

Thursday 8th December 2022

The article-by-article review: second reading continues

Proceedings on Wednesday for the Ninth Review Conference for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) saw the Committee of the Whole (CoW), meeting in public, continuing to work on the article-by-article review. The focus on the CoW on Wednesday did not mean that other work stopped. Facilitators and office holders in the Drafting Committee could be seen consulting with delegates in the room.

The Committee of the Whole – second reading

The Chair of the CoW, Ambassador Tatiana Molcean (Republic of Moldova), delegated Vice-Chair Andreas Bilgeri (Austria) to preside over the morning session before returning to Chair the afternoon session. The CoW continued with the ‘second reading’ of the article-by-article review which involves working through the compilation of suggestions that had been received. The day started with the remainder of points made on Article III and ended with Article VII still under discussion. Many paragraphs that had been suggested for adding to the review were placed more accurately rather than at the end of the section for each article. There was some streamlining of text and elimination of duplication of some suggestions.

The discussion under *Article III* continued in the same style as it had on Wednesday with a focus on export control issues and the balance of obligations between Article III and Article X.

Article IV deals with national implementation. Discussion reflected concerns that implementation at the national level needed to be effective without being burdensome. The relationship between the BWC and UN Security Council resolution 1540 was the subject of divergent views as was the relationship between national implementation and verification. Previously stated positions on voluntary transparency measures were repeated with some delegations wanting the benefits that they perceived in such arrangements to be reflected in the review while others wanted to downplay these on the basis they see them as a distraction from comprehensive verification arrangements. There was broad support for the suggestions for inclusion of language on gender, although one delegation indicated it did not see this as a priority.

The discussion on *Article V* focused on two areas – consultations and on Confidence-Building Measures (CBMs). There were many interventions supporting the suggestion that the Formal Consultative Meeting (FCM) convened during the year should be reported in a factual manner with many delegations drawing attention to the language in the draft resolution from the First Committee on the BWC [which, by coincidence, was formally adopted by the UN General Assembly without a vote on Wednesday so has become a UNGA resolution]. There was some opposition to the proposal to add reporting of laboratories outside of national territory to the CBM system. The status of the commitment to submit CBM returns was once again the subject of debate with some interventions in support of using the word ‘voluntary’ in the review while others suggested that as the CBM arrangements derive from consensus decisions by Review Conferences this should be reflected as a political commitment to submit returns.

Article VI deals with complaints to the UN Security Council. There were many calls for the formal request this year to the Security Council under this Article to be reported in a factual manner in a similar way to the suggested use of language from the draft resolution from the First Committee on the BWC for the FCM under Article V. [Note: the First Committee draft resolution does not refer to what happened in the Security Council as that meeting was held on 27 October while the First Committee text had been agreed on 14 October.] A number of delegations highlighted the possible use of the UN Secretary-General's mechanism for investigating alleged breaches of the 1925 Geneva Protocol as an independent tool. This, amongst other things, prompted questions of whether the BWC was empowered to recommend to the Security Council how it might act on receipt of a request. [Note: some of these issues were flagged within the BWC negotiations during which it was agreed that once the Convention was opened for signature there would be an 'accompanying resolution' submitted to the Security Council through which it would decide to accept requests from the BWC. However, the accompanying resolution was never submitted owing to geo-political challenges prevailing at the time.] One of the text suggestions calls for an investigation capability within the BWC itself, the motivation for which was the perception that the Security Council was not an independent body. There was some discussion as to whether states parties wanting to call for an investigation into alleged use of biological or toxin weapons had options other than going through the Security Council.

As discussion of *Article VII* is scheduled to continue on Thursday, reporting of this Article will be held over until the next daily report.

At the end of the afternoon, the BWC Implementation Support Unit (ISU) announced that additional suggestions for text would be produced as addenda to the existing BWC/CONF.IX/COW/INF.1 and INF.2 documents. Both INF.1 and INF.2 are available on the official Conference website at <https://meetings.unoda.org/bwc-revcon/biological-weapons-convention-ninth-review-conference-2022> and presumably the Add.1 documents will be posted there too. There are now 51 working papers published on the official Conference website.

Side events

There were two side events on Wednesday. At breakfast, the Nuclear Threat Initiative Global Biological Policy and Programs hosted a briefing on 'A Joint Assessment Mechanism for High-Consequence Biological Events of Unknown Origin'. At lunchtime, the delegation of China, Tianjin University and London Metropolitan University convened a briefing on 'Biological Security Education in Support of the Tianjin Biosecurity Guidelines for Codes of Conduct for Scientists'.

Erratum: the side events listed in the last daily report were those that took place on Tuesday, despite the sentence saying Monday – the perils of overnight writing! *Mea culpa.*

Jo Husbands – in memoriam

Sad news filtered through to the Review Conference that Jo Husbands of the US National Academies and of the Inter Academy Panel passed away last week. She was a regular participant in BWC meetings and was perhaps the key player in the formation of the 2005 IAP Biosecurity Guidelines which were the culmination of years of work in this field. As one colleague observed: 'She was responsible for inspiring, informing and uniting a diverse community of individuals around the world working across political fault lines and cultural differences to lay the foundations for thinking around contemporary chemical and biological security governance'. Friends, scholars and policy makers shall miss her.

This is the ninth report from the Ninth BWC Review Conference (28 November-16 December 2022). These reports have been produced for all BWC meetings with NGO registration since the Sixth Review Conference (2006) by the BioWeapons Prevention Project (BWPP). They are available from <<https://www.bwpp.org/reports.html>> and <<https://www.cbw-events.org.uk/bwc-rep.html>>. A subscription link is available on each webpage. Financial support for these reports has been gratefully received from Global Affairs Canada. The reports are written by Richard Guthrie, CBW Events, who is solely responsible for their contents <richard@cbw-events.org.uk>.