

Monday 8th August 2016

The resumed BWC Preparatory Committee: background and context

The Preparatory Committee (PrepCom) for the Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) resumes this week following its initial two-day session held during 26-27 April. The Review Conference, to be held in Geneva 7-25 November, 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. Review Conferences cannot function as stand-alone events, they need preparation; hence the convening of a PrepCom.

During the April PrepCom session, Ambassador György Molnár of Hungary was confirmed as President-designate for the Conference and the budget was also confirmed; both had been initially agreed at the 2015 BWC Meeting of States Parties (MSP). Two Vice-Chairs for the PrepCom were appointed: Ambassador Boujemâa Delmi of Algeria and Ambassador Michael Biontino of Germany with the expectation that these appointments will follow precedent such that, at the Review Conference, the former will become Chair of the Drafting Committee and the latter the Chair of the Committee of the Whole. Other decisions at the April PrepCom session proved difficult for some delegations who explained they had no objection in principle to the particular proposed decisions but had anticipated taking them formally in August. Therefore, the April PrepCom 'reached understandings on recommendations for final adoption in August' for a number of issues such as the provisional agenda of the Review Conference.

Working Papers and Background Documents

Following on from the thirteen Working Papers submitted to the April PrepCom session, further papers have been submitted. By the weekend before the opening of the August PrepCom session, four further Working Papers had been submitted and published as official documents with another thirteen made available in electronic form as 'Advance Versions' prior to being typeset as official documents. The advance release of papers allows for their contents to be considered before start of the meeting. Five background information documents have been produced by the BWC Implementation Support Unit (ISU) as well as the annual report of the Unit. Some submissions from States Parties for inclusion in the Review Conference background information documents on the subjects of compliance, Article VII implementation, and Article X implementation have also been posted. All papers can be found via the ISU website <<http://www.unog.ch/bwc>>; official documents can also be found via the UN documents server <<http://www.documents.un.org>>.

Output of the PrepCom

The decision taken at the 2015 MSP outlining the arrangements for the 2016 meetings stated that: 'At the conclusion of the meeting in August, the President would present under his own responsibility, for consideration of delegations ahead of the Review Conference, a summary report without prejudice to perspectives, recommendations, conclusions and proposals presented by delegations or that prejudices the final outcome of the Review Conference' [BWC/MSP/2015/6, para 56]. There will also be a procedural report from the

August meeting which will contain details of decisions taken, such as the adoption of the agenda of the Review Conference.

Issues relating to the BWC and the Eighth Review Conference

The 2015 MSP agreed that ‘the [PrepCom] meeting in August would provide an opportunity for States Parties to consider comprehensively all provisions of the Convention’. There are a number of relevant issues.

BWC membership has risen from 165 at the 2011 Conference to 175 (as of 1 August) with the Marshall Islands, Cameroon, Nauru, Guyana, Malawi, Myanmar, Mauritania, Andorra, Côte d’Ivoire and Angola acceding or ratifying. As membership is still lower than for comparable nuclear and chemical treaties, universality remains an issue.

In considering continuation of the ISU mandate beyond 2016, the Review Conference may also consider the scope of the mandate and the level of staffing.

There will be discussion of possible inter-sessional work programmes (the series of meetings between review conferences). Three inter-sessional processes have been carried out so far, with some indications that many participants feel that the most recent has been less productive than it could have been.

The ongoing rapid advances within the life sciences mean that the BWC operates within a rapidly changing scientific and technological (S&T) context. These advances bring new positive opportunities for peaceful uses, as well as negative opportunities for hostile purposes. These advances therefore lead to changes in the nature of risks and threats the BWC may need to counter. Many Working Papers submitted to the PrepCom relate to methods by which reviews of S&T developments might be carried out in order to allow the BWC and its States Parties to effectively respond to this constantly changing context.

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 the use of the life sciences for peaceful purposes. There are significantly divergent perspectives between States Parties regarding Article X issues and whether any form of further implementation of Article X is required.

