

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>.

Tuesday 29th November 2022

The opening of the Review Conference and the start of the general debate

The Ninth five-yearly Review Conference for the Biological and Toxin Weapons Convention (BWC/BTWC) met in Salle XIX of the Palais des Nations, one of the more modern conference rooms which allows for proceedings to be viewed on the UN Web TV service. The official BWC website for the Review Conference can be found at <https://meetings.unoda.org/bwc-revcon/biological-weapons-convention-ninth-review-conference-2022> which includes links to official documents and to other information.

The opening of the Conference

The Conference was opened by Izumi Nakamitsu, the UN High Representative for Disarmament Affairs who oversaw the election of Ambassador Leonardo Bencini (Italy) as President. On taking his place on the podium, the President thanked the Conference for expressing confidence in him and noted that the Review Conference was one year late because of the pandemic, but that the effects of the pandemic had also meant that the preparation time for this Review Conference was much shorter than usual. He noted that there were numerous working papers tabled, many containing concrete proposals that were well developed and were ripe for action rather than continued consideration.

The opening formalities were fairly brief, with the usual steps such as the adoption of the agenda and decisions on participation of observer states and international bodies, etc. The rules of procedure were adopted as adjusted to follow past practice which includes that Committees may decide to hold certain meetings in public. The President noted the attendance of national experts from developing countries supported through the sponsorship programme operated by the Implementation Support Unit (ISU) and thanked those who financially supported the programme.

The meeting moved on to the appointment of office holders within the Conference. Russia took the floor to highlight that their nominations to positions had been blocked within the Eastern European Group (EEG) by one, unnamed, member of the Group. Russia had therefore decided to withdraw from the EEG and establish a 'one state group', claiming that this new group would have equivalent status to the other regional groups. Nevertheless, all Conference positions were allocated via the three long-standing regional groups. Tatiana Molcean (Moldova) was confirmed as Chair of the Committee of the Whole and Sarah Lindegren (Sweden) as Chair of the Drafting Committee. The Chair of the Credentials Committee is to be an unnamed member of the delegation of South Africa. Other positions agreed included Vice-Presidents of the Conference and Vice Chairs of the Committees, but not all positions were filled as the regional groups had not completed their internal nomination processes and so this agenda item would remain open. The appointed facilitators remain as listed in the first of this series of daily reports.

In introducing the indicative programme of work, published on the Conference website, the President noted he would be inviting the four Chairs of the Meetings of States Parties (MSPs) held each year from 2017 through 2020 to address a plenary session. He also indicated he wished to hold as many meetings in public as possible. [*Historical note:* the meetings of the Committee of the Whole during the Eighth Review Conference (2016) were in public for the first reading of the article-by-article review and remained so for

most of the second reading before moving into private session. They were entirely in public during the Seventh Review Conference (2011). The Drafting Committee has not been convened since the Fifth Review Conference (2001 & 2002) and it is not clear from the records available to this author whether those meetings were public or private.]

Substantive discussions

The substantive discussions started with a brief video address from UN Secretary-General (UNSG) António Guterres who noted that when the BWC was negotiated the global community came together to declare that the deliberate use of disease as a weapon was an affront to humanity. He urged considerations of three specific actions: to ‘give teeth’ to the BWC’s ‘accountability provisions’ to ensure that scientific advances are not exploited for hostile purposes; to ‘update our thinking on verification and compliance to fit today’s threats’; and to provide the increased financial and human resources the BWC needs to carry out this important work.

High Representative Izumi Nakamitsu then addressed the Conference. She suggested that no topic should be off the table in the quest to strengthen the BWC. She focused on four steps which addressed the UNSG’s three actions in a slightly different formulation in which she spoke of the need to ‘operationalize’ and ‘institutionalize’ the BWC, providing it with appropriate resources and exploring verifying compliance.

The exchanges of views in the general debate – the opportunity for delegations to outline their positions in public statements – started with ‘high-level statements’ (those made by visiting dignitaries above the rank of ambassador rank), statements on behalf of groups of states and then national statements. Where copies of statements have been provided by those who delivered them, the ISU will place these on the Conference website. High-level statements were given by Italy, Kazakhstan and Serbia. Group statements were given by Azerbaijan (for the non-aligned group of BWC states parties), the European Union, Belarus (for the Collective Security Treaty Organization [CSTO]), Germany (for the Global Partnership), Russia (for the Shanghai Cooperation Organization [SCO]), Cambodia (for the Association of Southeast Asian Nations [ASEAN]), Russia (for the Commonwealth of Independent States [CIS]) and Estonia (for the Baltic states). National statements were given by Russia, Colombia, Finland, Uruguay, France, India, Pakistan, Lao PDR, Republic of Korea, Moldova, Georgia, Japan, Nepal, China, Czechia, Philippines, Kuwait, Iraq, Germany Dominican Republic, Netherlands, Australia, Singapore, Mongolia, Indonesia, Chile, Canada, Timor Leste, New Zealand, Nigeria, Switzerland, Türkiye, Sweden, Austria and Algeria. Rights of reply statements were given by Moldova, Russia and Georgia.

With the general debate to continue well into Tuesday it is too early to identify many themes or common threads. One notable development is the prominence given to gender issues which, by comparison, were hardly mentioned at the last Review Conference. As might be expected in light of the geo-political situation, the Ukraine situation was often referred to with many statements describing the Russian allegations about biological research in Ukraine as being groundless. Russia raised numerous points of order claiming that discussion of the invasion of Ukraine was outside the scope of the BWC and used its rights of reply to suggest that only Western states were describing its allegations as groundless. Moldova used its right of reply to clarify it does not take part in political and military meetings of the CIS and so was not party to that group statement.

Side events

There were five side events on Monday – one at breakfast, two at lunchtime and two in the evening. Details are given on the Conference website. As the Review Conference progresses, there will hopefully be more space to report on the side events in these reports.

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Wednesday 30th November 2022

The second day: the general debate and points of order

The second day of the Ninth Review Conference for the Biological and Toxin Weapons Convention (BWC/BTWC) saw the continuation of the plenary exchange of views known as the general debate.

High-level statements were made by the UK and the USA. These were followed by statements from Saudi Arabia, Sierra Leone, Malaysia, Argentina, Spain, United Arab Emirates, Burkina Faso, Kyrgyzstan, Libya, Mexico, Poland, Mozambique, Cuba, Norway, Morocco, El Salvador, Namibia, Montenegro, Iran, Hungary, Peru, Venezuela, Ireland, Ukraine, Samoa, Belgium, Holy See, Ecuador, Kenya, Slovakia, Romania, Brazil, State of Palestine, Panama, Qatar, Portugal, Zambia, Côte d'Ivoire, Guatemala, Thailand, Bolivia, Niger, South Africa, Jordan and Sudan. Egypt made a statement as a signatory state. This was followed by rights of reply statements from the USA, Russia, Israel and State of Palestine. The Conference then moved on to statements from international organizations and UN agencies: the International Centre for Genetic Engineering and Biotechnology, the UN Technology Bank for the Least Developed Countries, the World Organization for Animal Health, the Shanghai Cooperation Organization, Interpol and the North Atlantic Treaty Organization (partial).

The statement by Ukraine included comments on the military situation there. Four points of order were raised by Russia during this statement, each time with the claim that issues being raised were outside of the remit of the BWC. In response, each time, the President of the Review Conference, Ambassador Leonardo Bencini of Italy, ruled that he wanted to give delegates some flexibility and allow them to develop their arguments to show why what they were raising was relevant to the BWC. At the end of the national statements, the USA used its right of reply to highlight that senior Russian political figures had made remarks claiming to justify the military action because of supposed evidence of components of biological weapons being made in Ukraine. This, the US argued, meant the invasion was relevant to the BWC. In reply, Russia argued that the West was trying to avoid awkward questions about military-sponsored research in Ukraine. The statements by international bodies ran smoothly until NATO spoke of Russian disinformation in relation to Ukraine. Russia raised points of order claiming the rules of procedure did not allow for oral statements from observer organizations. In view of the late hour, the President suggested suspending the meeting to return to this question in the morning. The NATO statement was thus partially presented.

General debate themes

This discussion on themes draws from statements given on Monday and Tuesday and themes are listed in no particular order. Further themes including national implementation, Article VII issues and the BWC Implementation Support Unit (ISU) will be explored in future daily reports.

Universality – As with all BWC meetings there were calls for universal membership of the BWC with reminders that the Convention cannot achieve its overall aims if there is even one state outside of it that might be capable of acquiring or using biological weapons. There were welcoming words for the states parties that had joined

since the last Review Conference and many specific welcomes for Namibia which had joined in 2022. Many statements called for states that were not yet parties to join the Convention.

Article X / cooperation and assistance – This is an issue area where there have been consistent strongly held views with no obvious significant changes in overarching positions from those put forward in earlier meetings. Calls for creation of a cooperation committee were made by those who had previously done so. Issues around capacity building in relation to Article X (and Article VII) were prominent, with some discussion of the challenges of matching needs for assistance with offers. The Cooperation and Assistance Database, commonly known as the ‘Article X database’, was mentioned many times together with suggestions that it would be useful to improve its functionality. The France/Senegal/Togo ‘SecBio’ proposal was highlighted as a way to help implement Article X. There were calls for the addition of a cooperation and assistance officer to the ISU. There seemed to this author to be fewer explicit calls for Article X to be a specific topic in any future inter-sessional work programme but this may simply reflect that most states expect it to be so and therefore focus on calling for other things.

Review of scientific and technological (S&T) developments – No statements disagreed with the idea that there are rapid S&T changes that BWC states parties need to be aware of. Almost all statements referring to S&T issues were explicitly in favour of some form of ongoing systematic review process, notwithstanding some differences in perspectives on how such a process might be structured. Iran, which has had a long-standing focus on cooperation and assistance issues, had a different emphasis, suggesting that any review process for S&T developments within the context of the Convention ‘should have tangible results for developing states’. There were calls for the addition of an S&T officer to the ISU.

