

Friday 16th December 2022

A revised draft final document and late-night consultations

The penultimate day of the Ninth Review Conference for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) saw three aspects of running an international prohibition regime – the routine (the Credentials Committee), the logistical (a financial report) and the political (long discussions in plenary and in informal consultations). At 5.30pm an updated version of the draft final document was circulated to delegates which was discussed in informal consultations into the night. The updated document bears the symbol BWC/CONF.IX/CRP.2/Rev.1 and has been posted on the Review Conference website at <https://meetings.unoda.org/bwc-revcon/biological-weapons-convention-ninth-review-conference-2022>.

Nevertheless, there is limited time available. There is tremendous goodwill in the vast majority of delegations who see the forward-looking package brought together in the recent draft final documents as a major step forward. However, the actions of just a few delegations have been consistently weakening provisions in the draft documents.

Credentials Committee

The day started with a brief update to the plenary from Angus September (South Africa) in his role as Chair of the Credentials Committee. He noted that the Committee had received formal credentials from 85 states parties, copies of credentials from 28 states parties, and 23 notes verbales or letters. On the understanding that those yet to submit the original full credentials would do so as soon as possible, the Committee was willing to accept the credentials of all of these states parties.

Financial briefing

Daniel Feakes, Chief of the BWC Implementation Support Unit (ISU) gave a briefing on financial matters following a number of questions the day before about the cost implications of possible decisions by the Review Conference. He referred delegates to a background document prepared for the Preparatory Committee (BWC/CONF.IX/PC/4, available on the Conference website) which outlined the financial arrangements for the Convention. It also offered some examples of what various durations of meetings and ISU staffing options might cost. He noted that once costs of running the BWC are shared across states parties according to the UN scale of assessments adjusted to take into account the BWC membership, two-thirds of states parties pay less than US\$1000 per year.

Plenary discussions

The plenary started with the three delegations that had wanted to make their interventions on part III while there was interpretation available. A few further short interventions were made on part III before moving to the main business for the morning of part II – the Solemn Declaration and the article-by-article review. The text used as the basis for this discussion was CRP.2, issued on Tuesday night. This had included an updated part II.

The President of the Review Conference, Ambassador Leonardo Bencini (Italy), reminded delegates that time was short and that it was now too late for any new proposals to be introduced. During the morning he repeated his basic criteria for selection

of amendments: if a suggested change is unopposed, keep it; if there are similar suggestions try to reconcile them into one; and if a suggestion is opposed, revert to previous consensus text. As with Wednesday, he asked Vice-President Grisselle del Carmen Rodriguez Ramirez (Panama) to preside over part of the proceedings.

The discussion repeated many positions that had been presented before. As there was much opposed text there were many places in which the result was going to be a reversion to previously agreed text. The discussion was to provide inputs into the next iteration of a 'best guess' text which became CRP.2/Rev.1.

The updated draft final document CRP.2/Rev.1

The updated draft circulated to delegates at 5.30pm on Wednesday contains revised text for part II (Solemn Declaration and article-by-article review) and for part III (forward-looking/decisions and recommendations).

Part II in the Rev.1 version contains 108 paragraphs which compares with 109 in CRP.2. While there are edits between the two, there are still many outstanding issues and it is not clear what could be done to enable part II to be agreed before time runs out, even if the clock was temporarily stopped.

In relation to part III. Elements of the Decisions and Recommendations have been reordered to be closer to the sequence of earlier Review Conferences. The updated proposed inter-sessional programme would still include annual Meetings of States Parties (MSPs) for three days each year. The issue areas for what is now titled the 'Working Group on the strengthening of the Convention' have been increased to seven with the addition of measures on 'organizational, institutional and financial arrangements'. This Group is now allocated 15 days of meeting time each year from 2023 to 2026, although still encouraged to complete its work before the end of 2025. The Article X 'Steering Group' is deleted and the overall arrangement for enhancing implementation of Article X has become the 'Cooperation Advisory Group' with the Article X voluntary trust fund and development of an Article X Action Plan remaining. The advisory process for scientific and technological (S&T) developments remains a hybrid model and is now labelled as a 'Scientific Advisory Group' with the part with a limited size now named the 'Scientific Reporting Committee'. The latest text keeps the two additional ISU staff positions of an International Cooperation Officer and a Science Officer.

CRP.2/Rev.1 was the focus of the informal consultations going into the evening in Salle XXVI – the room used for the main informal consultations in 2016. It is the nature of these types of consultations that documents get shorter as paragraphs, sentences, clauses or even individual words get removed during efforts to reach consensus. As the evening progressed, it was clear that some areas, such as the inter-sessional programme, were emerging relatively unscathed, but that some other sections were being reduced. For example, the Cooperation Advisory Group and Scientific Advisory Group were discussed together; the Cooperation section was edited but remained mostly intact while the section on the Scientific Advisory Group was reduced in size. There was much discussion on later sections with significant divergences of views but fewer decisions on which text to delete or retain. At 11.10pm the consultations moved upstairs to a smaller meeting room behind the Conference room with a far smaller number of participants.

Side events – There were no side events on Thursday.

Please note:

There will be a sixteenth report produced next week covering the final day of the Review Conference that will be sent to subscribers by email and posted on the websites below.

This is the fifteenth report from the Ninth BWC Review Conference (28 November-16 December 2022). These 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>.