

Thursday 17th August 2023

Discussions on the possible S&T developments review mechanism

The eighth day of the Second Session of the Working Group (WG) on the strengthening of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) was dedicated to discussions of a possible mechanism to review scientific and technological (S&T) developments relevant to the BWC. Discussions also drew upon the proceedings of the previous three working days on ‘Measures on scientific and technological developments relevant to the Convention’ some of which have been already reported on in this series.

In addition to allocating seven broad topics to the WG, the Ninth BWC Review Conference (2022) also asked it to look at two possible mechanisms – one on international cooperation and assistance (ICA) and one on the review of S&T developments. Paragraph 19 of the final document of the Review Conference reads: ‘The Conference decides to develop with a view to establishing a mechanism to review and assess scientific and technological developments relevant to the Convention and to provide States Parties with relevant advice. In order for this mechanism to be established, the Working Group on the strengthening of the Convention will make appropriate recommendations.’

A number of working papers have been submitted to this WG session of the Working Group that discuss the possible BWC S&T review mechanism. The three referred to most often in plenary were WP.9 (UK), WP.16 (Russia) and WP.19 (Iran). The official webpage for the Second Session that hosts statements and documents can be found at <https://meetings.unoda.org/meeting/67451>. Official BWC documents are also available via <https://documents.un.org>.

There were no concrete recommendations from the discussions on Wednesday. While progress was made in clarifying some areas, too many details remained where common ground had not been found. There were also political linkages with other issues, discussed overleaf, that need to be taken into account. Towards the end of the day, the team of facilitators/Friends of the Chair (FoCs) that had circulated an informal ‘food for thought’ paper during Tuesday, indicated that the paper would be circulated as a CRP document without any substantive changes. They also indicated they would continue their facilitation role between the formal WG sessions.

Aspects of the possible S&T review mechanism

It was noted there were many other international bodies with advisory mechanisms and that the BWC might be seen as lagging behind. However, there are aspects on which agreement would need to be found before any BWC mechanism could be adopted.

Structure – while there are still proponents for the models of either a limited-membership committee/board or of a body open to all states parties, a considerable majority of interventions during this session that expressed a preference spoke in favour of a hybrid model containing elements of the two. Some outlined how elements within a hybrid system might interact with each other, and with any temporary working groups (TWGs) that might be asked to closely examine particular issues. While there were many similarities, there were also a number of differences, particularly when it came to how the mechanism would interact with other policy processes such as the annual Meeting of States Parties (MSP) or the five-yearly Review Conference. Desires have been expressed

for any mechanism to be inclusive as well as to be agile in responding to rapid developments, a challenging combination.

Appointment criteria – whatever the size of a limited-size board or committee, there will be a need to establish criteria for who might be selected to join it. It was recognized that experts should be acting in an independent capacity, as is standard in other comparable arrangements. There was broad agreement that there needed to be a balance of scientific disciplines represented and that the individuals appointed had an appropriate gender and geographical balance between them.

Scope – the overall range of topics that a BWC S&T advisory process might examine is the subject of some divergences of perspectives. Discussions with delegates in the corridors outside of the plenary meeting room suggest that this is more to do with finding a particular niche which doesn't duplicate the work of other bodies than any matter of principle. One suggestion was whether the mechanism should start its work by doing an initial review of the S&T context relevant to the BWC, which might take time, before examining individual topics.

Selection of topics – how topics might be selected for consideration will be connected with the structure adopted. An open membership group, as it would have representation from all states parties, could set its own agenda. However, some delegations would prefer such agenda setting to be taken at a higher political level such as through an MSP or Review Conference. Arrangements for setting the agenda for a smaller body or for TWGs would also have to take into account financial issues.

Outputs and reporting – the forms of output from the possible mechanism has received less attention than the time spent discussing how the mechanism might be structured. From corridor discussions, it is clear that many delegates want arrangements where *outputs* from the review mechanism can be turned into practical *outcomes* which deliver real progress in managing risks of developments in the life sciences and harvesting benefits. However, there is no clear common ground on how this might be achieved.

Oversight – the question was raised as to whether an annual dedicated meeting open to all states parties to talk about the activities of the mechanism would be adequate for oversight or would this be better feeding into an MSP or Review Conference. Part of this resonates with past divergences of views on whether the Review Conferences are the only BWC body empowered to take decisions. The gap between Conferences is seen by many as too long to be able to guide any mechanism in an agile manner.

Funding – the funding issues around the possible S&T review mechanism are much less stark than those around the possible ICA mechanism. In part this is because there are primarily administrative costs here and the major cost of the ICA is funding for projects. For meetings of an open body with all states parties able to attend the costs would be likely to fall into place in the same way they did for MXs – costs of meeting room provision and conference services such as interpretation would be likely to be taken out of assessed funds with delegations paying their own travel and accommodation costs for attending. For meetings of a smaller group, it might be considered discriminatory if members selected (or their countries) had to cover all of their costs as this would privilege representation from countries more able to handle the resource implications.

Linkages to the ICA debate

In recent years there have been political linkages made between the debates on S&T developments and on ICA. These are more to do with the history of political debates within the BWC than any specific connection between the two. The linkages are particularly marked in relation to the possible mechanisms in each area. Each of the mechanisms has distinct but overlapping purposes and each could be considered a significant addition to implementation of the BWC on its own merits. Yet the historical linkages mean that it is difficult to conceive of one being adopted without the other.

These reports have been produced 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 page. Financial support for reporting from the WG Second Session 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>.