Confidence-Building Measures (CBMs) – The record number of submissions this year (95 so far) was noted by a number of delegations with a few noting that this was not much more than half of the number of states parties (currently 184). There were calls to improve the number of returns as well as some calls to improve the quality of information provided. Only one substantive suggestion for amending the information submitted was put forward which was by Russia calling for military-funded labs outside the territory of a state party to be reported. Unlike earlier meetings there was little expression of encouragement for states parties to make CBM returns public.

Compliance / verification / proposal for a temporary expert working group – A large number of statements suggested that the BWC would be significantly strengthened if it had some form of compliance measures. Some statements highlighted the US withdrawal from the negotiations for a protocol that had been taking place in the Ad Hoc Group and called specifically for a return to the protocol negotiations. These were consistent with similar statements made over the years. But there were many statements with a somewhat changed tone, including a number of Western states calling for formal compliance measures who had been much more muted in the past when they were aware the US would have opposed progress in this area. There were numerous expressions of support for the temporary expert working group proposal in the Canada/Netherlands working paper. The US statement referred to the need for a better understanding of what was required for an effective understanding of compliance and, for the first time in many Review Conferences, used the term ‘verification measures’ in a positive context.

Side events

There were four side events on Tuesday – two at breakfast and two at lunchtime. Details are provided on the Conference website.

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Thursday 1st December 2022

The third day: NGOs, MSP Chairs and the Committee of the Whole

The Ninth Review Conference for the Biological and Toxin Weapons Convention (BWC/BTWC) continued its work on Wednesday. In normal circumstances the Conference would have carried on with statements from international organizations and UN agencies as part of the general debate. However, the divergence of views on the continuation of those statements expressed at the end of Tuesday's session appeared to remain unresolved on Wednesday. Instead, the informal session for NGO statements was convened before adjourning for the rest of the morning. The afternoon saw a plenary session in which the Chairs of three of the four Meetings of States Parties (MSPs) of the recently completed inter-sessional work programme addressed the Conference to pass on their experiences. This was then followed by the opening of the Committee of the Whole.

NGO statements

Following recent practice, there was a joint statement from some NGOs followed by statements from: Biosecure; Bronic; Council on Strategic Risks; University of Bradford; George Mason University; Hamburg Research Group; Maat for Peace, Development and Human Rights; Johns Hopkins Center for Health Security; Center for Biodefense and Global Infectious Diseases; King's College London; VERTIC; and the Center for Biosafety Research and Strategy at Tianjin University. As with statements given in other sessions, where copies of statements are provided by those who delivered them, the BWC Implementation Support Unit (ISU) will place these on the Review Conference website which can be found at <https://meetings.unoda.org/bwc-revcon/biological-weapons-convention-ninth-review-conference-2022>.

The experiences of the MSP Chairs

In introducing this session, President of the Review Conference Ambassador Leonardo Bencini (Italy) noted that the Conference was not starting from scratch but had many inputs it could consider and reminded delegates that the Report of the 2017 MSP had included: 'The Ninth Review Conference will consider the work and outcomes it receives from the Meetings of States Parties and the Meetings of Experts and decide by consensus on any inputs from the intersessional programme and on any further action.'

The Chair of the 2017 MSP, Amandeep Singh Gill (India), noted that the MSP that year had been tasked by the Eighth Review Conference (2016) to aim for consensus on an inter-sessional programme which he described as 'not an easy outcome', but that it had produced a new structure for the work. He highlighted that the COVID-19 pandemic had underlined the importance of the inter-sessional work and urged delegates to come together to agree a substantial inter-sessional process from this Review Conference. Ljupčo Gjorgjinski (North Macedonia), Chair of the 2018 MSP, suggested that the work programme had 'accomplished quite a lot on substance, but very little on making effective use of that substance'. He discussed the work on BWC finances that year and used this as an example of how annual political meetings can steer implementation but highlighted that the links between the technical and political meetings were not good. This was also highlighted by Yann Hwang (France), Chair of the 2019 MSP, who reminded delegates of

his *Aide Mémoire*, drawn up in collaboration with the Chairs of the Meetings of Experts (MXs) that year, to collate the proposals made during the 2019 MXs in order to carry forward topics into the 2020 meetings and then onwards to the Ninth Review Conference. Although the publication of this *Aide Mémoire* as an official document was blocked by one delegation without explanation, it was posted on the website of that meeting as CRP.1; he invited delegates to the Review Conference to read it. He suggested that the Chairs of future MSPs could form a Troika in order to provide continuity of leadership. The President informed the Conference that the Chair of the 2020 MSP, Cleopa Mailu (Kenya), had been invited to speak but had been called away for urgent business.

The convening of the panel of past MSP Chairs was an innovation for this Review Conference and appeared to provide useful inputs to delegations.

The Committee of the Whole (CoW)

The CoW convened for its first meeting with Ambassador Tatiana Molcean (Republic of Moldova). The aim of the early meetings of the CoW is to do a ‘first reading’ of the article-by-article review. The first reading is intended to allow a compilation of suggestions 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 debated. Owing to clarifications being requested behind the scenes about the proposed roles of the CoW and the Drafting Committee (which is yet to convene), the CoW meeting started with a ‘cross-sectoral’ session to allow the introduction of proposals by delegations that would not have fallen within the article-by-article review. With the questions regarding the Committee roles remaining under discussion, this was a pragmatic solution for maintaining the flow of the substantive work of the Conference. The CoW then moved on to the article-by-article review.

Ambassador Molcean asked for delegations to be ‘precise and concise’ in order to make effective use of time before opening the floor for the cross-sectoral session. All but one of the proposals put forward in this session were contained in working papers that have been published; the other was a proposal from Cuba for which the working paper will be published soon. These proposals will be reported in more detail as they each become the subject of focused discussion.

The article-by-article first reading considered Articles I to III in turn, although one delegation asked for more time to prepare its comments in relation to Article II.

General debate themes (continued)

This continuation of discussion on themes draws from statements given on Monday and Tuesday. Further themes, including national implementation, Article VII issues and financial issues, will be explored in future daily reports.

Implementation Support Unit (ISU) – References to the ISU were made in most statements with many expressions of gratitude for its work. There were suggestions that the ISU could be put on a more permanent footing rather than requiring its mandate to be renewed at each Review Conference. This would allow for improved strategic planning. There were proposals for additions of posts in the form of a science officer and a cooperation officer, with a recognition that these would have resource implications. There were acknowledgements that the tasks allocated to the ISU would be affected by whatever decisions were made for a future inter-sessional process.

Side events

There were four side events on Wednesday – two at breakfast and two at lunchtime. Details are provided on the Conference website.

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Friday 2nd December 2022

The Committee of the Whole continues its first reading

The proceedings of the Ninth Review Conference for the Biological and Toxin Weapons Convention (BWC/BTWC) on Thursday were dedicated to the Committee of the Whole (CoW). Although the indicative programme of work had suggested that the Drafting Committee would be convened for the first time on Thursday after lunch, the CoW continued into the afternoon. Informal interactions with delegates suggest there has been a greater emphasis on the CoW in their minds. In part, this seems to stem from familiarity amongst some delegates with the CoW as they have been reading up about recent Review Conferences in preparation for this one. Similarly there has been some uncertainty stemming from unfamiliarity with the Drafting Committee which has not been convened since the Fifth Review Conference (2001).

The situation with regards to statements from international organizations and UN agencies as part of the general debate appears to remain unresolved.

During the day, the BWC Implementation Support Unit (ISU) informed the Conference that the morning session was the last at this time to be carried by the UN Web TV service owing to cost implications. Those wishing to follow the Conference remotely can receive the live audio stream for each of the official UN languages when meetings are held in public via the UN Listen Live service at <https://listen-live.unog.ch/> – the BWC Review Conference is in Salle XIX. Recordings and automated transcripts of the audio channel in English are available via <https://indico.un.org/event/1001123/page/1018-transcripts-automatic> and the ISU noted that tests are being carried out to create automated transcripts of other official UN languages.

The Committee of the Whole

The CoW met for sessions in both the morning and the afternoon with Ambassador Tatiana Molcean (Republic of Moldova) in the Chair. The ‘first reading’ of the article-by-article review continued through to Article X. While some delegations have been focused on proposals for text for the article-by-article review, there have been interventions that have been on the substance of issues. This is healthy, if time consuming. A particular problem of Review Conferences is that they are carrying out two tasks at the same time – one is to review the operation of the Convention and the other is to negotiate a document that represents that review. The inevitable result is that there are many times that the review of the Convention becomes dominated by a discussion of what particular words might be in the final text rather than truly reviewing the issues themselves.

Once the first reading has been completed, a compilation of suggestions will be circulated. Past practice has been that the compilation is public (either as one file or as a file for each article) and so specific proposals are not highlighted in this report for reasons of space.

General debate themes (continued)

This continuation of discussion on themes draws from statements given on Monday and Tuesday. As before, themes are listed in no particular order.

National implementation – The importance of appropriate national measures to implement the BWC was stressed by many delegations. A number of statements made reference to a specific step forward such as draft legislation being introduced to or passed by the national legislative assembly. While there is widespread recognition that there can be no ‘one size fits all’ approach to national implementation owing to the great variation in national contexts, the benefits for states of drawing on experiences elsewhere were referenced. Many delegations highlighted overlaps or synergies between BWC-related activities at the national level and national implementation of UN Security Council resolution 1540 which deals with preventing non-state actors acquiring WMD-related materials [and which was renewed for 10 years at the Security Council on Wednesday].

