

Tuesday 22nd November 2016

## More draft elements reactions and a CoW extended beyond its natural life

The second week of the Review Conference started with the opportunity for delegations to put forward detailed comments on the 'Elements for a Draft Final Document' non-paper that had been circulated on Thursday. This continued into the afternoon and was followed by a further meeting of the Committee of the Whole (CoW) which was convened behind closed doors. In parallel with the official proceedings, it was clear a range of informal consultations were being undertaken.

Delegates are suffering from the effects of large scale non-BWC activities going on around them. Last week there was a series of meetings in neighbouring conference rooms that caused crowds and queues at all of the facilities. On Monday of this week, the entire Bar Serpent – the coffee bar next to the BWC conference room – was taken over for the setting up of the annual UN Bazaar, a major fundraising event for charity being held on Tuesday that in 2015 attracted over 6000 visitors. This means there is no seating area for the time being. In the history of the BWC, many deals have been done over coffee in the Bar Serpent over contested issues. The loss of this area, even for just a day or two, may hinder reaching agreement on some of the topics.

### **'Elements for a Draft Final Document' – detailed reactions**

The plenary session in the morning gave space for delegations to give further public responses to the non-paper on draft elements circulated on Thursday, and in particular the forward-looking section.

The session started with a presentation on finances, given by the Implementation Support Unit (ISU), following requests by various delegations on Friday for calculations of the cost implications of possible decisions of the Review Conference. The ISU identified costs for 15 days of meetings a year, ISU staff expansion (from three to five, with consequent additional equipment and travel budgets), sponsorship arrangements for experts, improving the Article X database, and establishing an Article VII database. The estimated total for such a programme would be some 2.30 million US Dollars. This compares with a 2016 BWC expenditure of USD 1.97 million.

On financial matters, Iran asked whether it would be better to compare the possible new inter-sessional programme with expenditure in 2015 rather than 2016. South Africa suggested that the Meetings of States Parties (MSPs) should manage the budget of the inter-sessional period within guidelines provided by the Review Conference. The UK suggested it was happy to pay additional costs if there were additional benefits, and that a zero-growth cost base would mean zero additional benefit. Australia noted that a breakdown of expected assessed contributions by state party would be useful. Japan suggested that discussion of ISU expansion should start with the possible addition of one extra person.

Some questions were raised about why the science and technology (S&T) review process should be considered separately, and also why it was a committee while the other arrangements were open ended working groups (OEWGs). The UK suggested S&T was

different from other topics as understanding the developments in the life sciences underpinned the implementation of all articles of the Convention. Switzerland suggested S&T was a 'key feature' of the inter-sessional work programme while Ireland said it was of 'critical importance'. Malaysia asked a number of questions about the proposed S&T committee which were echoed by other delegations; such as: how would states parties be chosen to participate in the committee? Would this be through regional group nominations? Would each state party be on the committee for the whole inter-sessional period or only for part of it, for one year perhaps? If a state party is chosen to be involved, can it only choose one expert or could it change its nominated expert depending on the topic under consideration? Finland suggested the S&T review could be one expert per country, open to all. The UK indicated it would prefer an open-ended process, but would compromise on membership if this helped secure a review process. China suggested new language on development of codes of conduct.

On the inter-sessional work programme, many delegations used terms like 'streamlined' to describe what they thought should be done to the list of topics and sub-topics. There were suggestions that the MSP may be too long at five days, and other suggestions that the work of the Implementation OEWG could be moved to the MSP each year. Russia suggested the quantity of topics should not sacrifice quality of discussion. Finland noted that the three OEWGs have overlapping mandates, and there was a need to avoid duplicating work. On decision making, there was a re-emergence of the South African proposal made during the Preparatory Committee that the bodies established in the inter-sessional programme should report to the MSPs and be guided in their work by the MSPs.

Clearly divergent views were expressed in two areas. One was the proposal in the non-paper that the Assistance OEWG could deal with appeals regarding transfer denials (i.e., cases where export licences were refused). This was opposed by a number of primarily Western delegations. The other was the proposal that the MSP could consider appropriate measures on a legally binding instrument, including verification. This was supported by the NAM and by China, amongst others, and opposed by the USA.

At end of the plenary, the President of the Review Conference, Ambassador György Molnár of Hungary, thanked delegations for their comments and indicated he would take them into account in putting together a new non-paper 'as soon as possible' that could be the basis for moving forward to achieve consensus.

### **Committee of the Whole**

Following the plenary session, the CoW returned to the text resulting from its third reading last week, following the rejection of the 'best guess' text put together by CoW Chair. Many delegates were frustrated with what became a fourth reading with the same working methods that had previously not managed to produce substantive changes to the text of the article-by-article review. What 'progress' was made was to accept as text for the first two articles the exact language used in the Seventh Review Conference Final Document with changes to only the occasional word. The announced plan, as of the end of the day on Monday, was to continue this process during Tuesday, including discussing Articles III and IV in a small room consultation during Tuesday evening.

There are moments that negotiation can be seen as theatre and times that difficult processes have to be undergone to achieve a broader objective.

**Side events**            There were no side events on Monday.

*This is the twelfth 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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