

Monday 2nd December 2024

## The closure of the Fourth Session and preparations for the Fifth

The Working Group (WG) on the strengthening of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC), will convene for its Fifth Session on 2 December having finished the Fourth Session on 23 August. The topics for discussion in the WG were decided at Ninth BWC Review Conference, held in 2022. The two-week Fifth Session will be followed by the annual Meeting of States Parties (MSP) which is scheduled for 16-18 December.

This report focuses on some overarching issues. Individual topics up for discussion during the Fifth Session have been examined in earlier reports in this series, and in particular in the ‘setting the scene’ reports.

### **Article X discussions and closing of the Fourth Session**

The Fourth Session of the WG had been scheduled to discuss ‘Measures on cooperation and assistance under Article X’ for the whole day on Friday 23 August. As with other topics during the Session, discussions had started the day before as the agenda was running ahead of schedule. This allowed time for informal consultations and for adoption of the report.

Unlike the discussions on science and technology (S&T) issues on the Wednesday and Thursday which had focused on a possible review mechanism in that area, the international cooperation and assistance (ICA) discussions were much broader and focused on the importance many delegations placed on improving implementation of Article X rather than on the specifics of a possible ICA mechanism.

The WG met in plenary on this topic for the last hour before lunch on Thursday as well as the full three hours of plenary in the afternoon. The topic was discussed for an hour in plenary on Friday morning before switching to informal consultations. Towards the end of the afternoon the plenary resumed for a couple of further interventions on this topic before hearing from the Friends of the Chair. The plenary then went on to adopt the procedural report of the Session. As with earlier topics there was no specific need to come to conclusions at this point as the same topic is due for consideration on the sixth working day (Monday 9 December) of the Fifth Session.

Fourth Session documents, including where presenters have made their presentations available, have been posted to <https://meetings.unoda.org/meeting/71781>. There is a separate website for the Fifth Session and the MSP (see below).

### **Activities between the Sessions**

Since the closure of the Fourth Session there have been many ongoing activities in support of the WG. The Friends of the Chair for each topic have continued consultations and there seems to be a sense of progress.

Much of what is happening is going on behind closed doors. For example, from what can be ascertained there have been considerable consultations on what form an ICA mechanism might take. However, as there remains divergent perspectives on what might be the favoured structure for such a mechanism, there is a strong argument for some of the consultations on this and related issues to be held discreetly in the hopes of making progress. The arrangements for a possible ICA mechanism are much less developed than

those for a possible S&T mechanism. Although both mechanisms are stand-alone items, there are political linkages that remain between the two which make it unlikely that one could be adopted without the other.

Perhaps the major activity was a retreat held in Montreux on 21-22 November. Very little has been placed on the public record from the retreat, although the Chair of the WG, Ambassador Frederico S Duque Estrada Meyer (Brazil) has published his opening remarks. In these, he notes a proposal to establish the two mechanisms with provisional mandates and use them to inform deliberations on other parts of the WG deliberations, and in particular the issues of compliance and verification. This would allow for a confirmation of progress already made alongside an enhancement of progress towards the Tenth BWC Review Conference which is scheduled for 2027. Ambassador Meyer spoke of the need for action: 'The time to act is now. Procrastination is the ally of stagnation. The BWC is at a crossroads. It can either solidify its role as the cornerstone of international biosecurity or risk being overshadowed by more agile actors.'

### **The Fifth Session and the MSP**

The Fifth Session and the Meeting of States Parties that follows it are the final tranche of BWC meetings in 2024. They also mark the end of the first phase of the WG as the initial office holders of the WG had a two-year term of office which comes to an end this year.

According to the provisional WG programme of work, most days have specific topics for discussion but the last two days have been set aside for overall consideration of the topics handed down by the Ninth Review Conference.

The MSP will deal with overarching issues for the BWC and its provisional programme of work has been published. Some administrative arrangements appear to be outstanding, such as appointment of office holders.

A number of working papers have been submitted to the Fifth Session. These and other relevant documents are being posted to the Fifth Session website which can be found at <https://meetings.unoda.org/meeting/71783>. The website for the MSP is at <https://meetings.unoda.org/meeting/71785>.

### **Some reflections on fiftieth anniversary issues**

A conscious effort is taken in writing these daily summaries to report as objectively as possible. However, there are times that this style of reporting does not convey some key aspects. The following are some personal reflections that do not necessarily represent anyone's views other than the author's own.

The BWC entered into force on 26 March 1975 and so next year marks the 50th anniversary which has prompted thinking by a number of delegates. Some have suggested that an anniversary event would focus the attention of governments and would be an ideal moment to convene a Special Conference (as allowed for in the decision of the Ninth Review Conference) to adopt some or all of the outcomes so far in the Working Group. Others have indicated hesitation about this, adopting a maximalist position that only when all issues are agreed in full can there be any form of adoption.

There is considerable common ground on what is needed to strengthen the Convention. But this is not a universal orthodoxy. The number of delegations outside of this orthodoxy is few; yet it is the few that are the limiting factor on the rate of progress. This is not to assume that those who hold to the orthodoxy are (i) united on every substantive point or (ii) holders or defenders of some fundamental truth.

The Chair's opening comments during the Montreux retreat reflect concerns in a broad swath of delegates that there have been many lost opportunities in the past to strengthen the Convention that have resulted from the objections of just one or of a few states parties. Which states parties raise objections change over time. Could the 50th anniversary finally be the moment at which consensus can be reached on substantive measures? If not the 50th anniversary, what might the catalyst for consensus be?

*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](mailto:richard@cbw-events.org.uk)>.*