Response to use of biological weapons is included within BWC Article VII which deals with the provision of ‘assistance’ by States Parties if a State Party is ‘exposed to danger’ because of a breach of the Convention. As no government is likely to have ready all of the resources required to respond to a severe biological attack, the concept of receiving assistance applies to all. The means by which any alleged use of biological weapons might be investigated has been the subject of some controversy.

The BWC system of Confidence-Building Measures (CBMs) provides for information exchange by States Parties on certain relevant activities and facilities. Numbers of CBM submissions have been rising and there have been many calls to encourage greater participation, including suggestions that the system should be simplified and perhaps that its scope could be redefined. By the weekend before the opening of the August session of the PrepCom, 75 CBM returns had been submitted during 2016, compared with 72 for 2015.

The importance of national implementation of BWC obligations is regularly emphasised by many delegations. Some have proposed arrangements such as peer review and compliance assessment to build greater confidence in compliance through transparency in effective national implementation. A counter argument to these proposals is they are a distraction from the creation of formal verification arrangements. Compliance/verification is perhaps the most divisive grouping of issues in the BWC, with some States Parties repeatedly declaring support for the negotiation and implementation of new legally binding measures while others repeatedly declare their opposition to such measures.

This is the first report from the August meeting of the Preparatory Committee for the Eighth BWC Review Conference. These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP) and are available via <<http://www.bwpp.org>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>.

The reports are prepared by Richard Guthrie. He can be contacted during the PrepCom on +41 76 507 1026 or <richard@cbw-events.org.uk>.

Tuesday 9th August 2016

The re-opening of the BWC Preparatory Committee: general exchange of views

The Preparatory Committee (PrepCom) for the Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) re-opened on Monday morning with Ambassador György Molnár of Hungary in the Chair. There were more participants in the room than there had been during the April meetings, including what seems to be a greater level of representation from capitals. The day's first substantive agenda item was formal adoption of procedural decisions regarding the Review Conference, followed by a general exchange of views which formed most of the work of the day.

The Chair, in his opening remarks, welcomed the delegation of Haiti, a signatory state, and noted that if it ratified the Convention there would be universal membership in the Caribbean and Latin America region. [A second signatory state, Somalia, also attended the afternoon meeting.] Ambassador Molnár noted that 35 experts from 24 countries had received assistance to attend, sponsored via the Implementation Support Unit (ISU) administered programme, a significant increase on previous BWC meetings. The sponsors are Australia, Canada, Ireland, Switzerland and the European Union.

Review Conference procedural decisions

Formal decisions taken included the distribution of Review Conference office holders between the regional groups (the actual posts to be filled in November), adoption of the provisional agenda, and the adoption of the rules of procedure (with relevant paragraphs relating to evolution of practice to be inserted into the procedural report of the PrepCom).

General exchange of views

Delegations taking the floor for the general exchange of views were: Iran (for the non-aligned), China, Russia, USA, Germany, Ukraine, Brazil, Pakistan, Japan, Kazakhstan, Italy, Ireland, Turkey, Netherlands, South Africa, France and Cuba before the lunch break; with Spain, Algeria, Poland, Serbia, Australia, Morocco, United Arab Emirates, Belarus, UK, Ecuador, Nigeria, India, Colombia, Kenya, Iran (national), Peru, Angola, EU and International Committee of the Red Cross in the afternoon. This was followed by an informal plenary in which the following NGOs were able to address delegations: University of London, University of Bradford, VERTIC, Biosecure Ltd, Research Group for Biological Arms Control (Hamburg University), Pax Christi International, and Pugwash Conferences on Science and World Affairs. Owing to time constraints, some NGO statements were held over to Tuesday morning. Some delegations made specific proposals, some made general statements and some made reference to their general statements made in April and followed up on specific points in this session. Where copies of statements are provided by those that gave them, these will be added to the ISU website.

There was more substantive material put forward on Monday than has been raised at many recent BWC meetings, so there is not space to cover it all within this daily report. As the programme of work for Tuesday is dedicated to 'cross-cutting issues',

including those such as science and technology (S&T) developments, future programme of work, ISU, etc., reporting on contributions to the general debate that would fall within these topics will be held over to the next report.