Article VII issues – This is the issue area where there is the clearest collective will to achieve progress as all states are aware that the humanitarian consequences of a biological attack on a significant scale would be difficult to respond to with only national resources. Many statements noted a greater awareness of these challenges that were highlighted by the experiences of the COVID-19 pandemic. There were many expressions of support for the South African proposal for guidelines on requesting Article VII assistance and for the proposal by France and India for a database to contain offers of capacities that might be utilised in the event of an attack but also offers and requests for capacity building in relation to Article VII. While care has been taken to draw a distinction between the existing Article X database and the proposed Article VII database, a number of statements highlighted the connections between Article VII and Article X issues in areas such as capacity building and providing access to relevant materials. The possibility of establishing a voluntary trust fund to support assistance activities was mentioned a few times. Russia repeated its proposal in relation to deployment of mobile biomedical facilities.

Financial issues – The financial situation for the BWC has been much improved since the Eighth Review Conference (2016), not least because of political attention but also through decisions taken at the 2018 Meeting of States Parties, including the establishment of the Working Capital Fund. There were calls for governments to pay their assessed financial contributions in full and on time in order to sustain the Convention and improvements in this area meant the current level of arrears is substantially lower than six years ago. A number of statements emphasised that if there were going to be significant improvements to the implementation of the BWC at a multilateral level there would need to be the funds available to support them, whether this was for additional meeting time or for additional staff.

Inter-sessional work programme – Many delegations spoke of the importance of the work between Review Conferences and of benefits of holding annual political meetings. There is much less common ground when it comes to the specifics of what else might be included. Elements of what might be within a work programme have been described in other themes in these reports – examples include a review of scientific and technological (S&T) developments, a temporary experts working group on compliance issues, a review of Confidence-Building Measures, and Article X cooperation and assistance issues. Each of these areas, and other proposals being presented, has their advocates and it will be a key task of the Review Conference to accommodate the variety of perspectives taking into account both political and financial aspects. One divergence of views is on whether annual meetings could amend what was being considered in the work programme and whether they could take substantive decisions.

Side events

There were two side events on Thursday – one at breakfast and one at lunchtime. Details are provided on the Conference website.

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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>.

Tuesday 6th December 2022

Into the second week: a first look at the Solemn Declaration

The Ninth Review Conference for the Biological and Toxin Weapons Convention (BWC/BTWC) started its second week with a brief plenary. The Committee of the Whole (CoW), meeting in public, took a first look at the Solemn Declaration. The rest of the working time was used by the informal plenary preparing for the Drafting Committee which met behind closed doors. The official BWC website for the Review Conference, which can be found at <https://meetings.unoda.org/bwc-revcon/biological-weapons-convention-ninth-review-conference-2022>, contains official documents, copies of statements delivered and information on side events. The number of working papers on the site is now 50.

Brief plenary

The brief plenary heard that the nomination of Brazil had been received for the last position for Vice-President of the Conference. This was agreed to and means that there is now a full roster of office holders for the Review Conference. The President of the Review Conference, Ambassador Leonardo Bencini (Italy), stressed that his intention was to try to follow the published programme of work which has the CoW and the Drafting Committee meeting in alternating sessions to work on the parts of the final document they had been allocated [the structure of the document is described below]. He noted that the initial compilation of suggestions of what might be in the article-by-article review was sent out by email to delegates late on Sunday and bears the document reference BWC/CONF.IX/COW/INF.1 [past practice has been that this document is put on the Conference website and assurances have been received that the same practice will be followed this year but there has been a technical delay]. Ambassador Bencini stated his aim was to have a consolidated draft of the final document by the end of this week. Finally, he announced the return of the ‘Bowling World Cup’ – the alternative BWC – which will take place on Thursday evening.

The Committee of the Whole – Solemn declaration

The CoW met after the plenary to hold a short session to take a first look at the Solemn Declaration with Ambassador Tatiana Molcean (Republic of Moldova) in the Chair. As its starting point, the CoW took the text from the Eighth Review Conference (2016) which had been adopted by consensus. There are two perspectives that are regularly expressed about the Solemn Declaration – one is that this is the overarching political declaration from the Review Conference, the other that it contains the preambular paragraphs to the article-by-article review. A number of suggestions for changes were proposed without debate.

Schrödinger’s Committee continues

The Drafting Committee that isn’t the Drafting Committee continued its work for the last hour of the morning work session and continued into the afternoon, with Sara Lindgren (Sweden) in the Chair. There were further exchanges of views and the team of facilitators

indicated they were preparing a non-paper to put together elements for the forward-looking part of the final document. While not a formal facilitator, Tancredi Francese (Italy), a member of the Presidential team, has been focused on facilitating discussions on the future inter-sessional work programme.

The structure of the final document

The structure of BWC Review Conference final documents has had two phases. The original was up until the Fifth Review Conference (2001 & 2002) before a new structure was adopted at the Sixth Review Conference (2006). The new structure happened in part because the Fifth Review Conference had been unable to agree a final document in accordance with the BWC's previous practice and this provided the chance to create a new format more suitable to the needs of the BWC at the following Review Conference.

The final documents adopted since 2006 have started with a part titled: 'I. Organization and work of the Conference', often referred to as the 'procedural report'. It is largely uncontroversial as it simply describes the practical aspects of the Conference – when the Conference met, which delegations attended, who were the office holders, etc. The draft of this part is prepared by the Implementation Support Unit (ISU) and is usually circulated only a few days before the end of the Review Conference owing to there being little to discuss as it is almost entirely factual.

The next part is 'II. Final Declaration' which has two sections – the Solemn Declaration and the article-by-article review. The Solemn Declaration is not titled as such in the final document and appears before the article-by-article section. The intention of Part II is to be a review of past activities and is usually the subject of a drawn-out negotiation process to get a text all delegations can agree on.

The third part within the structure is 'III. Decisions and recommendations' and is often referred to as the 'forward-looking' part. It is this part that includes sub-sections such as the details of any inter-sessional work programme, the mandate of the ISU, and so forth. Having said this, practice has been that the first sub-section has consistently been about the previous inter-sessional programme. As with part II, this is usually the subject of a drawn-out negotiation process. As with most multilateral negotiations, 'nothing is agreed until everything is agreed' and so the negotiations for parts II and III are linked.

Final documents also have annexes such as the agenda, rules of procedure and a list of the documents of the Conference. As with part I, these are mostly factual or are copies of documents agreed at the beginning of the Conference so require little discussion in normal circumstances. One exception was that the final document of the Seventh Review Conference (2011) contained an additional annex on the revised forms for submission of Confidence-Building Measures (CBMs) agreed upon that year.

Each of the last three final documents – 2006, 2011 and 2016 – have included some repetition as time was short. It was better to use the available time to resolve any outstanding issues rather than neaten up the text. This may also apply during the negotiations of the final document this time.

Side events

There were three side events on Monday. At breakfast, Russia hosted a 'Briefing on the outcomes of the Consultative meeting initiated by the Russian Federation under Article V of the BTWC'. There were two events at lunchtime: Germany hosted a briefing on 'The German Biosecurity Programme'; and Russia held a reception to launch an exhibition 'The 100-year anniversary of the Russian State Sanitary and Epidemiological Service: A century on guard of health and well-being' which will be available for delegates to view for the coming week.

This is the seventh 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>.

Wednesday 7th December 2022

CoW second reading starts and elements non-paper considered

Proceedings on Tuesday for the Ninth Review Conference for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) saw the Committee of the Whole (CoW), meeting in public, start to go through the compilation of suggestions for the article-by-article review. The informal plenary preparing for the Drafting Committee met again in private. There was a brief report from the Chair of the Credentials Committee.

The Committee of the Whole – second reading

The CoW met during the morning with Ambassador Tatiana Molcean (Republic of Moldova) in the Chair to start the ‘second reading’ of the article-by-article review which involves working through the compilation of suggestions. An updated version of the compilation has been produced as document BWC/CONF.IX/COW/INF.2 which incorporates the proposals contained in document INF.1 into the text of the final declaration of the Eighth Review Conference. Both documents are now on the official Conference website at <https://meetings.unoda.org/bwc-revcon/biological-weapons-convention-ninth-review-conference-2022>.

There were some comments noting the duplication of suggestions for most articles calling for them to be properly implemented and whether some space could be saved by inserting an overarching comment about all articles at the same time.

Much of the discussion regarding *Article I* focused on scope, on use, or on implementation. On scope, many delegations considered that the text from the Eighth Review Conference was sufficient to cover all scientific developments while others supported suggested changes that highlighted particular aspects of such developments. As ‘use’ does not appear in the text of the article it is not explicitly prohibited under the Convention. This has been argued by some to be a significant weakness and the Fourth Review Conference (1996) declared that use is implicitly prohibited by the Convention, a declaration repeated at each Conference since. Part of the logic for this is that use would rely on possession of prohibited items and therefore the use of biological weapons would fall within the prohibitions of Article I. One suggestion that attracted much attention was to add that the Conference would condemn threat of use as well as use within the Article I review. A suggestion about a legally-binding protocol being the best way to ensure implementation of this Article attracted diverging views.

[Historical note: Use had been explicitly included in the original (July 1969) and revised (August 1969 & August 1970) UK drafts on a prohibition on biological warfare that kick-started the negotiations towards the BWC. The US-Soviet joint draft (August 1971) that, with a few amendments, became the BWC did not include use. There appears to have been two threads of argument that had led to this. One was questioning whether the new body of international law relating to arms control and disarmament should impinge on the laws of war (an argument very much of its time). The other was whether including use in the BWC would weaken the role of the 1925 Geneva Protocol, especially as the prohibition on the use of chemical weapons in the latter was seen as needing to be preserved as there was no immediate prospect of a chemical weapons convention – that was only agreed two decades years later. In August 1971, UK

Ambassador Henry Hainworth, with the support of many other delegations, forcefully urged the reintroduction of use as a prohibition but this did not overcome the resistance of the USA and USSR before the BWC text was finalized in September 1971.]

