

Tuesday 26th April 2016

Preparing for the Eighth Review Conference: setting the scene

The Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) offers the opportunity for the States Parties to carry out a full review of the purposes and the provisions of the Convention, taking into account relevant scientific and technological developments. The three-week Review Conference is to be held in Geneva during 7-25 November 2016.

Review Conferences are not stand-alone events; they need preparation. Since 1996, each Review Conference has been preceded by a single Preparatory Committee (PrepCom) meeting lasting two or three days. Only procedural issues were discussed. This time arrangements will be different. Two PrepCom meetings are planned: the first, ‘up to two days’, 26-27 April and the second 8-12 August. During the 2015 BWC Meeting of States Parties (MSP), a number of delegations indicated desires that the PrepCom be convened in such a way that it could discuss substantive issues as well in order to better prepare for the Conference. In describing these arrangements, the MSP Report avoided terms such as ‘procedural’ or ‘substantive’. It was agreed that the April meeting ‘would consider the Agenda items on General Exchange of Views and the Organizational aspects of the Review Conference’ and that ‘the meeting in August would provide an opportunity for States Parties to consider comprehensively all provisions of the Convention’.

Organization of the Eighth BWC Review Conference

Ambassador György Molnár of Hungary has been appointed as President-designate for the Conference and the budget has also been agreed; both were confirmed at the 2015 MSP.

Key decisions to be taken at the PrepCom include the agenda and the rules of procedure for the Review Conference. The PrepCom will also recommend the appointments for various official positions within the Review Conference, such as the Vice-Presidents of the Conference, and Chairs and Vice-Chairs of the subsidiary bodies such as the Committee of the Whole (CoW), the Drafting Committee, and the Credentials Committee. The PrepCom can also ask the BWC Implementation Support Unit (ISU) to prepare specific background documentation to assist the work of delegations.

As with other international treaty arrangements, there have been advances in recent years on openness of sessions of BWC meetings. For example, the article-by-article review carried out by the CoW at the Seventh Review Conference was completely public while the equivalent five years earlier had been private. The two run throughs, known as ‘first reading’ and ‘second reading’ were really uncontroversial. They were used by delegations to illustrate what issues were most important to them. Many wanted these on the record. The discussions about what would appear in the final report of the Review Conference were carried out in informal consultations behind closed doors.

An innovation of 2006, and expanded upon in 2011, was the convening of informal plenaries on cross-cutting issues during the early part of the Review Conference and on forward looking issues in the final week. All of these sessions were held as public meetings in 2011.

Issues relating to the Eighth BWC Review Conference

While the majority of work of the April meeting will be on practical arrangements for the Review Conference, such arrangements are discussed in the context of the issues likely to be raised within the Review Conference itself and the August PrepCom meeting. The decision process on the Programme of Work (i.e., how time is allocated during the Conference) will reflect the relative significance in which particular issues are regarded.

The ISU, established in 2006, has been widely seen as a positive development. In considering continuation of its mandate beyond 2016, the Review Conference may also consider the scope of the mandate and the level of staffing.

The inter-sessional processes have been regarded as successful, with some indications of a sense that the second, post-2006, has been seen as the most productive. The third, post-2011, is regarded by many as having reached the limits that the format of the meetings will allow. The final BWPP daily report for the 2015 MSP noted: 'The current arrangements are now resulting in substantively weak reports that take a considerable proportion of available working time to reach agreement on; yet few delegates can identify a constructive use for them – a situation that needs re-examination.'

The ongoing rapid advances within the life sciences mean that the BWC operates within a rapidly changing scientific and technological (S&T) context. These advances bring new positive opportunities for peaceful uses, such as novel medical treatments, but also lead to new negative opportunities for hostile uses and so lead to changes in the nature of risks and threats the BWC may need to counter. Better understanding of this changing context is seen as critical to ensure efforts to control biological weapons remain relevant and effective.

The issue of access to peaceful uses of the life sciences is covered by Article X of the Convention, embodying a bargain that the renunciation of biological weapons and the control of the hostile uses of the life sciences has to be implemented in such a way as to facilitate the use of the life sciences for peaceful purposes. There is a wide divergence of opinion between States Parties about the significance of Article X and whether any form of further implementation of it is required.

Issues relating to how to respond to use of biological weapons include BWC Article VII which deals with the provision of 'assistance' by States Parties if a State Party is 'exposed to danger' because of a breach of the Convention. No government is likely to have at its disposal the resources to respond to a severe biological attack and so the concept of receiving assistance applies to all countries. The means by which any alleged use might be investigated has been the subject of some controversy in earlier meetings.

The BWC system of Confidence-Building Measures (CBMs) provides for returns to be provided by States Parties on certain relevant activities and facilities. While numbers of returns have been rising, there has been wide recognition that participation in CBMs could be improved further and perhaps that their scope could be redefined.

Compliance/verification is perhaps the most divisive grouping of issues in the BWC, with some States Parties repeatedly declaring support for the negotiation and implementation of new legally binding measures with other States Parties repeatedly declaring their opposition to such measures. The importance of national implementation of BWC obligations is regularly emphasised. Some States Parties have proposed arrangements such as compliance assessment and peer review to build greater confidence in compliance through transparency in effective national implementation while others suggest that these are a distraction from the creation of formal verification arrangements.

BWC membership has risen from 165 at the 2011 Conference to 174 (at 1 April) with the Marshall Islands, Cameroon, Nauru, Guyana, Malawi, Myanmar, Mauritania, Andorra and Côte d'Ivoire acceding or ratifying. With membership of the BWC lower than for the comparable nuclear and chemical treaties, universality remains an issue.

This is the first report from the April meeting of the Preparatory Committee for the Eighth BWC Review Conference. These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP) and are available via <<http://www.bwpp.org>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>.

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