

Tuesday 10th December 2024

## Chair's proposal introduced in plenary and discussion of the ICA mechanism

The second week of the Fifth Session of the Working Group (WG) on the strengthening of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) began with plenaries on the topic of the possible 'international cooperation and assistance mechanism', commonly referred to as the ICA mechanism. There were two fairly short plenaries, one in the morning and one in the afternoon. The morning plenary heard just a couple of statements before moving on to the introduction by the Chair of his proposal. The afternoon plenary heard further statements and then the meeting was suspended. No reason was stated, but the understanding of many in the room was that this was to allow the Chair to hold bilateral meetings with delegations to try to figure out what red lines delegates had and where common ground might be found on remaining issues.

There is a political need to have the WG agree by consensus a recommendation for a decision (or decisions) at a Special Conference. Such a Conference can be called for by a simple majority of states parties but any outputs from it need to be agreed by consensus. There will be hesitation by many delegations at calling for a Special Conference if there is not confidence in its outcome.

Although the plenary discussions on the possible ICA began before the Chair introduced his proposal (and continued afterwards), it is simpler in producing a brief report on proceedings to start with the proposal.

### **The introduction in plenary of the Chair's proposal**

The Chair of the WG, Ambassador Frederico S Duque Estrada Meyer (Brazil), introduced the latest draft of his proposal (CRP.1) to agree draft decisions on adoption of the two proposed mechanisms. This draft had been circulated to delegates over the weekend and it was clear during the day that many were waiting for their capitals to digest the proposal and provide instructions. A decision for each mechanism is outlined with appended terms of reference for each as well as terms of reference for related entities that would be created at the same time, such as an ICA fund.

Ambassador Meyer highlighted the challenges of the BWC: 'Ours is a treaty born of necessity and tempered by history. A bold vision forged in the very absence of perfect conditions. Its evolution has never been easy.' Referring to the upcoming centenary of the 1925 Geneva Protocol and the 50th anniversary of entry into force of the BWC, he noted: 'These milestones are cause for both reflection and action. They remind us that progress in disarmament has always required a willingness to grapple with the imperfect and the courage to act before circumstances dictate otherwise.' He noted that there remained some differences in positions on details of the mechanisms and stressed 'history judges not on the elegance of our solutions, but our ability to act when action was needed most'. He urged delegations to act with 'both realism and resolve' and suggested 'time for restating positions on the mechanisms is over.'

The informal session that followed the morning plenary allowed delegates a chance for an initial exchange of views, however, the Chair requested that delegates provide any observations on the proposal in writing.

### **Plenary discussions on the ICA mechanism**

There were two group statements. The first by South Africa for the African Group and the second by Mozambique for a group of Portuguese-speaking countries – Angola, Brazil, Mozambique, Portugal and Timor-Leste. The African Group statement covered other aspects of the WG mandate as well as the ICA mechanism.

Working papers were introduced in this plenary by Russia (WP.10) and Norway (WP.2). These, together with other documents and statements (including that from the African Group), are available from the official Fifth Session website which is at <https://meetings.unoda.org/meeting/71783>.

There was clear support for the mechanism with a majority of interventions including support for prompt adoption. Notwithstanding the Chair's plea, there were a number of divergences on what should be within the mechanism and some variation in perspectives on how it might be managed. For example, the current draft includes the suggestion that, to promote sustainability and ownership of activities, projects should have a 'cost-share contribution' from the states parties receiving them. In addition, there are extra decision-making processes if a state party is in arrears for three or more consecutive years for its financial contributions to the BWC. There were delegates that raised concerns whether these provisions would prevent some countries from benefiting from the mechanism. A particular concern for some delegations is the selection of membership of the Steering Group. There were calls for this to be 'fair' and 'transparent' with balances in terms of geographical representation and gender. Finding a method to do this in a way that is seen to be free of political bias has been challenging. Donor states including France, Germany, Japan, Norway and Russia highlighted cooperation and assistance activities they had financed. [One of the yardsticks for success or failure of any potential ICA mechanism the current author has in mind is whether it attracts additional funding from donor countries.] Iran reiterated the position it had outlined in a working paper submitted to the Second Session (BWC/WG/2/WP.11) and repeated its perspective that an ICA mechanism should have elements in relations to unilateral coercive measures, i.e., sanctions, and denials of export licences. Russia echoed points about sanctions.

### **A brief reflection on the physical arrangements for the Working Group**

As noted in report 6 of this series, this Session of the WG is held in temporary facilities while refurbishments of parts of the Palais des Nations are carried out. The Tempus building is essentially a rectangular box with relatively basic facilities. The lighting has been uneven and the audio system has cut out sometimes for particular microphones. On the other hand, why spend a considerable amount on a temporary facility? Of particular note is that the building is less suited than the facilities usually used for BWC meetings which had a nearby cafeteria and many nooks and crannies in which quick conversations could be grabbed. In the current facilities, there are far fewer spaces for a small group of delegates to be able to engage discreetly in order to find common ground on areas of contention. In past meetings there have been many moments where a few delegates have been able to find a solution to one aspect or another of a proposal. This has allowed Chairs or Friends of the Chairs to be focused on issues that take greater negotiation.

### **A brief reflection on the possible adoption of the two mechanisms**

The proposal to adopt the two mechanisms has not come out of the blue. The Ninth BWC Review Conference had 'encouraged' the WG to complete its work by the end of 2025. The WG adopted by consensus its indicative schedule of activities at the First Session (March 2023). In this, the only days allocated specifically to discuss the possible mechanisms were in 2023 and 2024 – indicating a clear expectation that the basic details of the mechanisms should have been resolved by the end of this period. The indicative schedule is published as Annex II of the procedural report in document BWC/WG/1/2.

*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)>.*