Angola took the floor for the first time as a BWC State Party. Many delegations included a specific welcome to Angola and Côte d'Ivoire who had both joined the Convention during 2016. Encouragement was given to other countries to join the BWC.

The large number of working papers submitted to the PrepCom was seen as a measure of vitality, with 19 of these formally published, out of a total of roughly 30 submitted (with indications given that more should be expected). It is hard to directly compare this number with previous years as the earlier Review Conferences were not preceded by a PrepCom that could deal with substantive matters. [Note: the web address for the UN document server given in Monday's report had additional characters inadvertently added; the correct address is <<http://documents.un.org>>.]

There were many welcomes for what were often described as concrete proposals, but there were a number of questions about balances raised – balances between emphasis on the various articles of the BWC; balances between security and scientific development; and balances between security and economic development. Positions taken on where such balances lie were clearly influenced by geographical, political and economic factors.

Human and economic impacts of infectious disease were noted. Resilience preparedness to reduce the impact of biological threats (to provide national protection and to enhance capacities for Article VII assistance) was a focus of some statements, including proposals to enhance mobile laboratory capacities, for example. Further responses to alleged use of biological weapons were noted, with some delegations indicating they had updated their lists of experts for the UN Secretary-General's investigative mechanism.

On transparency issues, some delegations noted their submissions for inclusion in the Review Conference background information documents on the subjects of compliance, Article VII, and Article X and encouraged other countries to do the same. [The submissions have been posted to the ISU page for the Review Conference, under the 'advance versions' tab, rather than on the PrepCom page.] Peer review is a transparency-related activity promoted by particular States Parties and updates on recent developments were provided. The record submissions in 2016 for the system of Confidence-Building Measures (CBMs) in 2016 were noted. Encouragement to others to participate in the CBM arrangements was given, but it was also noted that CBM submissions should not be used to assess compliance.

Side events

Two side events were held on Monday during the lunch break. One was convened by Ukraine and the US National Academy of Sciences on 'Supporting Effective BWC Implementation: Education, Outreach, and Policy Advice'. Presentations were given by Serhiy Komisarenko (National Academy of Sciences of Ukraine), Zabta Khan Shinwari (Pakistan Academy of Sciences), Bert Rima (Queen's University, Belfast), and Peter McGrath (Inter-Academy Panel). The event was co-chaired by Serhiy Komisarenko and Jo Husbands (NAS). The other was convened by the Biotechnology Innovation Organization (BIO) on 'Partnering with Industry: Key Considerations for National Public Health Preparedness Planning' with presentations from Jacob Thorup Cohn (Bavarian Nordic), Jean-Luc Martre, (Medicago, Inc.) and Niranjan Y. Sardesai (Inovio Pharmaceuticals). The event was chaired by Phyllis Arthur (BIO).

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Wednesday 10th August 2016

The BWC Preparatory Committee: cross-cutting issues

The Preparatory Committee (PrepCom) for the Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) continued on Tuesday morning with further NGO statements from the Biosecurity Working Group of the InterAcademy Panel on International Issues, the International Network of Engineers and Scientists, the Biotechnology Innovation Organization, Parliamentarians for Global Action, University of Massachusetts Lowell, and Stanford University. These were followed by statements under the agenda item for general exchange of views from Ghana and Côte d'Ivoire. A request to attend the PrepCom as a non-signatory observer state was received from Guinea. This was approved and Guinea sat alongside Israel whose attendance on the same basis was agreed on Monday.

Cross cutting issues

The major part of the work on Tuesday was dedicated to 'cross-cutting issues', such as science and technology (S&T) developments, future programme of work, and the BWC Implementation Support Unit (ISU).

The format of the day was far more interactive than usual with many interventions being made in response to issues being raised on the floor rather than being from prepared statements. There were no group statements. As many delegations intervened more than once, this report only lists the first time a delegation took the floor under this agenda item. Interventions were given by Switzerland, Netherlands, USA, Algeria, UK, Russia, Iran, France, Germany, Ireland, Japan, Cuba, Georgia, Canada, Spain, Australia, Ukraine, China, India, Bahrain, Sweden, Malaysia, South Africa and Republic of Korea. Some material in this report is derived from statements made on Monday in the general exchange of views when they are relevant to the topics under consideration here.

