

Friday 18th November 2016

Committee of the Whole third reading and a draft elements text

The official proceedings of the ninth day of the Review Conference consisted of a closed meeting of the Committee of the Whole (CoW) followed by an open plenary on the Solemn Declaration. More significantly, there were a number of actions being taken in order to bring together a non-paper that would allow delegates to gain a sense of what the Final Document might look like. This was distributed after the end of the formal proceedings.

Committee of the Whole

The day started with a 'third reading' of the article-by-article review text, with Ambassador Michael Biontino of Germany in the Chair. Following the discussions on Tuesday regarding openness of meetings, this was held behind closed doors with only delegates of states parties able to attend. From discussions with those in the meeting, it would seem that little progress was made on substantive textual changes. The session provided an opportunity for a further exchange of views on each of the articles, but little else. The next step was for the Chair to compile a 'best guess text' in which he attempted to find a balance between the positions put forward. Such texts are often used within multilateral negotiations.

Cross-cutting plenaries – Solemn declaration

The afternoon was taken up by a further plenary session on the Solemn declaration with Ambassador Boudjemâa Delmi of Algeria (who is also Chair of the Drafting Committee) as facilitator on this subject. As with the CoW, little progress was made on substantive textual changes. Past experience within Review Conferences has been that compromises on the Solemn declaration text have been more forthcoming once the rest of the text of the Final Document is better developed.

'Elements for a Draft Final Document'

In parallel with the formal proceedings in the main meeting room, the facilitators integrated their draft texts so that a non-paper could be produced. These texts, combined with the CoW Chair's best guess text, were put together in a draft elements paper that allows delegations to get a better sense of how the overall Final Document is forming. This non-paper was published late on Thursday and has no formal status. There are clearly many issues within it that are yet to be resolved. The draft elements text follows the basic structure of the Final Documents of the Sixth and Seventh Review Conferences.

Final Document structure

With the work of the Review Conference moving towards specific efforts to bring together the Final Document, this is an opportune moment to consider the structure that has been used in recent Review Conferences and which is being repeated in this Conference. The current Final Document structure was something of an innovation at the Sixth Review Conference in 2006. The Fifth Review Conference had been unable to agree a Final Document in the traditional sense and so this provided the chance to create a new format.

The first part of the Final Document structure is 'I. Organization and work of the Conference' and is often called the 'procedural report' of the Conference. This part of the Document has been largely uncontroversial as it simply describes the practical aspects of convening the Conference, which states parties and others attended, and who took on which roles; for example, the officers of committees. In 2006 and 2011, this section contained the decisions on the dates for the following year's Meetings of Experts and Meetings of States Parties and so it is reasonable to assume that this procedural part this year will follow this pattern. Draft language for the procedural section usually appears only a few days before the end of the Review Conference as there is little to be decided within this section, being almost entirely factual.

The next part within the structure is the 'II. Final Declaration' which consists of the Solemn declaration and the article-by-article review. This part of the text is intended to be primarily a review of past activities and is usually highly contested, most notably on questions of 'balance', although in past years there has been no simple consensus on where such a balance should lie. The Solemn declaration can be regarded as the preambular paragraphs to the article-by-article review, although some see this section as the overarching political statement of the Review Conference.

The third part within the structure is 'III. Decisions and recommendations' and is often called the 'forward-looking' part during the work in the Review Conferences. Although it is broadly forward looking, the first sub-section has consistently so far been about the previous inter-sessional process. The decisions and recommendations section from the Sixth Review Conference had the following headings: 'Work of the 2003-2005 Meetings of States Parties', 'Implementation Support Unit', 'Intersessional Programme 2007-2010', 'Confidence-building Measures', and 'Promotion of Universalization'. The decisions and recommendations section from the Seventh Review Conference had the following headings: 'A. Outcome of the 2007-2010 intersessional programme', 'B. Intersessional programme 2012-2015', 'C. Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X', 'D. Review of developments in the field of science and technology related to the Convention', 'E. Strengthening national implementation', 'F. Confidence-building measures', 'G. Promotion of universalization', 'H. Implementation Support Unit', and 'I. Finances'. Items C through E were the sections on the Standing Agenda Items to be considered in the inter-sessional process.

Annexed to the Final Document in both 2006 and 2011 were the 'Agenda of the Conference, as adopted', 'Rules of Procedure of the Conference, as adopted' and a list of the official documents of the Conference. The first two of these annexes were not circulated within the Conferences as they were available to delegates in their original forms. The documents lists were compiled after the Review Conferences had concluded. In 2011 there was an additional annex: 'Revised forms for the submission of the Confidence-Building Measures' which contained the results of the consultations on how to simplify the CBM forms with the intention of widening participation.

In both 2006 and 2011, there were a number of places in which the Final Document contained some repetition. In each case, time was short to resolve certain issues and there is a good argument that it was better to spend time to resolve those issues rather than neaten up the text of the Final Document. This may also apply during the negotiations of the current Final Document.

Side events There were no side events on Thursday.

This is the tenth 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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