

The New Process: First Impressions and the Way Ahead

**Meeting organized by the BioWeapons Prevention Project and the Geneva Forum
Geneva, 25 September 2003**

The purpose of the meeting was to analyse and discuss the August 2003 Expert Meeting and to look ahead towards the November meeting of the States Parties to the Biological and Toxin Weapons Convention (BTWC) and beyond. Thirty-one people, mainly government representatives, participated in the seminar. The meeting was convened under the Chatham House Rules, which state that ‘participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed’. This report has been drafted to respect this rule.

The chairperson opened the meeting by emphasizing the need to think ‘out of the box’ and to be unconstrained by negotiation mandates in order to explore new ideas and concepts that may contribute to the strengthening of the BTWC regime.

The invited speaker, who had observed the August expert meeting as a non-governmental representative, labelled the outcome a ‘modest success’ even though a high degree of skepticism about the utility and the outcome of the so-called ‘new process’ had been discernible before the start. He described ‘success’ in terms of states ‘not falling out with each other’ and the emergence of common understandings with regard to certain aspects of the technical issues under consideration. However, the ‘success’ was also a product of the fact that the participants started out with low expectations about the outcome and that the session strictly separated technical issues from political ones, leaving the latter for the meeting of the States Parties in November 2003. According to the speaker, the November meeting may thus very well determine success or failure of the other parts of the new process, and ultimately of the 6th Review Conference in 2006.

In the subsequent discussion participants emphasized the positive results of the August meeting. Several participants, mostly government representatives, disagreed

with the speaker's differentiation between technical and political issues and argued that such an approach would be counterproductive to the new process as a whole. Participants stated repeatedly that for the time being the current course of action is the only way that the BTWC can be strengthened. In particular, they described the information sharing with regard to national implementation as instructive and insightful, even though they felt that the time frame to elaborate upon the findings was too short.

One participant nevertheless expressed disillusionment with the new process as a whole, arguing that action was effectively being postponed until the 6th Review Conference in 2006. A second participant stated that the current process needs some substantial refinement not only in terms of participation, but also in terms of the discussed issues. It does not address the ongoing revolution in biotechnology and there is also a lack of fresh ideas. Another participant summarized that the success of the August meeting has to be seen in the light of the setbacks the efforts to strengthen the BTWC experienced in 2001 and 2002. The current series of meetings should therefore be regarded only as the beginning of a process leading to the Review Conference in 2006. Furthermore, the terrorist attacks of 11 September 2001 and the subsequent anthrax letters in the US have generated new support and interest among States Parties to strengthen the norm against BW and to increase national implementation efforts. However, in global terms, this focus on national implementation might lead to an uneven and patchy progress: not all states will be able and willing to spend the same amount of effort and resources on the implementation process (producing a 'pick & choose' impression). The observation also led to the question of how much states are willing to supply in terms of financial and material resources to sustain the ongoing process and to increase the level of national implementation.

The second part of the meeting took up the question of what could be expected from the Meeting of States Parties in November. In his introductory remarks the Chair described the ongoing process as 'paradoxical': a multilateral approach to strengthen the global regime is maintained by focussing on national implementation measures. This raises questions with regard to the universality of the regime as certain countries might move further than other ones, which in turn might produce new concerns about compliance and commitments to the treaty regime. In particular, he wondered whether the outcomes of the new process would also become the subject of review at the Review Conferences. Looking ahead to the November 2003 meeting and the 2006 Review Conference, he submitted the following three questions to the participants:

- What can be expected from the Review Conference in 2006?
- As 2006 cannot be the end date of a process to strengthen the norm against BW, what will come after the 6th Review Conference?
- Given the discrete nature of the topics and the changing presidencies, how can continuity in the current process be achieved? Which role can the secretariat play in this?

The ensuing discussion centred on two aspects, namely the role of the secretariat in providing inputs to the process and giving the process some continuity, and the role NGOs and IGOs could play.

There was agreement on the good quality of work provided by the secretariat during the review conferences, the Ad Hoc Group negotiations and in preparing and assisting the August 2003 meeting, despite the fact that it is not a permanent body. However, some participants argued that on the whole the financial contributions of the States Parties are too low to be able to sustain a permanent secretariat that could support activities outside the scheduled meetings in order to make further progress on the issues under consideration. One participant argued in favour of a new and strong mandate for the Chair of the BTWC process in order to keep the process alive and to maintain the level of influence and input the Chair can provide. Other participants argued that the Chair for 2004 should start work early and put the necessary infrastructure in place in order to ensure the successful outcome of next year's meetings.

Concerning NGOs and IGOs there were differing viewpoints about whether they should be fully involved in the process. Several speakers said that the BTWC process belongs to the States Parties and that therefore such organizations should not be fully included in the process, although several participants made the case for the fuller inclusion of international bodies that are BTWC observers. Yet all participants agreed on the essential and vital role NGOs and IGOs play in providing comments and analysis and in raising public awareness. However, in order to fulfill this function, as one participant observed, it is of utmost importance that these organizations have full access to the documents and reports produced by the meetings.

The meeting closed with participants summarizing that the August expert meeting had been successful as it had at least helped to develop common understandings on technical issues. Furthermore, several governments had acquired a better understanding of their responsibilities with regard to national implementation of the BTWC. The August meeting also nurtured a good atmosphere that augurs well for the future of the process.