None of the issues discussed here is likely to be subject of a stand-alone Review Conference decision, but will form part of a package put together to achieve consensus.

There was some frustration expressed that the previous work programmes (also known as inter-sessional processes or ISPs) did not lead to concrete actions. The UK noted that a return to the status quo would not be a satisfactory option. The USA suggested four questions to help frame the debate: What are we trying to achieve between Review Conferences? What exactly should we talk about? How do we go about it? What support is required? Many comments suggested that substance should come before process.

S&T developments

The focus was on S&T review arrangements, and in particular the balance between inclusiveness and representativeness on the one hand and leaner processes which would have fewer participants and require fewer resources. It was suggested that all of the S&T review proposals have some advantages and some disadvantages – the balancing of these will involve some discussion. Notably, no delegation spoke against the idea of S&T review.

Switzerland spoke to its paper (WP.16) which collates areas of convergence and divergence on the various proposals for S&T review. This paper has been widely commended by other delegations as helping to guide the discussion on possible options. Russia suggested that those delegations which had submitted papers on S&T review should consult together to see if they could come up with a joint proposal. India noted that countries that did not submit papers on this subject might still have an interest. The Chair, Ambassador Molnár, acknowledged that any such consultations should be inclusive.

There was some discussion of codes of conduct, much of which was focused on the proposal by China at the 2015 Meeting of States Parties (BWC/MSP/2015/WP.9)

Future programme of work

The points raised regarding possibilities for structures of any new ISP are best described in a series of questions. Would there be benefits in replacing the annual Meeting of Experts with working groups on specific subjects? Would such a change make the process expert-led? Would an expert-led process be more flexible in being able to respond to changing contexts such as S&T developments? Would an expert-led process reduce the role of governments? Would this lead to reduced level of engagement by governments without resources to fully engage in such working groups? A variety of perspectives were offered, which should stimulate further debate on the form any such work programme could take.

Much discussion focused on whether any ISP arrangements could take decisions. Different forms of decision suggested included decisions on effective actions to be taken by governments or simple changes to the agenda topics during the ISP. Some raised questions of whether a Review Conference should be the only body to take decisions. Concerns were raised as to whether ISP decisions might be selectively taken on particular issues rather than on a comprehensive package of measures across the Convention. Others noted that decisions might be needed to respond to contextual events such as S&T developments or lessons to be learned from new disease outbreaks. South Africa introduced WP.21 on functional structures which is an effort to codify elements of past practice. India noted that Review Conference decisions are binding commitments on States Parties.

Russia promoted its proposal put forward with Armenia, Belarus and China at the 2015 MSP (BWC/MSP/2015/WP.4) for a negotiating body in the form of an open-ended working group that could deal with a range of issues within the remit of the BWC but not verification. From the Russian perspective, this would be expected to be more productive than the existing ISP format.

Implementation Support Unit

Interventions illustrated that the work of the ISU has been highly regarded. As with balances between subject matter for any future work programme, some delegations indicated that the ISU mandate needs to be balanced across the various parts of the Convention. Some proposals were made to expand the ISU and many delegations noted that staffing would need to match the tasks detailed within any new mandate. Questions were raised over the geographical distribution of staff which has been predominantly Western.

Side event

There was a lunchtime side event convened by Russia under the title of 'Establishing mobile biomedical units under the BWC: a multipurpose capability to strengthen collective security under the Convention and pursue its humanitarian mandate' with Vyacheslav Smolenskiy (Federal Service for Surveillance on Consumer Rights Protection and Human Well-Being [Rosпотребнадзор]) and Vladimir Ladanov (Ministry of Foreign Affairs).

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Thursday 11th August 2016

Article-by-article review: Preamble to Article VI

The Preparatory Committee (PrepCom) for the Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) continued on Wednesday with further interventions on the cross-cutting before moving on to the scheduled article-by-article review which is expected to take two days. The Chair of the Prep Com, Ambassador György Molnár of Hungary, presided over the morning meeting with Vice-Chair Ambassador Michael Biontino of Germany presiding over the afternoon meeting.

