

Thursday 17th November 2016

Middle day of the middle week: Halfway there?

The eighth day of the Review Conference marked the halfway point in the proceedings. This was also 45 years to the day since the adoption by the UN General Assembly of resolution 2826 (XXVI) which commended the Biological Weapons Convention to member states and led the way for the Convention to be opened for signature in April 1972. All Conventions are creatures of the era in which they were negotiated and many of the issues being raised at this Review Conference are a reflection of the challenge of making a 1970s-era Convention operate effectively in the contemporary world.

The day's proceedings were dedicated to further thematic cross-cutting plenaries. A request by Eritrea, a non-signatory, to attend the Conference was granted. Towards the end of the morning session the new compilation of text for the article-by-article review, as considered in the Committee of the Whole, was circulated to delegates.

Cross-cutting plenaries – Implementation

The day started with the continuation of the 'Implementation' subject from Tuesday afternoon, being facilitated by Ambassador Michael Biontino of Germany.

Some points were made additional to those noted in the previous daily report. On Confidence-Building Measures (CBMs), Japan reminded the room of its suggestion to allow first-time submission of CBM returns to be done on a 'step-by-step' basis. Colombia noted that the preparation of CBM returns can help governments with national implementation, including by promoting interaction between ministries that have relevant responsibilities.

Cross-cutting plenaries – Article III

This session was held with Ambassador Hernán Estrada Roman of Nicaragua, the facilitator appointed this week to focus on these issues, in the Chair.

As Article III obliges states parties not to transfer relevant items 'to any recipient whatsoever' unless they are for peaceful purposes, the focus of the discussion was on export control systems. Many delegations raised the question of balance between the obligations for each state party to ensure it does not assist others in the acquisition of biological weapons while at the same time to ensure fullest possible access to materials and technologies for peaceful purposes under Article X. Some delegations do not like these articles being linked directly.

There were two working papers that were often referred to in this discussion; each offered a different model of operation. One, put forward by India and USA (WP.1), has as its focus improvements to national export control arrangements. The other, put forward by China and Pakistan (PC/WP.32), proposes the creation of a new export control arrangement under the auspices of the BWC. There are elements of these papers that constitute common ground, but key elements contain clear differences which will be challenging to bring together in a final document of the Review Conference.

The role of the Australia Group remained the subject of divergent views. Suggestions were made that this informal arrangement between certain governments to

coordinate export controls in this subject area is unfair and discriminatory; members of the group denied this, arguing it is an arrangement amongst a group of BWC states parties to harmonise practice and exchange information.

Cross-cutting plenaries – Future intersessional work programme and the ISU

This session was co-chaired by the facilitators for these subjects, Ambassador Tehmina Janjua of Pakistan and Ian McConville of Australia.

There was broad agreement of the need for an intersessional work programme (often called the inter-sessional process or ISP). Few specific suggestions were made in this session about structure or topics. It was suggested that a strength of the second ISP (2007-10) was the diversity of the subjects under discussion, while the third (2012-15) spent most of its work on standing agenda items. The third ISP had been unable to build on its work year by year. Decision-making powers were discussed. These ranged from suggestions that Meetings of States Parties (MSPs) could recommend actions to be taken by states parties, to suggestions of flexibility in deciding the agenda for each year. MSPs might also take a greater role in financial oversight of the ISU. Others suggested the Review Conference should be the only body to take decisions.

There was praise for the work of the ISU and recognition of the limited resources available to it. Proposers of additional tasks allocated to the ISU acknowledged these would require additional resources. Two potential new staffing roles were identified during the discussions; the first would be an officer dealing with science and technology (S&T) review and the other an officer dealing with assistance and cooperation issues. The suggestion was made that instead of extending the ISU mandate for the five years to the next Conference it should be made permanent. A counter to this was that the ISU was a temporary arrangement until a legally binding instrument to strengthen the Convention was adopted.

Cross-cutting plenaries – Solemn Declaration

This the final session of the day was chaired by Ambassador Boudjemâa Delmi of Algeria (who is also Chair of the Drafting Committee) as facilitator on this subject. The session continued for nearly an hour in a side room without interpretation after the usual end time. Some progress was made on text. Ambassador Delmi said he would consult with delegations and hoped to return to this in plenary session on Thursday afternoon.

A brief assessment of the first half of the Review Conference

At the halfway point, there is visible progress in a number of areas; for example, facilitation on specific issues has focused thinking. The Committee of the Whole adopted its report on the ninth day at the Sixth Review Conference in 2006 and on the tenth day at the Seventh in 2011. Significant momentum will have to be built up in the Committee's work to keep to a similar timetable this time.

There is much work to be done in a number of areas, but there is time to carry this out, given sufficient political will. Review Conferences deal with challenging issues – indeed, if a Review Conference was only to deal with simple issues there would be no reason to convene it. As in earlier Review Conferences, there are a number of competing priorities between the various delegations and the key to success will be how these priorities are brought together in a final document. As one of the facilitators said in plenary on Wednesday, a consensus outcome will need a bit of pain as well as joy.

Side events There were no side events on Wednesday.

This is the ninth report from the Eighth Review Conference of the Biological and Toxin Weapons Convention (BWC/BTWC). These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP). They are available via <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. A subscription link is available on each page.

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