

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>.