A request from Djibouti to attend the PrepCom as a non-signatory observer state was received and approved. Not only is attendance by three non-signatory states a much greater representation than normal, it would also appear to be the first time ever that Djibouti has attended a BWC meeting.

Cross cutting issues

The first hour or so of the formal proceedings followed on from discussion the day before. Taking the floor under this item were: Japan, Canada, Albania, Republic of Korea, Norway, Finland, Colombia, USA, South Africa, UK, Iran, Australia, India and France. As proceedings were very interactive, delegations are listed for when they first took the floor.

Most of the discussion focused on aspects of the Implementation Support Unit (ISU) and possible future work programmes. It was noted that past BWC budgets had been very rough estimates. The USA indicated that expenditure had not matched the budget for any of the years of the last inter-sessional work programme. South Africa noted that decisions on the package of activities for a work programme are taken right at the end of each Review Conference, giving very little time to develop a precise budget, and highlighted a suggestion it had included in its Working Paper on the ISU. South Africa proposed that the first Meeting of States Parties be specifically mandated to adopt the budget for the ISU and its support for the work programme in subsequent years as this would allow for the estimates available to the Review Conference (which would inevitably be rough, owing to time pressures) to be fine tuned into a more precisely calculated budget without having to amend any other aspect of financial procedures. This proposal prompted further discussion on the decision-making issues raised on Tuesday.

Article-by-article review

In order to have a comprehensive review of the Convention, the PrepCom examined all articles of the Convention, starting with the Preamble. The Chair highlighted the ISU information document on previous understandings on each Article (BWC/CONF.VIII.PC/4).

Rather than list who intervened on each article, delegations that took the floor during this agenda item during Wednesday were: USA, Iran, Russia, UK, Armenia, China, Australia, Pakistan, Canada, India, Netherlands, Switzerland, France, Algeria, Montenegro, Spain, Germany, Japan, Norway, Finland, Cuba and Sweden. Many subject areas fall within the purview of more than one article. For example, Germany described its peer review exercise under Article V owing to its transparency characteristics, but acknowledged it could have equally done this under other articles.

Much of the discussion regarding *Article I* focused on the issue of use and that the term ‘use’ does not actually appear in the text of the article. Iran and Russia argued this was a significant weakness. The Fourth Review Conference in 1996 declared that use is implicitly prohibited by the Convention, a declaration repeated at each Conference since. Russia argued this only applied to states and noted it had presented a paper to the Conference on Disarmament earlier this month updating its proposal for a legal instrument prohibiting biological and chemical terrorism. [*Historical note:* This discussion on use was held exactly 45 years to the day from the first discussion on the US-Soviet joint draft BWC that had been submitted to the negotiations a few days earlier. A key difference from the earlier UK drafts had been the dropping of use as a prohibition. On 10 August 1971, UK Ambassador Henry Hainworth forcefully urged the reintroduction of use as a prohibition but this did not overcome the resistance of the USA and USSR. The UK then carried out a legal review which reported that use would rely on possession of prohibited items and therefore the use of biological weapons would fall within the prohibitions of Article I.]

A number of interventions on *Article III* 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. Suggestions were made that the informal arrangement between certain governments to coordinate export controls in this subject area, known as the ‘Australia Group’, is unfair and discriminatory; members of the group denied this, arguing it is a mechanism to harmonise practice and exchange information. China and Pakistan spoke to their Working Paper to establish a ‘non-proliferation export control and international cooperation regime’ under the framework of the Convention.

On *Article IV*, it was noted that national implementation could be done to whatever standard a government wished. Some delegations suggested there could be useful benchmarks set internationally. France and the Netherlands spoke of their peer review experiences. Canada and USA referred to a recently initiated ongoing implementation review project they are participating in with Chile, Ghana and Mexico. Montenegro spoke to its Working Paper with Côte d’Ivoire, Gabon, Kenya Philippines and Uganda on National Action Plans.