There was only a brief discussion of the suggestions for *Article II*, much of which focused on what new states parties might be encouraged to declare in terms of intentions not to pursue biological weapons.

On *Article III*, a number of the suggestions, and interventions about them, focused on export control issues. The balance of 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 has long been the subject of discussion.

Credentials Committee

The proceedings of the CoW were paused at around noon to allow for a brief plenary so that a report could be given by Angus September (South Africa), the Chair of the Credentials Committee. He reported that a number of delegations had not yet supplied originals of their formal credentials and these delegations were urged to supply their credentials as soon as possible. This call was echoed by the President. The role of Credentials Committees at multilateral conferences is sometimes perceived as an almost mundane administrative process. However, there is an important purpose in checking that those present and participating in decision making have the relevant authority to be doing so. Without confidence in that authority there might, one day at some conference on some subject, be doubt in the legitimacy of the decisions.

Schrödinger's Committee

The informal plenary that is and is not the Drafting Committee met during the afternoon, with Sara Lindgren (Sweden) in the Chair. A major focus for discussion was a non-paper by the facilitators on elements that might be included in the forward-looking part of the final document. This elements paper is more developed than equivalents seen at this stage of previous BWC Review Conferences. This may have positive benefits in allowing earlier discussion on the overall shape of the forward-looking part; but it may also allow earlier criticism of the overall package. The terms 'balanced' and 'package' carry with them significant political baggage but the underlying concept that what is needed for the final outcome of the Conference is a balanced package of proposals provides some clarity to the discussions. There has to be enough in the collection of elements for everyone to support what appears in the final document. Expressed positions during the Tuesday session became firmer. The element most vocally supported by the majority of delegations, a science & technology (S&T) review process, was strongly criticised in at least one intervention. Past practice has been that revised elements papers are introduced.

Side events

There were three side events on Monday. At breakfast, the Nuclear Threat Initiative Global Biological Policy and Programs hosted a briefing on 'Safeguarding Bioscience and Biotechnology: IBBIS and the International Common Mechanism for DNA Synthesis Screening'. There were two events at lunchtime: the Global Partnership, the Africa Center for Disease Control and the BWC ISU convened a briefing on 'Supporting the universalization and effective implementation of the BWC in Africa' which updated the Conference on activities of the Signature Initiative; and Control Arms held a virtual briefing on 'Regulating Transit and Transshipment Across Weapons of Mass Destruction and Conventional Weapons – What has worked, what are the challenges and what is the way forward?'

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Thursday 8th December 2022

The article-by-article review: second reading continues

Proceedings on Wednesday for the Ninth Review Conference for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) saw the Committee of the Whole (CoW), meeting in public, continuing to work on the article-by-article review. The focus on the CoW on Wednesday did not mean that other work stopped. Facilitators and office holders in the Drafting Committee could be seen consulting with delegates in the room.

The Committee of the Whole – second reading

The Chair of the CoW, Ambassador Tatiana Molcean (Republic of Moldova), delegated Vice-Chair Andreas Bilgeri (Austria) to preside over the morning session before returning to Chair the afternoon session. The CoW continued with the ‘second reading’ of the article-by-article review which involves working through the compilation of suggestions that had been received. The day started with the remainder of points made on Article III and ended with Article VII still under discussion. Many paragraphs that had been suggested for adding to the review were placed more accurately rather than at the end of the section for each article. There was some streamlining of text and elimination of duplication of some suggestions.

The discussion under *Article III* continued in the same style as it had on Wednesday with a focus on export control issues and the balance of obligations between Article III and Article X.

Article IV deals with national implementation. Discussion reflected concerns that implementation at the national level needed to be effective without being burdensome. The relationship between the BWC and UN Security Council resolution 1540 was the subject of divergent views as was the relationship between national implementation and verification. Previously stated positions on voluntary transparency measures were repeated with some delegations wanting the benefits that they perceived in such arrangements to be reflected in the review while others wanted to downplay these on the basis they see them as a distraction from comprehensive verification arrangements. There was broad support for the suggestions for inclusion of language on gender, although one delegation indicated it did not see this as a priority.

The discussion on *Article V* focused on two areas – consultations and on Confidence-Building Measures (CBMs). There were many interventions supporting the suggestion that the Formal Consultative Meeting (FCM) convened during the year should be reported in a factual manner with many delegations drawing attention to the language in the draft resolution from the First Committee on the BWC [which, by coincidence, was formally adopted by the UN General Assembly without a vote on Wednesday so has become a UNGA resolution]. There was some opposition to the proposal to add reporting of laboratories outside of national territory to the CBM system. The status of the commitment to submit CBM returns was once again the subject of debate with some interventions in support of using the word ‘voluntary’ in the review while others suggested that as the CBM arrangements derive from consensus decisions by Review Conferences this should be reflected as a political commitment to submit returns.

Article VI deals with complaints to the UN Security Council. There were many calls for the formal request this year to the Security Council under this Article to be reported in a factual manner in a similar way to the suggested use of language from the draft resolution from the First Committee on the BWC for the FCM under Article V. [Note: the First Committee draft resolution does not refer to what happened in the Security Council as that meeting was held on 27 October while the First Committee text had been agreed on 14 October.] A number of delegations highlighted the possible use of the UN Secretary-General's mechanism for investigating alleged breaches of the 1925 Geneva Protocol as an independent tool. This, amongst other things, prompted questions of whether the BWC was empowered to recommend to the Security Council how it might act on receipt of a request. [Note: some of these issues were flagged within the BWC negotiations during which it was agreed that once the Convention was opened for signature there would be an 'accompanying resolution' submitted to the Security Council through which it would decide to accept requests from the BWC. However, the accompanying resolution was never submitted owing to geo-political challenges prevailing at the time.] One of the text suggestions calls for an investigation capability within the BWC itself, the motivation for which was the perception that the Security Council was not an independent body. There was some discussion as to whether states parties wanting to call for an investigation into alleged use of biological or toxin weapons had options other than going through the Security Council.

As discussion of *Article VII* is scheduled to continue on Thursday, reporting of this Article will be held over until the next daily report.

At the end of the afternoon, the BWC Implementation Support Unit (ISU) announced that additional suggestions for text would be produced as addenda to the existing BWC/CONF.IX/COW/INF.1 and INF.2 documents. Both INF.1 and INF.2 are available on the official Conference website at <https://meetings.unoda.org/bwc-revcon/biological-weapons-convention-ninth-review-conference-2022> and presumably the Add.1 documents will be posted there too. There are now 51 working papers published on the official Conference website.

Side events

There were two side events on Wednesday. At breakfast, the Nuclear Threat Initiative Global Biological Policy and Programs hosted a briefing on 'A Joint Assessment Mechanism for High-Consequence Biological Events of Unknown Origin'. At lunchtime, the delegation of China, Tianjin University and London Metropolitan University convened a briefing on 'Biological Security Education in Support of the Tianjin Biosecurity Guidelines for Codes of Conduct for Scientists'.

Erratum: the side events listed in the last daily report were those that took place on Tuesday, despite the sentence saying Monday – the perils of overnight writing! *Mea culpa.*

Jo Husbands – in memoriam

Sad news filtered through to the Review Conference that Jo Husbands of the US National Academies and of the Inter Academy Panel passed away last week. She was a regular participant in BWC meetings and was perhaps the key player in the formation of the 2005 IAP Biosecurity Guidelines which were the culmination of years of work in this field. As one colleague observed: 'She was responsible for inspiring, informing and uniting a diverse community of individuals around the world working across political fault lines and cultural differences to lay the foundations for thinking around contemporary chemical and biological security governance'. Friends, scholars and policy makers shall miss her.

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Friday 9th December 2022

Bowled over at the Ninth BWC Review Conference

The second Thursday at the Ninth Review Conference for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) saw further work behind closed doors by the informal plenary that is pretending not to be the Drafting Committee and the Committee of the Whole (CoW), meeting in public, nearly completing its second reading of the article-by-article review. The evening saw the revival of the alternative BWC – the ‘Bowling World Cup’.

Schrödinger’s Committee

The informal plenary that is and is not the Drafting Committee met in closed session during the morning with Sara Lindegren (Sweden) presiding. From what has been said of the proceedings there has been much repetition with what is being said by delegations in the CoW. Work continues on the basis of the elements paper prepared by the facilitators. One significant point was a desire by some states to provide greater stability to the Implementation Support Unit (ISU) by giving it a mandate of an open duration rather than being renewed each Review Conference. This was blocked on the basis that the ISU should be replaced whenever a legally-binding measure to strengthen the BWC is adopted.

The Committee of the Whole – second reading

The CoW met in the afternoon with Ambassador Tatiana Molcean (Republic of Moldova) in the Chair. The CoW continued with the ‘second reading’ of the article-by-article review which involves working through the compilation of suggestions that had been received. The day started with the remainder of points made on Article VII and ended with the last group of articles under discussion.

Article VII deals with assistance in cases of breaches of the Convention and continued from Wednesday so reporting here includes interventions made on that day. There was much convergence of perspectives on this article. There was an emphasis from a number of delegations that any assistance would have to be prompt. The proposal to endorse guidelines for the process of requesting assistance under this article received wide support, although no specific language had been put forward this was expected soon. There was general support for the proposal for an Article VII database but some questions raised as to whether it should be mentioned in this part of the final document as any decision to establish it would be in the forward-looking part. Questions about database financing were also raised. There was support for reference(s) to be made to the ongoing COVID-19 pandemic under this article with further suggestions that this might also include other diseases that have become sources of recent public health concern such as Zika and Monkeypox.

