

Friday 11th August 2023

A possible mechanism for international cooperation and assistance/Article X

Thursday, the fourth day of the Second Session of the Working Group (WG) on the strengthening of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC), was devoted to discussions relating to a possible mechanism for international cooperation and assistance (ICA). Paragraph 18 of the Final Document of the Ninth Review Conference reads: 'The Conference decides to develop with a view to establishing a mechanism open to all States Parties to facilitate and support the full implementation of international cooperation and assistance under Article X. In order for this mechanism to be established, the Working Group on the strengthening of the Convention will make appropriate recommendations.' The discussions on Thursday were therefore of a slightly different nature than the three previous days which had been discussing 'Measures on cooperation and assistance under Article X'.

The day was mostly held in plenary session except for about one hour in the morning for informal consultations. Towards the end of the afternoon, the plenary heard a report back from the facilitators who have increasingly been referred to as 'Friends of the Chair' (FoCs) – the terms are essentially interchangeable. It is clear from the FoC briefing and from conversations with delegates how much work remains to be done and, as the old saying goes, 'the devil is in the details'.

There have been a number of working papers submitted that have put forward points about an ICA mechanism. The three referred to most often in plenary were WP.1 by ASEAN, WP.3 by the USA and others, and WP.13 by Pakistan. The official webpage for the Second Session can be found at <https://meetings.unoda.org/meeting/67451>. Official BWC documents are also available via <https://documents.un.org>.

Substantive discussions

Much of the substantive discussion reflected points made earlier in the week about the challenges that can be responded to through ICA. Additional points raised included an observation that, if efforts to counter global biological threats are hindered by lack of capacity because of lack of resources, then this could be seen as a failing of the BWC.

Points on the pros and cons of different financing models (assessed vs voluntary) were repeated with the suggestion that different routes for funding could be used for different purposes.

A considerable number of interventions discussed aspects of the political structures needed for oversight of an ICA mechanism. The two models previously proposed – a small selected committee/group or a body composed of all states parties – each received expressions of support. Proponents of the smaller group approach did not appear to hold strong views on how many members this should have and a range of numbers were put forward. There was a greater divergence over how the membership might be selected. Since its entry into force, the BWC has used three regional groups for coordination and for administrative purposes such as nominating office holders. The formal titles are quite long but can be summarized as the western group, the eastern group and the non-aligned group. In most multilateral bodies, there is a UN system of five groups based on geography. Noting that ICA challenges for Africa, for example, had

some different characteristics than, say, Latin America and the Caribbean, there were some advocates for using the UN regional groups as the basis for selection. Others expressed support for keeping with past BWC practice. At the Ninth Review Conference (2022), Russia withdrew from the eastern group and declared itself to be a ‘group of one’.

There was a suggestion that care should be taken to ensure that the mechanism was only implementing activities related to Article X. This prompted responses that there were common aspects with other areas such as Article VII that were important.

Briefing from the facilitators/FoCs

JJ Domingo (Philippines) and Trevor Smith (Canada) briefed the plenary on their progress thus far. They noted that some of the positions put forward are difficult to reconcile but many of them enjoy a significant measure of convergence. They offered a snapshot of where discussions might be moving toward, based on their consultations. They suggested that there might be an open-ended ICA committee and a 15-strong steering group to operate on the basis of consensus. Steering group membership would be allocated through the BWC groups but reflect geographical representation. The cost of the steering group and of related support provided by the BWC Implementation Support Unit (ISU), including increases in staff numbers, would be financed by assessed contributions from states parties. The mechanism would include a ‘results-oriented’ action plan to provide guidance for identification and development of possible projects or other activities and reflect gaps and needs identified through enhanced Article X reporting guidelines and standards. There would be an ICA fund contributed to by states parties and other actors in a position to provide financial resources, to which all states parties could apply for project funds. The steering group would have a role facilitating consultations between donors and those requesting assistance. This would include use of the Article X database.

As might be expected at this stage of discussions, there were expressions of support from delegations for elements of what was put forward by the FoCs, but no outright endorsement. There were strong expressions of desire to see a paper from the FoCs, presented on a ‘food for thought’ basis, but there remained some question as to what the best way to do this might be. The first suggestion was to append the FoC paper to the procedural report but others responded that having anything other than factual material within that report could lead to long discussions. Another suggestion was to circulate it as a conference room paper, commonly known as a CRP. The Chair of the Working Group, Ambassador Flávio Damico (Brazil), noted that delegations would want to know that a FoC paper did not have the same status as a working paper submitted by a state party, for example. [Note: this challenge of finding an appropriate way of recording how ideas have developed in issue areas under ongoing discussion has appeared in many multilateral forums with no uniform practice emerging. The routine rotation of postings for delegates means that the personnel dealing with an issue such as the BWC undergo frequent changes, and as the Tenth Review Conference approaches, there will be many new delegates who would benefit from being able to find documents that illustrate the development of the issues they are dealing with. CRPs have an unfortunate tendency to be lost from the record over time. Practice in the Ad Hoc Group, the last active negotiating forum within the BWC, was for FoCs to be able to issue working papers in their own right. This had been introduced, in part, so that FoCs would not have to get approval from their capitals for putting their country name on a paper, something most governments have strict rules about. For example, BWC/AD HOC GROUP/WP.150/Rev.1 (24 March 1997) and WP.259 (12 January 1998) were both submitted by the Article X FoC to the Ad Hoc Group.] It is reasonable to expect that there will be FoC papers within each of topics allocated to the Working Group in this session as well as in the coming years and developing a consistent practice for handling them will be to the benefit of current and future delegates.

These reports have been produced for all BWC meetings with NGO registration since the Sixth Review Conference (2006). They are available from <https://www.bwpp.org/reports.html> and <https://www.cbw-events.org.uk/bwc-rep.html>. A subscription link is available on each page. Financial support for reporting from the WG Second Session has been gratefully received from Global Affairs Canada. The reports are written by Richard Guthrie, CBW Events, who is solely responsible for their contents <richard@cbw-events.org.uk>.