The *Article V* discussion included suggestions that there were limitations with the existing system of Confidence-Building Measures (CBMs). Japan noted its earlier proposal that states could submit partial CBMs rather than wait until they had built capacity to compile the information for all of the CBM forms and this might encourage participation. Spain described its Working Paper on voluntary visits

Under *Article VI*, a number of delegations noted that the UN Secretary-General’s investigative mechanism (SGM) was the only available investigation tool in existence while others suggested there should be a mechanism within the BWC itself. Cuba noted that many people had been involved in training for the SGM and these skills could be transferred to an investigation mechanism within the BWC. It was noted that there was a collective benefit derived from effective investigation measures.

Side event

There was a lunchtime side event convened by the University of Massachusetts Lowell (UML) under the title of ‘Promoting Norms through Knowledge: Roles and Mechanisms for Science and Technology Review in the BTWC’ with Nicholas Evans (UML), Megan Palmer (Stanford University) and Piers Millett (Biosecure).

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Friday 12th August 2016

Article-by-article review: Article VII to Article XV

The Preparatory Committee (PrepCom) for the Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) continued with the scheduled article-by-article review. As with Wednesday, the Chair of the Prep Com, Ambassador György Molnár of Hungary, presided over the morning meeting with Vice-Chair Ambassador Michael Biontino of Germany presiding over the afternoon meeting.

At the opening of the proceedings, Ambassador Molnár noted that the presence in the room of two signatory states (Haiti and Somalia) and three non-signatory states (Djibouti, Guinea and Israel) was a very positive sign.

Before the close of the meeting, Ambassador Molnár circulated two documents in the room – the drafts of the procedural report and of the Chair’s report. The draft procedural report is factual, describing the practical aspects of the PrepCom (when it met, who had what roles, details of decisions taken, etc). As all of the decisions mandated to the PrepCom have been taken (apart from the adoption of the report itself) this is likely to prove entirely uncontroversial; although, following past practice, it will be reviewed paragraph-by-paragraph before adoption. The Chair’s report follows the decision of the 2015 Meeting of States Parties, under which he ‘would present under his own responsibility, for consideration of delegations ahead of the Review Conference, a summary report without prejudice to perspectives, recommendations, conclusions and proposals presented by delegations or that prejudices the final outcome of the Review Conference’.

Article-by-article review

Rather than list who intervened on each article, delegations that took the floor during this agenda item during Thursday were, in order they first took the floor: India, UK, Iran, Japan, South Africa, France, Switzerland, Russia, Ireland, Bahrain, China, USA, Pakistan, Australia, Cuba, Finland, Sweden, Netherlands, Algeria, Norway, Canada and Germany. As on Wednesday, there were no group statements during the article-by-article review.

Reading between the lines of interventions on *Article VII*, it would seem that the cluster of issues around this article was seen as most the productive aspect of the last inter-session work programme and the most likely to produce practical outputs from the Review Conference. There was a clear recognition of a lack of preparedness for outbreaks; highlighted, for example, from lessons learned regarding the Ebola cases in west Africa. There was much discussion of the France-India database proposal for assistance in capacity building in this subject area. Capacity building was seen as critical as early detection of disease is key in limiting its spread and connections with Article X were emphasised. The UK described this as synergy in a paper (WP.14) and suggested there were aspects of both articles that should be discussed together. Others noted the links between the articles, as there are links between other pairs of BWC articles, but suggested this link should not be a special case. Japan spoke to its paper (WP.29) on strengthening collaboration with other international bodies. South Africa introduced its update (Advance) to Article VII assistance request procedures. Discussion around this highlighted need for timely emergency assistance before determination is made by the UN Security Council that the incident is a

case of deliberate use. France noted its paper (WP.12) on specificities of the response to natural and intentional disease outbreaks. India argued that lessons from this Article indicated a need for a comprehensive approach to enhancing the Convention as Article VII – about which there is much common ground – can only be developed to a limited extent without further work on Article VI – about which there are major divergences on investigation arrangements.

