

Monday 5th December 2022

CoW first reading complete and Schrödinger's Committee convenes

The Ninth Review Conference for the Biological and Toxin Weapons Convention (BWC/BTWC) concluded its first week of proceedings with a committee that both existed but didn't exist at the same time. During the morning, the Committee of the Whole (CoW) completed its first reading of what might be in the article-by-article review. The CoW was followed by a short plenary called by the President to decide the way forward for the Review Conference. The number of working papers published is now 47.

The situation with regard to statements from international organizations and UN agencies as part of the general debate appears to have been parked for the time being owing to the challenges of finding a solution.

The Committee of the Whole

The CoW met to complete its first reading during the morning with Ambassador Tatiana Molcean (Republic of Moldova) in the Chair, continuing from Article X which had been reached on Thursday. Most suggestions brought forward were in line with positions presented in the general debate. While many proposals for text to be added or taken away from what had been in the final document from the Eighth Review Conference were specific, there were others that were more general that would require specific text to be developed. There were also cross-cutting issues, such as gender, where there were proposals made under a number of articles. A number of proposals were in line with working papers submitted, some of which had specific proposed language within them. At the time of writing it was not clear when the compilation of suggestions from the first reading would be ready for all delegates.

Plenary on the way forward for the Review Conference

The President of the Review Conference, Ambassador Leonardo Bencini (Italy), informed delegates of further nominations of office holders, including vice-chairs of committees, which were then approved. [A collated list of office holders will be given in a future report in this series.] On the way forward, Ambassador Bencini outlined his suggestion for the Drafting Committee to look at the forward-looking part of the final document and emphasised that all states parties could participate in its deliberations on an equal footing. He spoke of efficiency, transparency, speed and inclusiveness as watchwords for how he saw the Committee operating. Iran questioned whether substantive issues should be dealt with in the Drafting Committee as it interpreted the rules of procedure as the CoW having this role. Russia highlighted that rule 36 spoke of texts being referred to the Drafting Committee by the Conference and that this had not happened. Most delegations taking the floor supported the President's proposal to convene the Drafting Committee. Following consultations over the lunch break, a compromise was reached.

Schrödinger's Committee

The compromise reached was that an informal plenary would be held with Sara Lindegren (the Chair of the Drafting Committee) presiding. This informal plenary could put together a basic text to be sent to a formal plenary and then on to the Drafting Committee, enabling

the latter to be convened formally. Very clear signals were given that this was not the Drafting Committee, even though the session was being chaired by the Chair of the Drafting Committee and considering the business that had been allocated to the Drafting Committee. In summary, it was both not the Drafting Committee and the Drafting Committee at the same time, hence ‘Schrödinger’s Committee’ was born. A consequence of the compromise was that everyone who was not a member of a state party delegation was required to leave the room and the proceedings continued behind closed doors, notwithstanding that there have been many informal plenaries that had been held in open session in earlier Review Conferences. That these proceedings were held in a closed box that was unopened to the world only strengthened the Schrödinger analogy.

The informal plenary heard from the facilitators who described how they saw the issue areas they were dealing with, having each had opportunities for preliminary discussions with delegates. There was an exchange of views with some discussion of issues where delegates suggested that they weren’t opposed to particular ideas but that ‘the time was not yet ripe’ for them. [The concept of unripe time has a long history within the BWC!] As this exchange of views was held just before the weekend, it provided delegates and office holders a chance to develop their thinking before proceedings resume in the second week.

Side events

There were six side events on Friday – three at breakfast and three at lunchtime. Details are provided on the Conference website.

Some reflections on the first week

A conscious effort is taken in writing these daily summaries to report as objectively as possible. 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.

The general atmosphere of this Review Conference is positive, with a much more diverse representation than before in terms of gender and age.

There seems to be significantly greater convergence of perspectives around a number of previously difficult issue areas such as verification and the enhancement of Article X than there has been at other recent Review Conferences. It would be a tragedy if such convergence could not be used as the foundation for substantive progress for the BWC. Even with a greater convergence of perspectives, there are still many details to be fleshed out. There will be numerous challenges for delegations who have to reach judgements on whether the advantages they get from advances in the issues they want to pursue outweigh the disadvantages in accepting those parts they are less in favour of. Nevertheless, the majority of states parties seem to be agreeing on a core set of substantive issues and on where some of the trade-offs may be. Perhaps the most unpredictable element at this stage within the Review Conference is that the geo-political tensions are significant and generate uncertainties that raise concerns that consensus will be difficult to reach at the end of the Conference.

The ejection from the conference room of the non-governmental organizations and others who were not representing states parties on Friday afternoon was reminiscent of BWC meetings two decades ago. It used to be the United States who would call for meetings to be held in private. At the time, Iran and Russia, amongst others, would hint that the US was taking that position because it wanted to reduce scrutiny after its rejection of the negotiations for a verification protocol in 2001. It will be interesting to see how the actions by the latest countries to reduce the openness of BWC meetings are perceived by those at a distance from the Conference.

This is the sixth 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 <<https://www.bwpp.org/reports.html>> and <<https://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>.