Article VIII states that nothing in the BWC ‘shall be interpreted as in any way limiting or detracting from’ obligations under the 1925 Geneva Protocol. Many interventions supported text calling for states that had not done so to join the Protocol, especially BWC states parties. Suggested text naming the six accessions to the Geneva Protocol accepted by France as depositary since the last BWC Review Conference prompted a divergence of views as not all of them are recognised as states by some BWC

states parties. [Note: there are similar issues arising for other parts of the draft final document on whether new BWC states parties should be listed.] Previous Review Conferences have described the maintenance of reservations to the Geneva Protocol relating to response with anything prohibited under the BWC to be incompatible with the Convention. Language reiterating this was broadly supported. France, as depositary, indicated that Bahrain had withdrawn its reservation since the last Review Conference.

As *Article IX* calls for negotiations on a Chemical Weapons Convention (CWC) which was achieved in the 1990s some discussion under this article reflected divergences of views in relation to the CWC. There are textual suggestions for joint activities between the BWC and CWC through states parties and these prompted responses highlighting the separation of the two Conventions.

Article X is about access to the life sciences for peaceful purposes and has long been the article for which the divergence of views has been most significant. However, the debate has moved on and has become more practical over the years, with a much greater emphasis on capacity building and other cooperation and assistance activities. Many interventions referred to the Article X database with many noting that this had not been as useful as had been expected when it was established by the Seventh Review Conference (2011). Some noted that the BWC ISU was under-resourced to support this and tasks such as helping with providing better details for offers and requests could be supported through the addition of a cooperation officer within the ISU. Some text suggestions include calls for a cooperation committee which prompted negative comments from other delegations. A proposal for a voluntary fund to support Article X activities gained some traction, but also raised questions of how decisions might be made to select activities to be financially supported. The importance of input from review of scientific and technological (S&T) developments for implementation of Article X was noted.

As with the first reading, Articles XI, XII and XIV were grouped together for discussion. As the discussion on these three articles was ongoing at the close of business, reporting on them will be held over.

Side events

There were three side events on Thursday. At breakfast, the European Union, Japan, the Philippines, Lao PDR and the UN Interregional Crime and Justice Research Institute (UNICRI) hosted a briefing on 'Efforts to strengthen the implementation of the BWC in Southeast Asia'. There were two events at lunchtime. The German Federal Foreign Office and the Robert Koch Institute convened a briefing on 'Activities to support the United Nations Secretary-General's Mechanism'. The Biosafety Association for Central Asia and Caucasus (BACAC) and the EU CBRN Centres of Excellence held a virtual briefing on 'BACAC Conference "Covid-19 Lessons Learned" impact of a pandemic on BWC'.

Bowled over (again!)

Thursday evening saw a further revival of the alternative BWC – the 'Bowling World Cup' with a large number of delegates heading across Geneva for a light-hearted ten-pin bowling competition hosted by Italy and Switzerland. The tradition had started in the 1990s and had been continued during various BWC meetings until the political stalemates of 2001. The tradition was revived at the Sixth Review Conference (2006) and at the Eighth (2016). In December 2019, the trophy for the Bowling World Cup was returned to Geneva, having been resting in a cupboard at the US Department of State.

The winner of the 2022 Bowling World Cup with the highest individual score was Barbara Hemmerle (BWC ISU) with runners up Igor Kucer (European Union) and Jelle Honing (Netherlands).

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Monday 12th December 2022

Second reading of the article-by-article review completed

The end of the middle week of the Ninth Review Conference for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) saw the Committee of the Whole (CoW), complete its second reading of the article-by-article review and the informal plenary that is pretending not to be the Drafting Committee continued behind closed doors.

The day started with some transport interruptions following a snowfall overnight which seemed to have reduced initial attendance.

The Committee of the Whole – second reading

The CoW met in the morning, with Ambassador Tatiana Molcean (Republic of Moldova) in the Chair, beginning with some discussion of Article X before returning to Articles XI, XII and XIV (grouped together in the meeting but separated in reporting below for readability) which had been where the meeting on Thursday had left off. Some points in this reporting relate to interventions made on that day. A brief second reading of the Solemn Declaration followed that was limited in scope as not all text suggestions for it had been circulated.

Azerbaijan (for the non-aligned group) introduced working paper WP.56 that proposes the creation of a Cooperation Committee which has been a long-standing focus of a number of non-aligned countries to enhance implementation of *Article X*. The current proposal leaves out some of the more contentious aspects of earlier versions, such as scrutiny of export denials, which had been strongly resisted by Western countries. A number of states, primarily from the non-aligned, spoke in favour of this proposal, describing it as a practical means to implement Article X more effectively. No Western state made any comment.

Article XI (amendments) discussion was focused on the Iranian suggested text in relation to its proposal to amend the Convention to explicitly add use as a prohibition. Other delegations opposed the text on the basis that use is implicitly prohibited.

While *Article XII* only provides for one Review Conference, its provisions are considered relevant for those that followed, mandating that ‘Such review shall take into account any new scientific and technological developments relevant to the Convention’ leading to a number of interventions in support of some form of ongoing science and technology review. The question of whether annual Meetings of States Parties (MSPs) could take decisions was the subject of divergent views. This has been discussed in previous years, but the subject is now more pertinent as some proposals, such as that for a temporary experts working group, might need some decisions taken before the next Review Conference. Some delegations want MSPs to take some decisions and believe the authority exists, others disagree. The precedent of the Special Conference in 1994 to establish the Ad Hoc Group (the basis for the protocol negotiations) was raised.

No text suggestions had been made for *Article XIII* (duration and withdrawal) or *Article XV* (official languages) and so no discussion for these articles was needed.

There were only a few points raised under *Article XIV* (membership and depositaries), primarily to do with welcoming new states parties and whether they should be listed in the final document.

Ambassador Molcean indicated that the next task would be for her and her team to consolidate the text suggestions, taking into account what had been discussed, in order to move forwards in the search for consensus text.

The Add.1 documents for both COW/INF.1 and INF.2 are now on the official BWC website for the Review Conference at <https://meetings.unoda.org/bwc-revcon/biological-weapons-convention-ninth-review-conference-2022>. [Note: it is easier to find documents by ignoring the 'Documents' link on the title banner and clicking on 'Expand all sections' and scroll down to see the list of documents further down the page.]

Schrödinger's Committee

The informal plenary that both is, and is not, the Drafting Committee met in private session during the afternoon with Sara Lindegren (Sweden) presiding. A notable action was the introduction by Pakistan of WP.57 which proposes an 'Ad Hoc Working Group' (AWG) to have two meetings a year to discuss a range of subjects during the inter-sessional period, with each meeting devoted to a particular topic.

Office holders of the Conference

As promised in an earlier daily report, the collated list of the office holders is:

Review Conference: President – Ambassador Leonardo Bencini (Italy). There are 20 Vice-Presidents – Croatia, Kazakhstan, Latvia and Slovenia for the eastern group; Brazil, China, Cuba, Dominican Republic, Guatemala, Indonesia, Iran, Iraq, Malawi and Panama for the non-aligned group; and Canada, France, Germany, Japan, Spain and Switzerland for the western group.

Committee of the Whole: Chair – Ambassador Tatiana Molcean (Moldova).

Vice-Chairs – Andreas Bilgeri (Austria) and Angel Horna (Peru).

Drafting Committee: Chair – Sara Lindegren (Sweden). Vice-Chairs – Ljupčo Gjorgjinski (North Macedonia) and Jonelle John ('JJ') Domingo (Philippines).

Credentials Committee: Chair – Angus September (South Africa). Vice-Chair – Ali Sezgin Isliak (Türkiye).

Some reflections on the second week

In line with the chapeau given in report 6 of this series, the following are some personal reflections that do not necessarily represent anyone's views other than the author's own.

The atmosphere within the Review Conference remains positive overall, but with a number of concerns about the challenges to achieving a substantive final document, particularly owing to questions of how much time is available. It would seem that all elements that would be needed for a package are there, but finding the right balance will be challenging. Some proposed elements are likely to be dropped or substantially altered in order to try to reach consensus and the proponents of those dropped or altered elements need to be kept on board for the final package.

Side events

There were five side events on Friday. At breakfast, Canada and King's College London (KCL) hosted a virtual briefing on 'Countering Disinformation on Bioweapons and Public Health Labs' and Russia held an in-person briefing on 'Mobile biomedical units: Perspectives of their operationalization to strengthen the BTWC'. There were three events at lunchtime. The EU, Slovenia and Germany convened a hybrid event on 'Bioterrorism'. Two virtual briefings were held: one by UNIDIR on 'Technological opportunities for building confidence in compliance with the BWC'; and the other by KCL on 'Maximum Containment Labs and Biorisk Management'.

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Tuesday 13th December 2022

Three drafts for the three parts of the final document, but progress stutters

The Ninth Review Conference for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) entered its final week with draft texts for each part of the final document being circulated to states parties late on Sunday night. [The parts follow the structure of the final document used in recent Review Conferences and outlined in daily report 7 of this series.] All of these drafts were considered and updated over the weekend through informal consultations. The draft of part III – the forward-looking part – was discussed in plenary on Monday morning. The Committee of the Whole (CoW) met in the afternoon to adopt its report, but faced a blockage to moving its work forward.

Three drafts for three parts

Opening the plenary, the President of the Review Conference, Ambassador Leonardo Bencini (Italy), took an optimistic tone, describing this Conference as ‘the opportunity to break the deadlock which has existed in the BWC for the past two decades’. He described the proposals outlined in the documents as ‘obviously still works in progress’ with many issues remaining to be resolved. Part I is the factual procedural report and the draft has a number of gaps as the proceedings of the Conference are not yet complete. Part II is the consolidated text prepared by the Chair of the CoW after the completion of the second reading. Part III is a non-paper by the facilitators that expands upon the work done in the informal plenary that was presided over by the Chair of the Drafting Committee. The President expressed the hope that the three drafts could be merged into a single document which would be the basis of work for the coming week.