Article VIII relates to the 1925 Geneva Protocol and many delegations urged BWC States Parties that had not done so to join the Protocol. France, the depositary government of the Protocol, informed the meeting that there had been two accessions during 2015 – Colombia and The Former Yugoslav Republic of Macedonia – and noted its paper (WP.11) calling for reservations to the Protocol to be withdrawn. Russia suggested that maintaining a Geneva Protocol reservation was incompatible with membership of the BWC and referred to WP.19, its paper on the subject. The USA, in an apparently carefully phrased intervention, agreed that any reservation reserving the right to hostile use of any item prohibited under the BWC was incompatible with the Convention. [Note: the US reservation applies to the chemical aspects of the Geneva Protocol, not the biological.] The UK agreed with calls for removal of reservations and noted it had informed France some years ago about the withdrawal of its reservation in two stages.

Discussion of *Article IX* on some levels is moot as its calls for negotiations on a Chemical Weapons Convention (CWC) have been fulfilled. Iran referred to delays in destruction of declared chemical weapons stocks under the CWC. The USA noted the increasing convergence between chemistry and the life sciences and noted linkages that could be made between actions under the BWC and CWC on responding to threats by non-state actors. Russia responded that in its view such linkages were not adequate to the challenge, hence the need for a new treaty instrument on biological and chemical terrorism.

Article X is an area where there have been many divergences of views expressed in the past. Historically, non-aligned countries would call for better implementation of this article and western states would emphasise that the BWC was primarily a security treaty. The debate has moved on and many interventions related to practical cooperation and assistance activities. Many interventions with a broad geographical spread acknowledged more could be done to enhance capacity building. Iran repeated earlier non-aligned calls for a mechanism to enhance Article X; Russia suggested that this would be a topic suitable for discussion in its proposed open-ended working group. France welcomed the establishment of the cooperation and assistance database by the last Review Conference and suggested there was a need to learn why it has been used less than expected. Canada remarked that it might be that many offers and requests lacked precision and suggested users of the database should be encouraged to identify any impediments that they perceive. Finland and Norway noted the first line of defence against biological attack is an effective public health system.

Iran noted its proposals to earlier Review Conferences under *Article XI* to amend the Convention in order to include ‘use’ within the prohibitions in Article I.

The USA noted in the *Article XII* discussion that if five years was too long a gap between meetings to take decisions to keep up with contextual events such as scientific and technological developments, the gap between Review Conferences could be reduced.

Side event

There was a lunchtime side event convened by the University of Sussex entitled ‘Options for Article X’ with James Revill and Caitriona McLeish (both Sussex University).

Please note: there will be a ninth report covering the final day of the PrepCom that will be e-mailed out and placed on the websites below

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Friday 19th August 2016

The BWC Preparatory Committee: conclusion and report adoption

The Preparatory Committee (PrepCom) for the Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) came to an end on Friday 12 August. Proceedings were concluded at lunchtime with the adoption of a procedural report to which was appended a summary report by the Chair, Ambassador György Molnár of Hungary. The Review Conference will convene on 7 November.

The paragraph-by-paragraph review of the draft procedural report proved to be entirely uncontroversial until the final paragraph was reached. This was the paragraph that made reference to the summary report by the Chair. The second part of the final paragraph read: ‘The 2015 Meeting of the States Parties had decided that at the conclusion of the Preparatory Committee, the Chairman “would present under his own responsibility, for consideration of delegations ahead of the Review Conference, a summary report without prejudice to perspectives, recommendations, conclusions and proposals presented by delegations or that prejudices the final outcome of the Review Conference.” This summary report is annexed to this report.’

Iran requested a suspension of the meeting in order to finalize a non-aligned (NAM) position on the subject of the summary report. A little short of an hour later, the meeting resumed with a NAM statement, given by Iran, suggesting that the Chair’s text was not balanced so should not be construed as being binding on States Parties. Iran also suggested adding the words ‘Views were expressed on the summary report’ to the end of the final paragraph of the procedural report. A number of other delegations took the floor. For example, Russia noted that it would be difficult to reach a consensus on a negotiated text for a substantive report and highlighted that agreeing to a Chair’s report without agreeing to all of the words within it is a normal practice in multilateral meetings. Cuba suggested the Iran/NAM statement be posted to the website of the BWC Implementation Support Unit (ISU). The ISU responded that if any State Party ever wants to post a statement it should send it to the ISU. [*Note: it has been a long-standing policy that the ISU has posted copies of statements that have been provided by those who delivered them, the ISU website is at <<http://www.unog.ch/bwc>>.*] Iran’s statement has duly been posted to the website.

