

Tuesday 3rd December 2024

Fifth Session, first day: assistance, response and preparedness - Article VII

The Fifth Session of the Working Group (WG) on the strengthening of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) opened on Monday morning in the Tempus Building in the Palais des Nations in Geneva. This is a temporary facility in use while renovation works are carried out in other parts of the Palais. Arrangements in the building are relatively basic and may have an impact on proceedings compared with the specialized facilities usually available.

The scheduled topic for the plenary on Monday was ‘assistance, response and preparedness under Article VII’ which had previously been discussed during the first three days of the Fourth Session in August. Once plenary discussions on this topic came to an end on Monday, the Friends of the Chair on international cooperation and assistance under Article X convened a meeting to discuss the proposed ICA mechanism. Work on this mechanism is ongoing and further such meetings are expected during the Fifth Session.

Further working papers were published on Monday and have been posted to the Fifth Session website which can be found at <https://meetings.unoda.org/meeting/71783>.

Opening of the meeting and procedural issues

The proceedings were opened by the Chair of the WG, Ambassador Frederico S Duque Estrada Meyer (Brazil), who spoke along the lines of his opening remarks to the Montreux retreat in November. He stressed the need ‘to break the cycle of discussions that have for too long characterized the Biological Weapons Convention. We need a forcing mechanism to break the logjam once and for all’. He repeated his proposal to establish the ICA and science and technology (S&T) mechanisms with provisional mandates and use them to inform the other WG deliberations. He thanked delegations for the positive feedback he had received on the proposal. However, he cautioned that if states parties decided to convene a Special Conference (as envisioned in the decisions of the Ninth BWC Review Conference), they would have to be sure that there were substantive recommendations to discuss and everything done to ensure it was a success.

Ambassador Meyer announced replacements for Friends of the Chair owing to departures from Geneva. Claudia Henfry has replaced Michelle Carr (both from Australia) on national implementation; Kiseok Michael Kang (Republic of Korea) has replaced Vincent Bodson (Belgium) on S&T; and Daisuke Namioka has replaced Shigeru Umetsu (both from Japan) on organizational, institutional and financial arrangements.

There was some discussion of the WG rules of procedure. Paragraph 11 of the ‘Decisions and recommendations’ section of the Final Document of the Ninth BWC Review Conference reads: ‘The Rules of procedure of the Conference will be applied to the Working Group, *mutatis mutandis*. The Working Group will conduct its work by consensus.’ Paragraph 5 of the Procedural Report of the First Session of the WG reads: ‘In accordance with the decision of the Ninth Review Conference, the Working Group confirmed as its rules of procedure, *mutatis mutandis*, the rules of procedure of the Ninth Review Conference, as contained in document BWC/CONF.IX/2.’ [‘Mutatis mutandis’ is a phrase in Latin used in relation to legal documents that means with necessary changes being applied in the new circumstances.] Russia questioned the ability of inter-governmental organizations (IGOs) to officially present their views to the WG. After

some back-and-forth with the Chair, Russia joined the agreement that six IGOs could attend as observers, but would not join in agreement that the EU could put forward its views in writing as official documents. According to the literal interpretation of the rules expressed by the Russian delegation, this would require a consensus decision. Other delegations highlighted past practice during which IGOs had engaged with BWC plenary meetings. The Russian delegation stated that the last time the EU had put forward its views in official documents was during the Third Session of the WG and that these views had been critical of Russia.

Article VII discussions

The Friends of the Chair on this topic are Andreas Fink-Jensen (Denmark) and Angel Dalmazzo (Argentina). The plenary discussion on this topic was opened by Mr Fink-Jensen on behalf of the Friends outlining a non-paper they had circulated to delegations on Friday. Noting there was no consensus for a single overarching measure, he outlined a 'pragmatic step-by-step approach' based on three discrete measures that could form the basis of future progress. These were: voluntary guidelines; a registry of deployable capacities; and a database of offers of assistance. He also noted that the non-paper includes additional measures such as encouraging participation in exercises at multiple levels to test and refine response capabilities and proposes continuing to explore synergies with other international bodies like the World Health Organization (WHO), the World Organization for Animal Health (WOAH, formerly OIE) and the Food and Agriculture Organization (FAO) 'to ensure coherence and avoid duplication'.

The idea for voluntary guidelines to assist a state party when submitting a request or application for assistance has been under consideration for a decade since the first proposal from South Africa. In the discussion there was emphasis on the voluntary nature of these guidelines and that it would be up to the state party making the request to decide what information to include. The need for speed in generating a request in an emergency situation was highlighted. The humanitarian imperative to deal with the public health implications of the use, or threat of use, of biological weapons was stressed in many interventions with a number recalling the conclusion of the Eighth BWC Review Conference (2016) that states parties in a position to do so should provide timely emergency assistance, if requested, pending consideration by the UN Security Council. The registry of deployable capacities could include, for example, expert teams and mobile laboratory facilities that could be utilised in an emergency. The registry could form the first step towards discussion of more structured response arrangements. Ideas for an Article VII database have been under discussion since an initial proposal by France and India in 2015. Some delegates expressed hesitation about a database suggesting that the existing Article X database was not proving as useful as many had hoped. Whenever the two Articles are discussed in the same intervention there are usually either references to synergies or to distinctions and separations between them. There remain divergences of perspectives on this.

As in earlier discussions, the impact of 'unilateral coercive measures', commonly known as sanctions, was raised as a possible inhibitor to Article VII implementation, primarily by countries who are under sanctions themselves. While the subject is one of higher-level policy deliberations, it is clear that such issues are a political priority for those delegations.

One aspect of the issues that was not stated in the plenary meetings this year is the global security enhancement implicit in the strengthening of assistance, response and preparedness. Those who might consider the acquisition and use of biological weapons are likely to be motivated by a sense that such weapons would cause a significant impact if used. If potential perpetrators were persuaded that the use of biological weapons would have less impact than they might otherwise have expected – because of enhanced assistance, response and preparedness – what might be the inhibition on possible intent?

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>.