The forward-looking package

The non-paper by the facilitators contains a package of proposals. The proposed inter-sessional programme would include annual Meetings of the States Parties (MSPs) and a ‘Group of Experts on the strengthening of the Convention’ that would look at a broad sweep of issues. These include measures for: addressing compliance (including identification of verification measures); enhancing international cooperation and assistance under Article X; improving Confidence-Building Measures (CBMs); achieving effective national implementation; strengthening assistance, response and preparedness under Article VII; and institutional strengthening of the Convention, including the possible establishment of an international agency. This Group of Experts would meet for 15 days per year and would be expected to complete its work before the end of 2025. An ‘Article X Implementation Steering Group’ would be created to facilitate international cooperation activities. A ‘Scientific Advisory Process’, based on a hybrid model, would provide advice on scientific and technological developments relevant to the Convention. Four new staff positions would be created within the Implementation Support Unit (ISU) an International Cooperation Officer, a Science Officer, an Assistance, Response and Preparedness Officer, and an Administrative Assistant. The ISU would also host an Article VII database, maintain Article VII voluntary guidelines and be responsible for managing an Article X Trust Fund.

Such a package would represent a substantial enhancement on current BWC

activities. With most of the working week still ahead, it is likely that this package will be significantly amended before the end of the Conference. The tendency at this stage of a Review Conference has been that elements are removed rather than new ones added.

Plenary discussion

The plenary discussion was broadly supportive of the package. Many delegations noted they they were only providing an initial, general response and could give detailed comments later. This is, after all, a negotiation process and states parties highlighted areas they felt needed further work. Positions expressed on issues broadly followed those given in earlier interventions during the Review Conference.

The Committee of the Whole – adoption of the report

The CoW met in the afternoon, with Ambassador Tatiana Molcean (Republic of Moldova) in the Chair. The stated aim had been to hear initial comments on the consolidated draft and to forward the draft to the plenary. The consolidated draft was broadly welcomed. As with the morning plenary, most delegations were only offering general comments at this stage. The greatest divergence of opinion derived from whether the CoW should work on the consolidated draft before sending it to the plenary. Many delegations wanted to amend the article-by-article review but to do it in plenary where it could be considered alongside the forward-looking part as changes to one could easily lead to changes in the other.

Of the BWC Review Conferences since the format of the final document was revised in 2006, the Sixth (2006) and Seventh (2011) appended two annexes to the report of the CoW that were the compilation of text suggestions from delegations and a draft prepared by the Chair of the article-by-article review. Both times there was a clear disclaimer: ‘The Committee noted that the language in this outcome was not agreed, had not been fully discussed, and had been included without prejudice to the position of any delegation. The Committee decided to transmit the outline to the plenary of the Conference for further discussion and negotiation, as appropriate, with a view to reaching consensus on a final document as soon as possible’. This was also the approach taken during the Eighth Review Conference (2016), but one delegation blocked agreement on including the annexes to the report of the CoW. The same approach was also followed on Monday but this time Russia blocked agreement. Iran, the state party that had blocked agreement in 2016, played a role on Monday in support of appending the texts to the CoW report by putting forward amendments to the disclaimer in an attempt to find consensus.

The adoption by the CoW of only a procedural report means that there is no text of the article-by-article review formally 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. The Eighth Review Conference worked around this by rapidly adapting the article-by-article review from the Seventh Review Conference but most delegates found this an unsatisfactory process.

Side events

There were four side events on Monday. At breakfast, Russia hosted an in-person briefing on ‘Implementation by the Russian Federation of Article X of the BTWC (co-operation and assistance)’ and the World Health Organization held a hybrid event on ‘Global guidance framework for the responsible use of the life sciences: mitigating biorisks and governing dual-use research: from guidance to action’. There were two in-person events at lunchtime – one by CBWNet on ‘The Legal Effects of the Review Conference’; and the other by the EU, the European Commission, the International Science and Technology Centre (ISTC), and the Science and Technology Centre in Ukraine (STCU) on ‘EU Targeted Initiative on export controls for CBRN-relevant dual-use technologies’.

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Wednesday 14th December 2022

First plenary discussion of the article-by-article review

Tuesday saw the article-by-article review being discussed in plenary for the whole day at the Ninth Review Conference for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC). The plenary discussion allowed for further elaboration of perspectives on the review. Informal consultations of various forms continued through the day via the facilitators and also into the evening with the President.

The text used as the basis of discussion in the plenary was the draft of the article-by-article review that had been prepared by the Chair of the Committee of the Whole (CoW), Ambassador Tatiana Molcean (Republic of Moldova) as an initial attempt to identify where consensus might be reached. In past Review Conferences, such documents have been referred to as ‘best guess’ texts. The next ‘best guess’ text will be one prepared by the President.

Reminders of the impacts of infectious disease are becoming more present at the Review Conference. When it opened just over two weeks ago the Conference had felt closer to what had been normal practice before the arrival of COVID-19 as the pandemic restrictions had been further relaxed since the previous open BWC meeting. However, in the last few days there have been more and more participants wearing masks and being careful of their distancing.

Plenary discussion

The President of the Review Conference, Ambassador Leonardo Bencini (Italy), opened the plenary promptly at 10am and resumed the afternoon at 3pm – conveying a sense that he meant to maximise the time available.

The status of the proposed text was questioned by Russia as there was no official communication to convey this text from the CoW as the report of the CoW contained no annexes following the blocking of a substantive report on Monday. That delegation indicated it was happy to treat the text as a proposal by the President but wanted to clarify the situation. The President said that he had left the title on the document as a sign of appreciation for the work of Ambassador Molcean and her team, and that he didn’t want to lose any minutes to discussing non-substantive items and so would be happy to lose the title. The President invited the Chair of the CoW to the podium where she briefly described the work that went into the text and said it reflected ‘genuine and engaged discussions on the substance’ before returning to her seat. After some exchanges about procedure, the President announced that there would be discussion on the Solemn Declaration and then on articles clustered together.

The substantive discussion is challenging to characterise. There was clearly a divergence of perspectives on many issues, which was to be expected. Positions expressed were in line with the positions taken during the general debate in the first week. But there was also a divergence of perspectives of how a negotiating process should be dealt with at this stage of a Review Conference. For example, some delegations were proposing amendments to reinsert text that was clearly not going to reach consensus. If, at

each stage of a series of ‘best guess’ texts, non-consensus language is reinserted it is not clear where the process leads. While there were many substantive points made during the plenary debate, there were also many rhetorical ones that were repetitions of positions taken earlier in the Review Conference.

Closing the debate the President indicated that he hoped to provide an updated text of the article-by-article review which could then be incorporated into a draft of the whole final document, allowing delegates to consider the possible output of the Conference as a whole. Such a text was circulated to states parties overnight.

Challenges of the BWC review process

The range of styles of Review Conferences for various treaties illustrates that there is no ideal ‘one size fits all’ review process. Indeed, within the context of each treaty the review processes evolve with time and with experience. As noted in the first daily report of this series, 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. This means they need review processes to ensure the activities and understandings within the treaties match the ever-changing contexts they operate within. The inclusion of review processes in treaties like the BWC is an explicit recognition of a need for the updating of common understandings. When consensus has not been reached on an issue within a BWC Review Conference there has been a natural tendency to reach back and use text on that subject that had been agreed by consensus at an earlier Review Conference.

With a few delegations now clearly wishing to limit the scope of the output of this Review Conference, there is likely to be a need to revert to significant quantities of previously agreed text. This will mean that, at a time of rapidly changing contexts, the BWC Review Conference will be less contemporary that it could have been.

Side events

There was one side event on Tuesday, held at lunchtime. The Verification Research, Training and Information Centre (VERTIC) convened an in-person briefing on ‘Addressing misconceptions about chemical and biological weapons and related legal frameworks’.

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Thursday 15th December 2022

A new draft final document but echoes of the last Review Conference

Wednesday morning started for many delegates with the opening of an email with the new 'Draft Final Document of the Ninth Review Conference'. This was the first version to carry an official document number – BWC/CONF.IX/CRP.2. [CRP.1 was the draft of the procedural report circulated on Sunday. Both documents are currently on the Review Conference website at <https://meetings.unoda.org/bwc-revcon/biological-weapons-convention-ninth-review-conference-2022>.] Part III of CRP.2, the forward-looking part of the final document, was discussed in plenary for the whole working day. The vast majority of delegations feel there is a substantial package on the table that would lead to the most significant strengthening of the Convention in decades, including opening up a path to international verification arrangements and more effective implementation of measures for international cooperation and assistance. Towards the end of the day, Iran explicitly rejected most of the substantive contents of the forward-looking part.

The draft final document in CRP.2

The new draft circulated to delegates contains an updated part II (Solemn Declaration and article-by-article review) and part III (forward-looking/decisions and recommendations). As the forward-looking part was the subject of the plenary debate, this will be the part outlined here. The previous version of this part was circulated late on Sunday and outlined in number 12 in this series of daily reports (on yellow paper in Geneva).

The proposed inter-sessional programme would still include annual Meetings of States Parties (MSPs) but for three days each year compared with four in the earlier draft. The issue areas for the 'Group of Experts on the strengthening of the Convention' now include measures to: 'enhance international cooperation and assistance under Art. X with a view to promoting biological developments for peaceful purposes'; 'address compliance and verification'; 'consider scientific and technological developments relevant to the Convention'; 'improve confidence-building and transparency'; 'achieve effective national implementation of the Convention'; and, 'strengthen assistance, response and preparedness under Art. VII'. References in the earlier topics to biorisk management have been removed. This Group would now meet for two meetings a year for ten days each and complete its work before the end of 2025. The Article X 'Steering Group' remains, together with the Article X voluntary trust fund and development of an Article X Action Plan (this last element should have been mentioned in the summary in daily report 12), but the section on Article X is now the first of the decisions. The new Article VII database would be better connected to the Article X assistance activities. The advisory process for scientific and technological (S&T) developments is now labelled as a 'Scientific Advisory Board', with many details removed but is still essentially a hybrid model. Only two (rather than four) new staff positions would now be created within the Implementation Support Unit (ISU) – an International Cooperation Officer and a Science Officer.

