

Monday 28th November 2022

The Ninth BWC Review Conference: setting the scene

The Biological and Toxin Weapons Convention (BWC/BTWC) was the first treaty to globally prohibit an entire class of weapons of mass destruction. It was signed in 1972 (entering into force three years later), so this year marks a half-century for the existence of the BWC and 2025 will mark 50 years of the Convention having entered into force. Every five years a Review Conference is convened which 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. This includes important forward-looking elements. International agreements are initially shaped by the concerns at the forefront of the minds of the negotiators during the period they were negotiated, making them creatures of their time. One common feature of treaties dealing with active problems is they include some form of review process. This is an inherent recognition that the contexts that any treaty operates within will change over time and review processes exist to ensure treaties stay relevant and up to date in their activities.

The three-week Review Conference is being held in Geneva and was preceded by a Preparatory Committee (PrepCom) which held most of its activities in April, including discussion of substantive issues. There have been many other contributions into this review process, including the experiences of the annual inter-sessional meetings – the Meeting of Experts (MXs) and Meetings of States Parties (MSPs) – held since the Eighth Review Conference in 2016 and a diplomatic retreat held in Montreux just a few weeks ago, together with a wide range of other gatherings either in person or as virtual events. More than 30 working papers have been submitted to the Review Conference.

The President-designate for the Review Conference is Ambassador Leonardo Bencini (Italy) with Tatiana Molcean (Moldova) nominated as Chair of the Committee of the Whole and Sarah Lindegren (Sweden) as Chair of the Drafting Committee.

Issues relating to the Ninth BWC Review Conference

There are a number of issues to be discussed during the Review Conference and it is worth emphasising that none stands alone as BWC Review Conferences work towards a single final document. This means that a balanced package of proposals has to be brought together covering a range of issues. An outline of some of the issues is provided here. The President-designate has appointed facilitators to assist in relation to specific issue areas and indicated that further facilitators may be appointed later.

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 this issue area is Ambassador Maria Teresa Almojuela (Philippines) who was the Chair of MX1 on this subject in 2018.

The ongoing rapid advances within the life sciences mean that the BWC operates within scientific and technological (S&T) landscape which is constantly changing and creating 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 numerous proposals for some form of ongoing systematic review to identify risks and

opportunities for the Convention. Such an ongoing review would also be a practical input into national policy processes. The facilitator for this issue area is Ljupčo Jivan Gjorgjinski (North Macedonia) who was Chair of the 2018 MSP.

All treaties prohibiting classes of weapons require action at the national as well as the international level and the importance of national implementation obligations has been the focus of many BWC discussions. Not only are there many states parties with incomplete national measures but the changing S&T context means that every country should be carrying out regular reviews of measures to help keep them effective. Confidence-Building Measures (CBMs) arrangements agreed at earlier BWC meetings allow countries to provide some transparency in relevant activities. Thus far in 2022, there have been 95 CBM submissions received by the Implementation Support Unit (ISU), a record annual number (and the year is not yet over). The facilitator for these issues is Grisselle del Carmen Rodriguez Ramirez (Panama), Chair of the 2020 MX5.

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 COVID-19 pandemic has highlighted impacts that diseases can have on contemporary societies. The facilitator for this issue area is Tiyamike Banda (Malawi).

The current ISU mandate ends at this Review Conference. Consideration of the future of the ISU will include the scope of its work and the level of staffing, which in turn will be connected with whatever future inter-sessional work programme is agreed. Henriëtte van Gulik (Netherlands) is facilitator for strengthening the ISU and related financial issues.

The promotion of universal membership of the Convention is a regular topic for discussion. At the opening of the Seventh Review Conference (2011) there were 165 states parties which rose to 177 by the opening of the Eighth Review Conference (2016). The current number of states parties is 184 with the most recent addition being Namibia.

A core area where there has been significant divergence of views is the question of verification, with some delegations calling for negotiations on new multilateral arrangements and others resisting such calls. A significant development has been the US proposal, put forward by Under Secretary of State Bonnie Jenkins at the 2020 MSP (held in 2021), for a working group which would look at further measures including those that could 'enhance assurance of compliance'. Canada and the Netherlands have proposed text for the final document on the establishment of an 'Experts Working Group' that has been published as working paper WP.2.

Influences of the geo-political situation

The geo-political situation has seen significant tensions between countries during this year. This confrontational context loomed large during the PrepCom with many references being made to the invasion of Ukraine by Russia. Russia has made allegations about US-funded biological facilities in Ukraine that were repeated in the PrepCom and other international meetings. A 'Formal Consultative Meeting' was convened in response to a Russian request under BWC Article V which met in September (with a brief procedural meeting in August) but did not reach any substantive conclusions. The key sentence of the report of the Meeting was: 'No consensus was reached regarding the outcome of the Formal Consultative Meeting'. Subsequent to this, Russia requested an investigation through BWC Article VI which was presented to the Security Council together with a draft resolution which was considered by the Council and rejected. The allegations have found little traction with experts from across the world who have familiarity with peaceful biological research programmes and who can see nothing in what has been published that is inconsistent with peaceful research.

This is the first report from the Ninth BWC Review Conference (28 November-16 December 2022). These reports have been produced for all BWC meetings with NGO registration since the Sixth Review Conference (2006) 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. Financial support for these reports 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>.