

Thursday 7th April 2022

## Article VI to Article XI of the article-by-article review

Wednesday, the third day of the second session of the Preparatory Committee for the Ninth Review Conference for the Biological and Toxin Weapons Convention (BWC/BTWC), started with a breakfast side event and ended with a reception to mark the 50th anniversary of the signing of the Convention which falls on Sunday. In between was a full day of plenary meetings as well as a lunchtime side event. In plenary, the interactive article-by-article discussion continued, reaching Article XI.

PrepCom documents and details of side events are available from the official web page of the meeting at <https://meetings.unoda.org/meeting/bwc-prepcom-2021/>.

### **The continuation of the article-by-article review**

*Article VI* contains provisions for taking a complaint of a breach of the Convention to the UN Security Council but the Article is very short and gives no details how this might be carried out. Russia introduced its working paper (WP.5) which proposes establishing an expert group to examine this. Some delegations disagreed with this approach, characterising the proposal as making the Security Council central to all decisions on investigation with concerns being raised at the prospects of Permanent Members being able to wield a veto. It was highlighted that the UN Secretary-General's Mechanism (SGM) to carry out an investigation started in 1981 with a UN General Assembly resolution as a proposed investigation at that time would have been subject to a veto in the Security Council. Many political expressions of support were given for the SGM. Examples of practical efforts to enhance the SGM were given by Germany in terms of training exercises and by Switzerland on preparing a network of designated laboratories to support such investigations which was also one part of the breakfast side event. Canada encouraged states parties to designate experts to the roster that could be called on for an investigation and to consider issues of gender diversity in doing so. There were a number of calls for a comprehensive legally-binding verification arrangement as the optimum way of handling investigation issues. [*Historical note:* the SGM has been triggered without reference to any resolutions. For example, the authority for the first of the SGM investigations of use of chemical weapons in the Iran-Iraq war was explained in its official report in the following terms: 'Conscious of the humanitarian principles embodied in the Charter, and of the moral responsibilities vested in his office, the Secretary-General felt duty-bound to ascertain the facts and, to that end, requested four eminent specialists in their respective fields to undertake a fact-finding visit to Iran.' – S/16433, 26 March 1984, available via <https://documents.un.org/>]

Under *Article VII* each state party 'undertakes to provide or support assistance, in accordance with the United Nations Charter' to any requesting state party 'if the Security Council decides that such Party has been exposed to danger as a result of violation of the Convention'. As even the most developed state could struggle to cope with a mass casualty attack, this Article has the most common ground between delegations. The pandemic has highlighted the societal disruptions that can be caused by infectious disease. South Africa introduced its updated proposal (WP.7), on suggested

guidelines for how to compose an assistance request under this Article. France and India each spoke to their earlier joint proposal to establish a database to help implement this Article. There were many expressions of support for each of these proposals with hopes expressed that both could be adopted at the Review Conference. A repeated proposal by Russia for use of mobile laboratories (WP.2) received a more mixed response with questions raised about organizational and financial issues. There were references to practical actions such as an upcoming ASEAN Regional Forum tabletop exercise and to a recently completed UN Office for Disarmament Affairs project on Article VII. As Article VII assistance relies on a Security Council decision which might take some time, there was recognition that delays to assistance might increase suffering. A number of references were made to the encouragement in the Eighth Review Conference Final Declaration for states parties in a position to do so ‘to provide timely emergency assistance, if requested pending consideration of a decision by the Security Council’ (paragraph 35).

*Article VIII* states that nothing in the BWC limits or detracts from the 1925 Geneva Protocol. France, the depositary power to the Geneva Protocol, noted that there were 40 BWC states parties that were not parties to the Protocol. As the two were linked, France encouraged moves toward universality of the Geneva Protocol. Some states still have formal reservations registered under the Geneva Protocol to allow for retaliation in kind and which were deposited before the BWC was negotiated. As the possession of biological weapons is prohibited under the BWC, there were calls for these remaining reservations to be withdrawn.

*Article IX* calls for negotiation of a Chemical Weapons Convention (CWC) which has been accomplished – the CWC celebrates 25 years since entry into force this month. Switzerland noted the increasing convergence between biology and chemistry (the other part of the breakfast side event). Iran called for CWC universality and completion of the final much-delayed chemical weapons destruction activities.

*Article X* deals with rights of access to peaceful uses of the life sciences. Of all aspects of the Convention, it is the one which historically has had the most firmly expressed consistent divergences of views. While political differences remain, particularly on perspectives where the balance between security and development should lie, there has been a greater focus on practical activities in recent years. Contributors to this have been lessons learned from capacity building and from synergies with Article VII. A number of non-aligned (NAM) states parties called for ‘full, effective and non-discriminatory’ implementation of Article X and referred to previous NAM proposals for a Plan of Action to strengthen Article X, including a creation of a Cooperation Officer in the Implementation Support Unit (ISU) and a Cooperation Committee. During the inter-sessional programme of work (ISP) since the Eighth Review Conference (2016) there were a number of proposals regarding possible enhancements to the institutional machinery that might support Article X. The three Chairs of MX1, Philippines (2018), Georgia (2019) and Finland (2020), together with Norway, prepared a working paper (WP.9) to summarise these and each of the sponsors spoke to this. Some delegations referred to activities they had carried out or to offers they had placed on the database established by the Seventh BWC Review Conference (2011) ‘to facilitate requests for and offers of exchange of assistance and cooperation among States Parties’, known informally as the ‘Article X database’. France spoke to aspects relevant to Article X of the ‘SecBio’ proposal it had put forward with Togo (WP.1) that had been introduced under Article IV the day before. Canada highlighted the ‘Biosecurity Central’ resource platform which was now operational.

*Article XI* covers amendments to the Convention. Iran restated its amendment proposal from the Fourth Review Conference (1996) to add use to Article I. [Report 3 of this series suggested that Iran was not pressing this – this resulted from an overinterpretation of a slight change in wording used, *mea culpa*.]

*This is the fourth report from the Preparatory Committee for the Ninth BWC Review Conference being held 4-11 April 2022 in Geneva. These have been produced for all BWC meetings since the Sixth Review Conference by the BioWeapons Prevention Project (BWPP). They are available from <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. A subscription link is available on each webpage. The reports are written by Richard Guthrie, CBW Events, who is solely responsible for their contents <[richard@cbw-events.org.uk](mailto:richard@cbw-events.org.uk)>.*