Plenary discussion

After briefly introducing the new draft, the President of the Review Conference, Ambassador Leonardo Bencini (Italy), suspended the plenary for around half an hour to allow delegates time to read and discuss the draft amongst themselves. During part of the

morning, he asked Vice-President Grisselle del Carmen Rodriguez Ramirez (Panama) to preside over the proceedings. The afternoon plenary was delayed owing to ongoing informal consultations. The President set a deadline of 8pm for delegations to get their proposed amendments in writing to the ISU so a revised text could be prepared. The debate went beyond the time that interpretation was available and some delegations requested that they give their statements when interpretation resumed in the morning.

The interventions in the substantive discussion were broadly in support of the package. There were divergences of views within this broadly supportive group but nothing that some hours of negotiation wouldn't seem able to resolve. There were many requests for clarification of financial implications of the proposed package and a briefing session is being arranged. The reordering of sections in the forward-looking part that had led to Article X issues listed first was questioned on the argument that the BWC was primarily a disarmament treaty. It was suggested that an issue area such as compliance and verification should be first or that the sequence adopted in previous Conferences should be used. There was caution expressed that the Group of Experts might become overloaded. The Philippines suggested that the Group should be advised to work on the Article X Steering Group and S&T review structure as a priority. Questions were raised as to whether themes or topics should be allocated to specific meetings for the Group to help guide its work. There were also questions whether this should really be a Group of 'Experts' as there were topics to be discussed that had significant political aspects to them.

There were many requests for clarification of aspects of the proposed package, particularly as some details had been removed and had inadvertently caused confusion. A good example of this was the structure of the S&T review and how the separate parts would operate. There were claims of imbalance between the Article X and S&T review aspects. Others noted that these were dealing with very different areas and that the two issue areas complemented each other.

Iran took the floor towards the end of the day and explicitly rejected most of the substantive contents of the forward-looking part. As it was Iran that struck out the substantive elements of the final document for the Eighth Review Conference (2016), this raised concerns. Iran's stated reason for doing this in 2016 was that a substantive inter-sessional process would make governments too comfortable with the status quo and thus inhibit moves towards a legally binding instrument. With verification on the agenda for the first time in decades, would this still be the case? When the delegation was asked after the debate what the motivation was this time, the instant response was unilateral coercive measures – i.e., sanctions. If Iran carries through with this position, there will be a substantial loss for the BWC and possibly a missed chance for verification if political circumstances change before the Tenth Review Conference. There would be other losses for Iran's fellow members of the non-aligned. It has taken considerable effort by a substantial number of people, inside and outside of governments, to put together such an extensive package of elements for a future work programme that includes a significantly greater level of Article X-related activities than at earlier Review Conferences. If the package is not adopted this year, there seems little likelihood that there would be an appetite to put it back together for the next Review Conference. The loss will be felt by those countries and their populations that would have benefited most from enhanced cooperation and assistance activities.

Side events – There were two side events on Wednesday. At breakfast, UNIDIR convened an in-person briefing on 'Assessing the SecBio Platform Proposal'. At lunchtime, Canada, in partnership with the World Organization for Animal Health, convened a hybrid briefing on 'Grand Challenge for Sustainable Laboratories: Innovation Solutions for Diagnostics Laboratories'.

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Friday 16th December 2022

A revised draft final document and late-night consultations

The penultimate day of the Ninth Review Conference for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) saw three aspects of running an international prohibition regime – the routine (the Credentials Committee), the logistical (a financial report) and the political (long discussions in plenary and in informal consultations). At 5.30pm an updated version of the draft final document was circulated to delegates which was discussed in informal consultations into the night. The updated document bears the symbol BWC/CONF.IX/CRP.2/Rev.1 and has been posted on the Review Conference website at <https://meetings.unoda.org/bwc-revcon/biological-weapons-convention-ninth-review-conference-2022>.

Nevertheless, there is limited time available. There is tremendous goodwill in the vast majority of delegations who see the forward-looking package brought together in the recent draft final documents as a major step forward. However, the actions of just a few delegations have been consistently weakening provisions in the draft documents.

Credentials Committee

The day started with a brief update to the plenary from Angus September (South Africa) in his role as Chair of the Credentials Committee. He noted that the Committee had received formal credentials from 85 states parties, copies of credentials from 28 states parties, and 23 notes verbales or letters. On the understanding that those yet to submit the original full credentials would do so as soon as possible, the Committee was willing to accept the credentials of all of these states parties.

Financial briefing

Daniel Feakes, Chief of the BWC Implementation Support Unit (ISU) gave a briefing on financial matters following a number of questions the day before about the cost implications of possible decisions by the Review Conference. He referred delegates to a background document prepared for the Preparatory Committee (BWC/CONF.IX/PC/4, available on the Conference website) which outlined the financial arrangements for the Convention. It also offered some examples of what various durations of meetings and ISU staffing options might cost. He noted that once costs of running the BWC are shared across states parties according to the UN scale of assessments adjusted to take into account the BWC membership, two-thirds of states parties pay less than US\$1000 per year.

Plenary discussions

The plenary started with the three delegations that had wanted to make their interventions on part III while there was interpretation available. A few further short interventions were made on part III before moving to the main business for the morning of part II – the Solemn Declaration and the article-by-article review. The text used as the basis for this discussion was CRP.2, issued on Tuesday night. This had included an updated part II.

The President of the Review Conference, Ambassador Leonardo Bencini (Italy), reminded delegates that time was short and that it was now too late for any new proposals to be introduced. During the morning he repeated his basic criteria for selection

of amendments: if a suggested change is unopposed, keep it; if there are similar suggestions try to reconcile them into one; and if a suggestion is opposed, revert to previous consensus text. As with Wednesday, he asked Vice-President Grisselle del Carmen Rodriguez Ramirez (Panama) to preside over part of the proceedings.

The discussion repeated many positions that had been presented before. As there was much opposed text there were many places in which the result was going to be a reversion to previously agreed text. The discussion was to provide inputs into the next iteration of a 'best guess' text which became CRP.2/Rev.1.

The updated draft final document CRP.2/Rev.1

The updated draft circulated to delegates at 5.30pm on Wednesday contains revised text for part II (Solemn Declaration and article-by-article review) and for part III (forward-looking/decisions and recommendations).

Part II in the Rev.1 version contains 108 paragraphs which compares with 109 in CRP.2. While there are edits between the two, there are still many outstanding issues and it is not clear what could be done to enable part II to be agreed before time runs out, even if the clock was temporarily stopped.

In relation to part III. Elements of the Decisions and Recommendations have been reordered to be closer to the sequence of earlier Review Conferences. The updated proposed inter-sessional programme would still include annual Meetings of States Parties (MSPs) for three days each year. The issue areas for what is now titled the 'Working Group on the strengthening of the Convention' have been increased to seven with the addition of measures on 'organizational, institutional and financial arrangements'. This Group is now allocated 15 days of meeting time each year from 2023 to 2026, although still encouraged to complete its work before the end of 2025. The Article X 'Steering Group' is deleted and the overall arrangement for enhancing implementation of Article X has become the 'Cooperation Advisory Group' with the Article X voluntary trust fund and development of an Article X Action Plan remaining. The advisory process for scientific and technological (S&T) developments remains a hybrid model and is now labelled as a 'Scientific Advisory Group' with the part with a limited size now named the 'Scientific Reporting Committee'. The latest text keeps the two additional ISU staff positions of an International Cooperation Officer and a Science Officer.

CRP.2/Rev.1 was the focus of the informal consultations going into the evening in Salle XXVI – the room used for the main informal consultations in 2016. It is the nature of these types of consultations that documents get shorter as paragraphs, sentences, clauses or even individual words get removed during efforts to reach consensus. As the evening progressed, it was clear that some areas, such as the inter-sessional programme, were emerging relatively unscathed, but that some other sections were being reduced. For example, the Cooperation Advisory Group and Scientific Advisory Group were discussed together; the Cooperation section was edited but remained mostly intact while the section on the Scientific Advisory Group was reduced in size. There was much discussion on later sections with significant divergences of views but fewer decisions on which text to delete or retain. At 11.10pm the consultations moved upstairs to a smaller meeting room behind the Conference room with a far smaller number of participants.

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 sent to subscribers by email and posted on the websites below.

This is the fifteenth report from the Ninth BWC Review Conference (28 November-16 December 2022). These 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>.

Tuesday 17th January 2023

The closing of the Review Conference and some reflections

Friday 16th December 2022 saw the final day of the Ninth Review Conference for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC). A Final Document was adopted, but with the removal of many substantive elements in order to reach consensus. This ‘consensus by deletion’ was combined with ‘consensus by deferral’ by putting off key decisions to the new inter-sessional Working Group created by the Conference.

This report discusses the events of the final day and includes some reflections on the Review Conference as a whole. A further report will outline the structure and content of the Final Document of the Review Conference and some reflections on the future programme. An advance copy of the Final Document has been posted on the Review Conference website at <https://meetings.unoda.org/bwc-revcon/biological-weapons-convention-ninth-review-conference-2022>.

