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The Seventh BWC Review Conference: outline of the Final Document

This report summarises the Final Document, in its three parts and four annexes, agreed last Thursday at the Seventh Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC). An advance copy of the Final Document has been placed on the website of the BWC Implementation Support Unit <<http://www.unog.ch/bwc>>. A further report, in a few days, will describe the activities of the last day of the Review Conference, including the process of adoption of decisions, together with some reflections.

There are a number of places in which the Final Document contains some repetition, but this is probably inevitable in a document of this type. Time was short to resolve certain issues and there is a good argument that it was better to spend time to resolve those issues rather than neaten up the text.

I. Organization and work of the Conference

The first part of the Final Document is 'I. Organization and work of the Conference' and is essentially the procedural report of the Conference. Such parts of reports tend to be largely uncontroversial as they simply describe the practical aspects of convening the Conference, which States Parties and others attended and who took on which roles.

Within this procedural part are certain decisions about the 2012 meetings. The Meeting of Experts is scheduled for 16-20 July and the Meeting of States Parties for 10-14 December. The Chair of the 2012 meetings is to be Ambassador Idriss Jazaïry (Algeria).

II. Final Declaration

The next part is the 'II. Final Declaration' which consists of the Solemn declaration and the article-by-article review. This part of the text is intended to be primarily a review of past activities and had been highly contested, most notably on questions of 'balance', although there was no simple consensus on where such a balance should lie. Contentious issues included whether there should be references to external, but seen by some as relevant, factors such as bioterrorism (kept in the Solemn declaration but dropped from Article IV), UN Security Council resolution 1540; the UN Secretary-General's investigation mechanism (and whether this reference should be under Article VI or Article VIII; it ended up under the latter).

III. Decisions and recommendations

The last part is 'III. Decisions and recommendations' and was often called the 'forward-looking' part during the Review Conference. It is divided into nine sections, the first of which is 'A. Outcome of the 2007–2010 intersessional programme'. Within this section, the Conference 'reiterates that common understandings were identified in the consensus outcome documents of the meetings of States Parties' [para III.A.4]. This was considered by many delegates as much weaker language than that of the Sixth Review Conference which 'endorses' the work of the first ISP.

Section 'B. Intersessional programme 2012-2015' outlines the programme of activities in the period up to the Eighth Review Conference in 2016. In the past two ISPs, the dominant topics have been annual topics and so different for each year. The proposals at the beginning of the Review Conference for open-ended working groups or on-going agenda topics seem to have been intended to supplement the annual topics. As the Review Conference progressed, and the time allocated to annual meetings was reduced from earlier proposals, the ongoing topics became the dominant theme. The 'standing agenda items' are outlined below. As a replacement for the annual topics, the meetings in 2012 and 2013 will discuss 'How to enable fuller participation in the CBMs' and in 2014 and 2015 'How to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties'. The Meeting of Experts and the Meeting of States Parties will each be of five days duration, The Chair of the meetings each year will be assisted by two Vice-Chairs from the other regional groups. Language on the rules of the meetings is taken from the Final Document from the Sixth Review Conference.

Sections 'C. Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X', 'D. Review of developments in the field of science and technology related to the Convention', and 'E. Strengthening national implementation' are the agreed titles for the three standing agenda topics. These sections outline what may be discussed within these agenda items during the annual meetings.

Section 'F. Confidence-building measures' contains the formal adoption of the revised CBM forms that are included in Annex I. This section calls on States Parties that have not yet done so to designate a CBM national point of contact.

Section 'G. Promotion of universalization' has broadly similar language to that from the Sixth Review Conference.

Section 'H. Implementation Support Unit' does not specifically mention the size of the ISU, but the budget document specifies the number and grades of the staff (one each at P-5, P-3 and P-2). Additions to the staffing through voluntary contributions are allowable under this section, as long as they are 'made in full transparency, will be detailed in the annual report of the ISU, and will be used exclusively for the mandated tasks of the Unit.'

Section 'I. Finances' included approval of a revised budget, contained in document BWC/CONF.VII/4/Rev.1. This budget was queried in the final plenary meeting and additional language was inserted at the last minute in paragraph 38 'noting that these estimated costs were prepared on exactly the same basis as the estimated costs for the 2007-2010 intersessional programme, and therefore represent zero real growth, with any nominal increase due solely to currency and inflation factors'.

Annexes

There are four annexes attached to the Final Document. Annex I 'Revised forms for the submission of the Confidence-Building Measures' contains the results of the consultations on how to simplify the CBM forms with the intention of widening participation.

The other three annexes were not circulated in the draft, the first two as they repeat what was available in other documents to the Conference participants and the last as it was probably not yet compiled. All three will be posted in the final, official version. Annex II 'Agenda of the Conference, as adopted' is a reproduction of the information in the provisional agenda (BWC/CONF.VII/1) and Annex III 'Rules of Procedure of the Conference, as adopted' is a reproduction of the rules contained in the report of the Preparatory Committee (BWC/CONF.VII/PC/2). Annex IV contains a list of documents of the Conference, such as working papers and background documents.

This is the fifteenth, and penultimate, report from the Seventh Review Conference of the Biological and Toxin Weapons Convention which was held 5-22 December 2011 in Geneva. The reports are designed to help people who are not in Geneva to follow the proceedings. Copies of these reports and those from the earlier meetings are available via <<http://www.bwpp.org/reports.html>>.

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