After no objections were received to the proposed amendment, it was formally accepted and the report was adopted.

After the report was adopted, the Chair raised the issue of the on-going financial situation and informed the PrepCom that the United Nations financial rules are now being implemented more rigorously. There remains a backlog of payments and the BWC cannot spend funds that it has not received. However, the Chair was able to confirm that the Review Conference will go ahead for the full three weeks, as planned. The Review Conference will receive a briefing on the subject from those in the UN Office at Geneva (UNOG) responsible for financial matters.

Side events

There were no side events on Friday.

Reflections

A conscious effort is taken in writing these daily summaries to report objectively and not give opinion. 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.

As with the April session, the atmosphere over these two days was very much like the first week of a Review Conference. There was some duplication of discussion with the general discussion in April, but the majority of interventions were elaborating areas where ideas had been further developed. The key to the success of the Eighth Review Conference will be if it can build on the discussions from the PrepCom rather than repeat them. Thus the question: 'Was the extra PrepCom week worth it?' can only be properly answered after the Review Conference – a key aspect of the answer will be whether the extra PrepCom week ends up adding to the working time for the review process during this year or is duplicated in the first week of the Conference itself.

The proceedings in the main conference room were far more interactive than has usually happened at BWC meetings, perhaps even the most interactive of all of the BWC meetings attended by this author. There was a further key difference in activity within the PrepCom that set it apart from how a Review Conference proceeds, but it was in some cases rather subtle and not apparent for a day or two. A problem of Review Conferences is that at the same time they are discussing the review of any particular aspect of the Convention, the delegates are also thinking about what language would go into the final document. This means that the review of the Convention often becomes dominated by a discussion of what might be in the final text rather than of the issues themselves. As there was no negotiated text on substantive matters from the PrepCom, the interactive discussion focused directly on the issues at hand, giving the proceedings a much more substantive character. While this might at first sight seem a subtle change, this would seem worthy of repeating.

Another measure of the substantive nature of the PrepCom is that it looks like the total of working papers submitted is going to reach 39. This is exactly the same as the number submitted to the Sixth Review Conference in 2006 and ten more than the number submitted to the Seventh Review Conference in 2011. In neither 2006 nor 2011 were any working papers submitted to the PrepCom in each year as the work of the PrepCom in those cases was purely procedural.

It is worth noting that the decision to convene a Preparatory Committee dealing with substantive issues was unprecedented. It was convened following a decision taken, by consensus, at the 2015 Meeting of States Parties (MSP) yet one of the subjects being debated at this PrepCom was whether an MSP could take decisions. This therefore led to a paradox worth pausing upon – delegates within a meeting resulting from a decision taken at an inter-sessional meeting pronouncing that there is no power for inter-sessional meetings to take decisions.

On specific substantive subject issues, there was clear progress made through the PrepCom. The issue of the review of scientific and technological (S&T) developments was the subject of much discussion and the prospects for further development of the ideas put forward are high. Article VII would appear to be the most productive area from the past inter-sessional work programme and there are specific proposals such as for an assistance database and for codifying assistance request procedures that could produce concrete results from the Review Conference. However, the limitations that always exist in international diplomacy, such as the need to seek agreement by consensus, could hamper further progress. It is vital that participants in the Review Conference are able to keep in mind the bigger picture about reducing the threats of hostile uses of the biological sciences.

This is the sixth and final report from the continuation of the Preparatory Committee for the Eighth BWC Review Conference, 8-12 August, which followed on from the PrepCom session in April. These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP) and are available via <<http://www.bwpp.org>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>.

The reports are prepared by Richard Guthrie <richard@cbw-events.org.uk>.