Plenary activities

The morning plenary was opened close to noon by the President, Ambassador Leonardo Bencini (Italy), who informed the Conference that consultations were still taking place on part III – the forward-looking part – of the draft and expressed a hope that a revised draft would be circulated soon. The President then asked whether there was agreement on part II of the draft – the Solemn Declaration and the article-by-article review. The room fell silent. The atmosphere can only be compared with the tension around a contest where contestants stare at each other waiting to see who blinks first – a ‘consensus blinking game’. After many minutes of silence, punctuated by occasional questions for clarification from the floor, Russia indicated it could not agree to the proposed text for part II. The President suspended the plenary to hold a further round of consultations. In all, the morning plenary lasted 14 minutes.

The President opened the afternoon plenary after a delay for further consultations. He announced that the new version would not include what had been part II as it had not been possible to achieve consensus on the text. He reminded the Conference that the articles had been reviewed thoroughly within the Conference but it had not been possible to agree on text reflecting the review.

Following a suspension of the plenary for around 90 minutes, the Conference was briefed by the BWC Implementation Support Unit (ISU) on the financial implications of what was in the latest draft final document which was about to be circulated as CRP.2/Rev.2. The ISU noted that a state party currently paying USD7000 per year would be paying roughly USD8000 in the next year if the inter-sessional programme was adopted. There was a pause for delegates to consider the new draft. Resuming proceedings, the President highlighted that the revised draft was the result of efforts by many delegates, that it contained an action-oriented inter-sessional programme which would be able to discuss key issues, including new processes on Article X and on review of science and technology (S&T), and put the ISU in a better position.

The Conference moved to consider the draft paragraph-by-paragraph. Other than deletion of one paragraph and amendments to two others, the draft was adopted as the Final Document of the Review Conference at 18:14. The Conference then heard closing

statements which had to be continued downstairs in Salle XXVI owing to the late hour as the plenary room (Salle XIX) needed a larger number of staff to function.

Side events

There was one virtual side event on Friday held at breakfast.

Reflections of the Review Conference as a whole

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. These should be read in conjunction with the reflections in reports 6, 11 and 17 of this series.

The general atmosphere of this Conference had started positively with the overwhelming majority of delegates in favour of a substantive outcome. However, by the end of the three weeks and the massive haemorrhaging of substantive measures from the Final Document, the sense of exhaustion in the room was palpable. Alongside the obvious constraints of the challenging geopolitical circumstances, the BWC Review Conference came at the end of an exhausting year in the realms of non-proliferation, arms control and disarmament (NACD). The rush to catch up with postponed meetings as the COVID-19 pandemic restrictions were lifted had meant 2022 saw more weeks of international NACD gatherings than any year this author has witnessed. It was the bad luck of the BWC to be at the end of this sequence. These factors were added to by the direct impacts of COVID-19 (a number of delegates tested positive during the Conference and so withdrew from the face-to-face proceedings). The time pressures of having a President parachuted into the role four months before the start of the Conference only added to the challenges.

Although there were many informal consultations for negotiation of the Final Document which reduced transparency, most of the Review Conference was fairly open with all meetings of the Committee of the Whole held in public. It was a pity that the Drafting Committee that simultaneously did and did not meet (Schrödinger's Committee) was held in private. The status of statements by international organizations remains unresolved after the interruption to the NATO statement in the first week.

Overall, the Review Conference attained a modest outcome in its formal achievements. While there are seeds for future work on compliance issues and to establish mechanisms for S&T review and international cooperation, the result is far less than most delegations had hoped for. Many will look back and see this as a missed opportunity as there were prospects for serious progress on Article X and compliance issues were it not for the actions of a very small proportion of delegations.

A Review Conference is much more than the formal proceedings – there are many significant outcomes that are achieved through the networking of participants, the exchanges of views and experiences, and the political focus that such a gathering brings with it. A good example of progress away from the text of the Final Document is the collection of issues relating to gender. Despite there being many expressions of support for references to gender issues to be reflected in the Final Document, no reference remained at the end in order to maintain consensus. Nevertheless, major advances continue in this area. The ISU calculated that some 40 per cent of registered delegates were female – a proportion higher than for earlier Review Conferences. There were other firsts for BWC Review Conferences. Ambassador Tatiana Molcean (Republic of Moldova) was the first woman to preside over the Committee of the Whole. While Sara Lindegren (Sweden) did not have the opportunity to preside over a formal meeting of the Drafting Committee, she was the first woman to preside over an informal plenary in the form of Schrödinger's Committee. Vice-President Grisselle del Carmen Rodriguez Ramirez (Panama) was the first woman to preside over a formal plenary meeting.

This is the sixteenth report by the BioWeapons Prevention Project (BWPP) from the Ninth Biological Weapons Convention Review Conference (28 November-16 December 2022). 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>.

Tuesday 17th January 2023

The Final Document of the Review Conference and some reflections

The Final Document of the Ninth Review Conference for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) was adopted on the last day of the Conference – Friday 16 December 2022. The closing stages of the Conference are discussed in report 16 of this series.

Unlike comparable outcome documents from recent BWC Review Conferences, this one only has two parts. On the last day the President, Ambassador Leonardo Bencini (Italy), announced that the Solemn Declaration and article-by-article review which would normally form part II of the Final Document had been dropped as there had been no consensus on the contents. An advance copy of the Final Document is on the Review Conference website at <https://meetings.unoda.org/bwc-revcon/biological-weapons-convention-ninth-review-conference-2022>.

Part I – Organization of the Conference

Part I of the Final Document is often referred to as the procedural report as it primarily factual. This does not mean it is not without divergence of views. However, given the desire to reach consensus on the substantive parts, some aspects were not revisited, such as the list of participating delegations and whether at least one delegation might have wanted to publicly register that it did not recognise all BWC members as states. Another is the announcement that Russia was going to form a regional group of one state – the procedural report simply ‘notes’ the Russian announcement without comment.

Part II – Decisions and recommendations

The main aspects of this part of the document are annual Meetings of States Parties (MSPs), the creation of a ‘Working Group on the strengthening of the Convention’ (WG) and the enhancement of the BWC Implementation Support Unit (ISU)

The three-day MSP would oversee the activities of the WG each year and be responsible for managing the inter-sessional programme. The 2023 meeting is to be chaired by a member of the non-aligned group.

The aim of the WG is ‘to identify, examine and develop specific and effective measures, including possible legally-binding measures, and to make recommendations to strengthen and institutionalise the Convention in all its aspects, to be submitted to States Parties for consideration and any further action. These measures should be formulated and designed in a manner that their implementation supports international cooperation, scientific research and economic and technological development, avoiding any negative impacts.’ The WG has been allocated 15 days of meeting time each year from 2023 to 2026, but is encouraged to complete its work before the end of 2025. There are provisions for a Special Conference to be called to decide on further actions if needed. The issue areas to be covered are specified as international cooperation and assistance under Article X; scientific and technological (S&T) developments relevant to the Convention; confidence-building and transparency; compliance and verification; national implementation of the Convention; assistance, response and preparedness under Article VII; organizational, institutional and financial arrangements.

The ISU mandate is renewed until 2027 and an additional staff member can be appointed for this duration although the document is not specific about the tasks to be allocated to the new staff member.

The scheduled dates for BWC meetings during 2023 are: WG organizational meeting – 15-16 March; WG substantive meetings – 7-18 August and 4-8 December; and MSP – 11-13 December.

Proposed elements that are missing from the Final Document

As well as what would normally be part II of the Final Document, noted above, there were a number of other elements missing. Perhaps the most significant is any substance on the processes that will be established for the review of S&T developments and the promotion of international cooperation under Article X. Other aspects which have had broad support ended up being removed in an attempt to reach consensus included creation of an Article VII database, endorsement of the Tianjin Guidelines, and any reference to gender issues.

Reflections on the Final Document and future activities

In line with the chapeau given in report 16 of this series, the following are some personal reflections that do not necessarily represent anyone's views other than the author's own.

The loss of the Solemn Declaration as the overarching political statement from the Review Conference is perhaps more important than the loss of the article-by-article review. The articles were reviewed at both the substantive PrepCom as well as at the Review Conference, although there was little public discussion at the Conference on Articles V and VI which were the focus of much divergence of perspectives following the Russian allegations about US-funded laboratories in Ukraine. It was hard to see where common ground on a statement on Article VI could have been found, particularly as beyond Russia's closest political allies there were no expressions of support for the substance of that country's allegations.

The establishment of the WG is a significant step forward, but may come with the basic problem that kicking key decisions down the road usually has – will the difficulties in reaching consensus at the Review Conference be replicated in the WG? This will be particularly important now the WG is tasked with fleshing out the structures and functions of the S&T review and Article X processes – both of which will be time consuming and are areas where consensus could not be achieved at the Conference.

Nevertheless, having the WG primed to discuss possible compliance activities that could be agreed for the BWC is perhaps the most significant step forward. There will be many (this author included) who believe that the optimum outcome from any process started by the WG would be a legal instrument containing enforceable compliance measures, based on effective verification activities, that run alongside measures to strengthen the Convention in all of its aspects. This will raise questions about whether it is worth returning to either of the draft texts for a Protocol that were in use by the Ad Hoc Group (AHG) during 2001 – the 'rolling text' BWC/AD HOC GROUP/56-I and the 'composite text' BWC/AD HOC GROUP/CRP.8. By rejecting the work of the AHG, the USA implicitly rejected both of these texts. The process for putting together the composite text had been rejected by a number of non-aligned states parties in their statement in BWC/AD HOC GROUP/WP.451. Both of the AHG texts embodied compromises made at the time in efforts to move towards consensus, but the logic of some of these compromises would not be replicated in current circumstances. On the other hand, there are many working papers from the AHG which have retain their relevance; for example, the papers by South Africa, written as a Friend of the Chair, on the subject of distinguishing deliberate events from naturally occurring disease outbreaks contain useful material pertinent to any future negotiations on compliance measures.

This is the seventeenth (and final) report from the Ninth BWC Review Conference (28 November-16 December 2022). These 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>.