

Monday 8th August 2016

The resumed BWC Preparatory Committee: background and context

The Preparatory Committee (PrepCom) for the Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) resumes this week following its initial two-day session held during 26-27 April. The Review Conference, to be held in Geneva 7-25 November, 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. Review Conferences cannot function as stand-alone events, they need preparation; hence the convening of a PrepCom.

During the April PrepCom session, Ambassador György Molnár of Hungary was confirmed as President-designate for the Conference and the budget was also confirmed; both had been initially agreed at the 2015 BWC Meeting of States Parties (MSP). Two Vice-Chairs for the PrepCom were appointed: Ambassador Boujemâa Delmi of Algeria and Ambassador Michael Biontino of Germany with the expectation that these appointments will follow precedent such that, at the Review Conference, the former will become Chair of the Drafting Committee and the latter the Chair of the Committee of the Whole. Other decisions at the April PrepCom session proved difficult for some delegations who explained they had no objection in principle to the particular proposed decisions but had anticipated taking them formally in August. Therefore, the April PrepCom 'reached understandings on recommendations for final adoption in August' for a number of issues such as the provisional agenda of the Review Conference.

Working Papers and Background Documents

Following on from the thirteen Working Papers submitted to the April PrepCom session, further papers have been submitted. By the weekend before the opening of the August PrepCom session, four further Working Papers had been submitted and published as official documents with another thirteen made available in electronic form as 'Advance Versions' prior to being typeset as official documents. The advance release of papers allows for their contents to be considered before start of the meeting. Five background information documents have been produced by the BWC Implementation Support Unit (ISU) as well as the annual report of the Unit. Some submissions from States Parties for inclusion in the Review Conference background information documents on the subjects of compliance, Article VII implementation, and Article X implementation have also been posted. All papers can be found via the ISU website <<http://www.unog.ch/bwc>>; official documents can also be found via the UN documents server <<http://www.documents.un.org>>.

Output of the PrepCom

The decision taken at the 2015 MSP outlining the arrangements for the 2016 meetings stated that: 'At the conclusion of the meeting in August, the President would present under his own responsibility, for consideration of delegations ahead of the Review Conference, a summary report without prejudice to perspectives, recommendations, conclusions and proposals presented by delegations or that prejudices the final outcome of the Review Conference' [BWC/MSP/2015/6, para 56]. There will also be a procedural report from the

August meeting which will contain details of decisions taken, such as the adoption of the agenda of the Review Conference.

Issues relating to the BWC and the Eighth Review Conference

The 2015 MSP agreed that ‘the [PrepCom] meeting in August would provide an opportunity for States Parties to consider comprehensively all provisions of the Convention’. There are a number of relevant issues.

BWC membership has risen from 165 at the 2011 Conference to 175 (as of 1 August) with the Marshall Islands, Cameroon, Nauru, Guyana, Malawi, Myanmar, Mauritania, Andorra, Côte d’Ivoire and Angola acceding or ratifying. As membership is still lower than for comparable nuclear and chemical treaties, universality remains an issue.

In considering continuation of the ISU mandate beyond 2016, the Review Conference may also consider the scope of the mandate and the level of staffing.

There will be discussion of possible inter-sessional work programmes (the series of meetings between review conferences). Three inter-sessional processes have been carried out so far, with some indications that many participants feel that the most recent has been less productive than it could have been.

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, as well as negative opportunities for hostile purposes. These advances therefore lead to changes in the nature of risks and threats the BWC may need to counter. Many Working Papers submitted to the PrepCom relate to methods by which reviews of S&T developments might be carried out in order to allow the BWC and its States Parties to effectively respond to this constantly changing context.

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 should be implemented in such a way as to facilitate the use of the life sciences for peaceful purposes. There are significantly divergent perspectives between States Parties regarding Article X issues and whether any form of further implementation of Article X is required.

Response to use of biological weapons is included within 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. As no government is likely to have ready all of the resources required to respond to a severe biological attack, the concept of receiving assistance applies to all. The means by which any alleged use of biological weapons might be investigated has been the subject of some controversy.

The BWC system of Confidence-Building Measures (CBMs) provides for information exchange by States Parties on certain relevant activities and facilities. Numbers of CBM submissions have been rising and there have been many calls to encourage greater participation, including suggestions that the system should be simplified and perhaps that its scope could be redefined. By the weekend before the opening of the August session of the PrepCom, 75 CBM returns had been submitted during 2016, compared with 72 for 2015.

The importance of national implementation of BWC obligations is regularly emphasised by many delegations. Some have proposed arrangements such as peer review and compliance assessment to build greater confidence in compliance through transparency in effective national implementation. A counter argument to these proposals is they are a distraction from the creation of formal verification arrangements. 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 while others repeatedly declare their opposition to such measures.

This is the first report from the August 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>>.

The reports are prepared by Richard Guthrie. He can be contacted during the PrepCom on +41 76 507 1026 or <richard@cbw-events.org.uk>.