposal' which is a non-paper containing a draft of what would constitute the forward-looking 'decisions and recommendations' section of the Final Document. It is clear that much work has gone into the two documents, but as they were distributed roughly an hour after the closure of formal proceedings on Wednesday, it is too early to be able to assess the reactions of delegates to what has been published. The last two days of the Conference are likely to be very challenging.

Committee of the Whole

The Committee continued with its 'fourth reading' of the article-by-article review during the morning, behind closed doors.

The draft report of the CoW was made available to delegates after the usual end of the working day. It is a short procedural-style report with two annexes. The first annex is a compilation of all the proposed textual amendments to the article-by-article review resulting from the Seventh Review Conference. The second is a text prepared the Chair of the Committee, Ambassador Michael Biontino of Germany, under his own responsibility with a recognition that this text had not been agreed by the CoW.

General debate statements

Two additional prepared statements were made on Wednesday, by Libya and Argentina. Amongst other things, Libya referred to its implementation activities, such as the National Committee for Biosecurity and Bioethics. Argentina spoke to a new working paper on universalization, WP.43, submitted by a group of Latin American states – a similar grouping presented papers to the 2006 Review Conference and the 2007 inter-sessional meetings. After some discussions on procedure relating to the expected documents, Morocco took the floor to say that following its experience with a Peer Review exercise in France it was now intending to carry out such an exercise of its own. France then took the floor to congratulate Morocco on this initiative.

Solemn Declaration

The afternoon saw a further plenary on the Solemn declaration with Ambassador Boudjemâa Delmi of Algeria as facilitator on this subject taking the Chair. Progress was made on the paragraph relating to terrorism which had had a number of suggested amendments to it. A new text for this paragraph, jointly proposed by India, Russia and the United States, overcame some of the earlier issues. Amendments to this new text were proposed, with some being accepted. Further work will be needed.

‘President’s Proposal’ – outline

The President of the Review Conference, Ambassador György Molnár of Hungary released his new non-paper at around 7pm Geneva time on Wednesday. It is just over five pages (down from seven for the relevant part in the non-paper from last Thursday).

The ‘President’s Proposal’ includes an overt recognition of the need to balance an ambition to improve the inter-sessional programme of work within resource constraints that include financial and human factors.

The suggested programme consists of four open-ended working groups (OEWGs) plus annual Meetings of States Parties (MSPs). The suggested OEWGs broadly follow the subject areas within the non-paper from the second week but in some cases have slightly amended titles: ‘Science & Technology’; ‘National Implementation’; ‘International Cooperation’; and ‘Preparedness, Response & Assistance’. In this iteration, each group now has a much more concise list of topics to discuss during the inter-sessional period.

Rather than spend 2.5 days per year on each OEWG topic, the ‘President’s Proposal’ non-paper suggests that the OEWGs alternate so each has 5 days per two years. The suggested pattern would be for the Science & Technology and International Cooperation OEWGs to meet in the first and third years of the inter-sessional period (i.e., 2017 and 2019); and for the Preparedness, Response & Assistance and National Implementation OEWGs to meet in the second and fourth years (i.e., 2018 and 2020).

The non-paper states that OEWGs should operate on the basis of consensus. In the absence of consensus on any recommendations, ‘the reports will reflect all views’.

The Science & Technology OEWG is the subject area most changed from the earlier non-paper. In the earlier iteration, this was a committee rather than an OEWG. The membership is now open-ended, but states parties are invited to nominate for each meeting one or two scientific experts ‘to contribute to its work in an individual capacity’. There is a suggested special topic of gene editing for the session in 2017 with the special topic for 2019 to be determined by the 2018 MSP.

The National Implementation OEWG includes Article III and Article V issues within its mandate as well as ‘the role of international cooperation and assistance’ as part of Convention implementation.

The International Cooperation OEWG contains a decision to continue the Article X database with a mandate for it to be made ‘more user friendly and comprehensive’. The suggested discussion topics are similar to those of previous inter-sessional meetings.

The Preparedness, Response & Assistance OEWG section of the document contains a decision to establish an Article VII database as well as an invitation to states parties to ‘submit on a voluntary basis specific offers for assistance, information about capabilities that might be available, and/or national points of contact.’

Under the ‘President’s Proposal’ the mandate of the Implementation Support Unit (ISU) is prolonged until the Ninth Review Conference. The non-paper retains the earlier proposal of expanding the ISU, this time noting that ‘in consideration of the already under resourced staffing and budget profile of the ISU given its existing workload, the Conference decides exceptionally to the following enhancements to the ISU budget to cover 2 additional professional posts.’ It is hard to see how the package of work could be effectively implemented without this exceptional change to the staffing of the ISU. The non-paper notes the importance of recruitment of staff on ‘as wide a geographical basis as possible’.

