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The BWC Working Group: setting the scene for the organizational meeting

The Ninth five-yearly Review Conference for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) held at the end of 2022 agreed on the establishment of a ‘Working Group on the strengthening of the Convention’. Although the Review Conference was unable to agree many details of how the Working Group might operate, the creation of the Group is seen by many practitioners as an advance on earlier arrangements for activities between Review Conferences.

The Working Group 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.’ Issue areas to be covered are: international cooperation and assistance under Article X; scientific and technological (S&T) developments relevant to the BWC; confidence-building and transparency; compliance and verification; national implementation of the Convention; assistance, response and preparedness under Article VII; and organizational, institutional and financial arrangements.

The Working Group has been allocated 15 days of meeting time each year from 2023 to 2026 for substantive discussion, but is encouraged to complete its work before the end of 2025. In addition, the Review Conference decided there should be two further days in 2023 to consider organizational issues; hence the remit for the current meeting. Each year, a three-day Meeting of States Parties (MSP) will oversee the activities of the Working Group and be responsible for managing the inter-sessional programme of work. The scheduled dates for the substantive sessions for the Working Group this year are 7-18 August and 4-8 December. The annual MSP is scheduled for 11-13 December – the first three working days after the second substantive Working Group session.

The official website for the meeting is <https://meetings.unoda.org/node/67449> where Working Group documents will be posted to. The Final Document of the Review Conference, as well as other documents from the Conference, are available from its official website at <https://meetings.unoda.org/bwc-revcon/biological-weapons-convention-ninth-review-conference-2022>.

Organizational aspects

As the Working Group is a novel development with many aspects undecided at the Review Conference, it is hard to predict what is to be expected during the organizational meeting. The only task specifically stated for the organizational meeting is the election of office holders consisting of a Chair and two Vice-Chairs. However, there will be a range of further organizational aspects to be dealt with, such as how the various topics will be discussed during the life of the Working Group. Administrative and procedural issues may seem dull, but it is hard to reach conclusions on substantive issues without agreement being reached on how discussions should be carried out.

As is traditional, the office holders are spread between the three regional groups. The agreement reached at the Review Conference was that the office holders for the Working Group should be appointed for the period 2023-24. The Review Conference did not specify which regional group would hold which post in the Working Group and so there has been informal discussions about this. The non-aligned group has put forward Ambassador Flávio Damico (Brazil) as its nomination for the Chair of the Working Group. For the two Vice-Chairs, the western group has nominated Ambassador Camille Petit (France) and the eastern group is understood to be in the process of preparing a nomination for the meeting. The formal decision on office holders will be one of the first actions of the organizational meeting.

The Chair for the annual MSP in 2023 is also to be from the non-aligned group, as decided by the Review Conference, and this role would be expected to rotate between the regional groups each year as has been past practice.

Evolution of the inter-sessional processes/programmes of work

The term ‘inter-sessional’ refers to the periods between the five-yearly Review Conferences. Up until 2001 there were many activities between Review Conferences, the most notable of which were negotiations on a protocol to strengthen the BWC in a forum known as the Ad Hoc Group. Key aspects of the protocol negotiations were measures to enhance compliance (and confidence in compliance) primarily through verification. The protocol negotiations encountered a number of political difficulties, including a statement by the USA that year that it could not agree to anything that might result from them. The Fifth BWC Review Conference which convened later that year had to be suspended as it could not reach a conclusion. When it reconvened the following year it agreed what was then called ‘the new process’ which comprised a Meeting of Experts (MX) in the middle of each calendar year and an MSP towards the end of the year. The Sixth Review Conference (2006) agreed a similar but modified process that then became known as ‘the inter-sessional process’ or the ‘inter-sessional programme of work’. Conveniently, both terms could be summarised by the same abbreviation – ISP. With hindsight, the ‘new process’ became known as the first ISP.

Subsequent Review Conferences agreed ISPs that were based around a mix of MXs followed by MSPs with some variations but there were many perceptions of limitations, not least that the MSPs were unable to reach consensus conclusions on substantive matters that had been discussed in the MXs. A commonly identified benefit of the MXs was that they were less formal than traditional diplomatic meetings and that this allowed for effective collaboration between experts. The new Working Group will involve some interactions between experts and there may be benefits in drawing from the experiences of the MXs.

One of the challenges at each Review Conference was the selection of topics to be discussed in the following ISP as this had to be agreed by consensus and there was resistance in some quarters to discussion of verification issues. The fourth ISP, resulting from the Eighth Review Conference (2016) and decisions taken at the 2017 MSP, included a topic of ‘institutional strengthening’ of the Convention which allowed for some discussion of these issues. The inclusion of the terms ‘compliance’ and ‘verification’ in the mandate of the Working Group therefore represents a step change in the evolution of the ISPs, notwithstanding that there are many challenging issues and divergent perspectives around what is understood by these terms.

BWC membership

Although universalization issues are in the remit of the MSP rather than the Working Group, it is worth highlighting that since the Ninth Review Conference the membership of the Convention has risen with South Sudan depositing its instrument of accession to the BWC on 15 February, becoming the 185th state party to the Convention.

These reports have been produced by the BioWeapons Prevention Project (BWPP) for all BWC meetings with NGO registration since the Sixth Review Conference (2006). 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. The reports are written by Richard Guthrie, CBW Events, who is solely responsible for their contents <richard@cbw-events.org.uk>.