

Tuesday 17th January 2023

## The closing of the Review Conference and some reflections

Friday 16th December 2022 saw the final day of the Ninth Review Conference for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC). A Final Document was adopted, but with the removal of many substantive elements in order to reach consensus. This ‘consensus by deletion’ was combined with ‘consensus by deferral’ by putting off key decisions to the new inter-sessional Working Group created by the Conference.

This report discusses the events of the final day and includes some reflections on the Review Conference as a whole. A further report will outline the structure and content of the Final Document of the Review Conference and some reflections on the future programme. An advance copy of the Final Document has been posted on the Review Conference website at <https://meetings.unoda.org/bwc-revcon/biological-weapons-convention-ninth-review-conference-2022>.

### Plenary activities

The morning plenary was opened close to noon by the President, Ambassador Leonardo Bencini (Italy), who informed the Conference that consultations were still taking place on part III – the forward-looking part – of the draft and expressed a hope that a revised draft would be circulated soon. The President then asked whether there was agreement on part II of the draft – the Solemn Declaration and the article-by-article review. The room fell silent. The atmosphere can only be compared with the tension around a contest where contestants stare at each other waiting to see who blinks first – a ‘consensus blinking game’. After many minutes of silence, punctuated by occasional questions for clarification from the floor, Russia indicated it could not agree to the proposed text for part II. The President suspended the plenary to hold a further round of consultations. In all, the morning plenary lasted 14 minutes.

The President opened the afternoon plenary after a delay for further consultations. He announced that the new version would not include what had been part II as it had not been possible to achieve consensus on the text. He reminded the Conference that the articles had been reviewed thoroughly within the Conference but it had not been possible to agree on text reflecting the review.

Following a suspension of the plenary for around 90 minutes, the Conference was briefed by the BWC Implementation Support Unit (ISU) on the financial implications of what was in the latest draft final document which was about to be circulated as CRP.2/Rev.2. The ISU noted that a state party currently paying USD7000 per year would be paying roughly USD8000 in the next year if the inter-sessional programme was adopted. There was a pause for delegates to consider the new draft. Resuming proceedings, the President highlighted that the revised draft was the result of efforts by many delegates, that it contained an action-oriented inter-sessional programme which would be able to discuss key issues, including new processes on Article X and on review of science and technology (S&T), and put the ISU in a better position.

The Conference moved to consider the draft paragraph-by-paragraph. Other than deletion of one paragraph and amendments to two others, the draft was adopted as the Final Document of the Review Conference at 18:14. The Conference then heard closing

statements which had to be continued downstairs in Salle XXVI owing to the late hour as the plenary room (Salle XIX) needed a larger number of staff to function.

### **Side events**

There was one virtual side event on Friday held at breakfast.

### **Reflections of the Review Conference as a whole**

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 of the atmosphere of meetings. The following are some personal reflections that do not necessarily represent anyone's views other than the author's own. These should be read in conjunction with the reflections in reports 6, 11 and 17 of this series.

The general atmosphere of this Conference had started positively with the overwhelming majority of delegates in favour of a substantive outcome. However, by the end of the three weeks and the massive haemorrhaging of substantive measures from the Final Document, the sense of exhaustion in the room was palpable. Alongside the obvious constraints of the challenging geopolitical circumstances, the BWC Review Conference came at the end of an exhausting year in the realms of non-proliferation, arms control and disarmament (NACD). The rush to catch up with postponed meetings as the COVID-19 pandemic restrictions were lifted had meant 2022 saw more weeks of international NACD gatherings than any year this author has witnessed. It was the bad luck of the BWC to be at the end of this sequence. These factors were added to by the direct impacts of COVID-19 (a number of delegates tested positive during the Conference and so withdrew from the face-to-face proceedings). The time pressures of having a President parachuted into the role four months before the start of the Conference only added to the challenges.

Although there were many informal consultations for negotiation of the Final Document which reduced transparency, most of the Review Conference was fairly open with all meetings of the Committee of the Whole held in public. It was a pity that the Drafting Committee that simultaneously did and did not meet (Schrödinger's Committee) was held in private. The status of statements by international organizations remains unresolved after the interruption to the NATO statement in the first week.

Overall, the Review Conference attained a modest outcome in its formal achievements. While there are seeds for future work on compliance issues and to establish mechanisms for S&T review and international cooperation, the result is far less than most delegations had hoped for. Many will look back and see this as a missed opportunity as there were prospects for serious progress on Article X and compliance issues were it not for the actions of a very small proportion of delegations.

A Review Conference is much more than the formal proceedings – there are many significant outcomes that are achieved through the networking of participants, the exchanges of views and experiences, and the political focus that such a gathering brings with it. A good example of progress away from the text of the Final Document is the collection of issues relating to gender. Despite there being many expressions of support for references to gender issues to be reflected in the Final Document, no reference remained at the end in order to maintain consensus. Nevertheless, major advances continue in this area. The ISU calculated that some 40 per cent of registered delegates were female – a proportion higher than for earlier Review Conferences. There were other firsts for BWC Review Conferences. Ambassador Tatiana Molcean (Republic of Moldova) was the first woman to preside over the Committee of the Whole. While Sara Lindegren (Sweden) did not have the opportunity to preside over a formal meeting of the Drafting Committee, she was the first woman to preside over an informal plenary in the form of Schrödinger's Committee. Vice-President Grisselle del Carmen Rodriguez Ramirez (Panama) was the first woman to preside over a formal plenary meeting.

*This is the sixteenth report by the BioWeapons Prevention Project (BWPP) from the Ninth Biological Weapons Convention Review Conference (28 November-16 December 2022). 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. Financial support for these reports 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](mailto:richard@cbw-events.org.uk)>.*