Side events There were no side events on Wednesday.

This is the fourteenth report from the Eighth Review Conference of the Biological and Toxin Weapons Convention (BWC/BTWC). These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP). They are available via <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. A subscription link is available on each page.

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

Friday 25th November 2016

A difficult endgame: slow movement and late-night consultations

Thursday began with the final meeting of the Committee of the Whole (CoW) which took only a short time to adopt an entirely procedural report. This was followed by informal consultations to look at the 'President's Proposal', the non-paper containing a draft of what would constitute the forward-looking 'decisions and recommendations' section of the Final Document circulated on Wednesday. These went through the afternoon and into the night.

Report of the Committee of the Whole

The morning started with the Committee discussing the adoption of its formal report with Ambassador Michael Biontino of Germany in the Chair. The draft report had been circulated on Wednesday night and included two annexes. The first annex was a compilation of all the proposed textual amendments to the article-by-article review resulting from the Seventh Review Conference and was, in itself, uncontroversial as it was entirely factual. The second annex was the updated 'best guess' text prepared by the Chair, under his own responsibility.

Iran objected to inclusion of the second annex within the report. However, some other delegations linked the two annexes such that the proposals made for a possible decision were either to include both annexes or to include no annexes. The final decision taken was no annexes.

This means that the CoW adopted only a procedural report. The implication of this is that there is no text of the article-by-article review forwarded to the plenary by the CoW. There is no rule or requirement for a Final Document to include an article-by-article review but this has been the past practice.

There followed a short plenary, barely two minutes long, to note that the report of the CoW contained no text and so that all that was left for possible use was the article-by-article review of the Seventh Review Conference. The President of the Review Conference, Ambassador György Molnár of Hungary adjourned the plenary to allow delegations to go into informal consultations on the forward-looking decisions and recommendations section as contained in the 'President's Proposal' non-paper circulated on Wednesday.

'President's Proposal' – reactions

There have been no public statements on the President's non-paper as all meetings discussing it so far have been behind closed doors. Corridor discussions with delegates early in the day indicated that most had significant elements of the text they could support. Most also had elements they would have preferred not to have been included. Most were keen on some form of compromise, with expectations that negotiations would improve the acceptability of the text. As the day progressed, Iran stood out as having a distinct perspective. It has made many statements in favour of initiating negotiations on a legally binding instrument, in particular on verification aspects but also notably on Article X issues. Its position in the consultations seemed to be that an inter-sessional process of the

substantive nature being proposed would make governments too comfortable with the status quo and thus inhibit moves towards a legally binding instrument.

‘President’s Proposal’ – informal consultations

These informal consultations started behind closed doors shortly after 11.30 am. The process was similar to that used in the Committee of the Whole, i.e., a paragraph-by-paragraph reading with delegations able to insert suggestions for changes. As there was clearly not time for such proposed changes to be discussed at length, the purpose of insertion could only be to mark areas of contention for when other forms of consultations take place.

This ‘first reading’ process took many hours, including the whole of the afternoon, and lasted until 10.25 at night. From discussions with a variety of delegates leaving the room, it is clear that the consultations were frustrating for many of them as much of the discussion seemed to be derived from a desire by just a few delegations to wind the inter-sessional process back to the level that it has been at in past years (or in some instances even beyond); a prospect many found unacceptable.

At the end of these informal consultations on the President’s Proposal, the President invited a number of individuals for informal discussions. These continued until just past midnight.

The sheer length of the informal interactions indicates there is considerable effort being put into finding potential consensus solutions to the divergent views on key issues. However, it is not clear whether the time available will be enough.

Expectations for the final day of the Review Conference

As of Friday morning, the quantity of work required to bring the proceedings to a close with a consensus final document remains considerable. To complete this work on the final day will be a significant, but not impossible, challenge. However, each passing hour will limit the flexibility of action and limit the range of possible outcome options.

The scale of activity required during the final day is greater than that needed in earlier Review Conferences attended by this author.

Side events There were no side events on Thursday.

Please note: there will be a sixteenth report produced next week covering the final day of the Review Conference that will be e-mailed out and placed on the websites below

This is the fifteenth report from the Eighth Review Conference of the Biological and Toxin Weapons Convention (BWC/BTWC). These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP). They 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.

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

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>.