

Wednesday 13th April 2011

## The Seventh BWC Review Conference: the start of formal preparations

The Preparatory Committee (PrepCom) for the Seventh Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) is an significant stage in the review process of an important international treaty. The Review Conference 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 draft agenda and the draft programme of work for the PrepCom have been published on the Implementation Support Unit (ISU) website <<http://www.unog.ch/bwc>> and other documents of the PrepCom will also be posted here; official documents (those that start BWC/...) can also be found via the UN documents server <<http://documents.un.org>>. The BWPP daily reports from the 2006 Review Conference and the subsequent annual meetings in 2007 through 2010 are available via the BWPP website <<http://www.bwpp.org/reports.html>>.

### **Organization of the Seventh BWC Review Conference**

Ambassador Paul van den IJssel (Netherlands) has been appointed as President-designate for the Conference and the Conference itself is scheduled for 5-22 December. The budget for the Review Conference has also been agreed. These were all confirmed at the 2010 Meeting of States Parties. Key decisions to be taken at the PrepCom include the agenda and the rules of procedure for the Review Conference. The PrepCom can also ask the ISU to prepare specific background documentation to assist the work of delegations. The PrepCom will also recommend the regional distribution of various official positions that are needed to be filled in order to carry out particular roles within the Review Conference. These positions include Vice-Presidents of the Conference, and Chairs and Vice-Chairs of the subsidiary bodies such as the Committee of the Whole, the Drafting Committee, and the Credentials Committee.

As can be seen by the kinds of decisions that are to be taken, BWC PrepComs have been traditionally about procedure and process rather than about substantive issues. Anyone not familiar with the output of a BWC PrepCom might find it useful to look up the report of the equivalent meeting in 2006, document BWC/CONF.VI/PC/2, dated 3 May 2006.

### **Issues relating to the Seventh BWC Review Conference**

Ambassador Van den IJssel has described efforts to secure a positive outcome from the Review Conference as being 'ambitious realism'. He has indicated an intention to aim for a final document that is forward looking as well as reviewing the past five years of the BWC.

Issues that may be raised at the Conference fall within a number of headings: the ISU and its future; the most recent inter-sessional process and what may follow on from it; advances in science and technology (S&T); the peaceful uses of the life sciences; Confidence-Building Measures (CBMs), compliance/verification; and universality.

The role of the ISU, established in 2006, has been seen as positive and so far there have been no suggestions that its mandate be terminated. In considering continuing this

mandate beyond 2011, the Review Conference is likely also to consider whether it should be kept to three staff as at present and whether its mandate might be redrafted.

The past inter-sessional processes have both been seen as successful, with some feeling the second, post-2006, being more productive. There remain some questions about how the results of the annual meetings might feed into the Review Conference. There will also be considerations about whether this form of approach is the best and whether there might be modifications, such as having on-going working groups, allowing more flexibility in deciding the topics to be discussed each year or allowing the annual meetings to make decisions or recommendations to be followed by States Parties.

The changing S&T context, and in particular the rapid advances in the life sciences, can lead to changes in the nature of risks and threats the regime should counter, as well as providing new opportunities for peaceful uses. There is therefore some scope for debate about the best way these advances and their implications should be reviewed.

The issue of access to the life sciences for peaceful purposes is covered by Article X of the Convention and is seen as part of 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 allow for unhindered use of the life sciences for peaceful purposes. There is a divergence of opinion between States Parties about what Article X really means and whether further implementation of it is required.

The system of CBMs under the Convention 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. This might, for example, be a specific topic for a meeting in a follow-on inter-sessional process.

Compliance/verification is perhaps the most divisive collection of issues in the BWC, with some States Parties supportive of the implementation of new legally binding measures while other States Parties remain implacably opposed.

The membership of the BWC remains at 163 – the lowest of the comparable nuclear and chemical treaties. Questions of how to promote universality are likely to be discussed at the Review Conference.

While the PrepCom will deal with procedural matters rather than substantive issues, the decision process regarding the agenda for the Review Conference and the consultations on the Programme of Work (i.e., how time is allocated during the Conference) will reflect the relative significance in which these issues are regarded by States Parties.

### **Side Events**

Three side events were held on Tuesday, the day before the start of the PrepCom. [Side events at BWC meetings have become so popular that all lunchtime slots during the PrepCom itself have been taken.] In the morning an event was convened by the International Security and Biopolicy Institute <<http://www.biopolicy.org>> on the topic of ‘Violently Inflicted Disease: The Need for New Law’. The two events in the afternoon were on scientific and technological issues. The first, convened by the Stockholm International Peace Research Institute <<http://www.sipri.org>> with Sweden and the UK, was on the topic of ‘Addressing Future Challenges to the BWC with S&T Developments’ and the second, convened by the Harvard Sussex Program <<http://www.sussex.ac.uk/spru/hsp>>, was on ‘Options and Proposals for BWC S&T Reviews’.

*This is the first report from the Preparatory Committee for the Seventh Review Conference of Biological and Toxin Weapons Convention which is being held from 13 to 15 April 2011 in Geneva. The reports are designed to help people who are not in Geneva to follow the proceedings. Copies of these reports and those from the Sixth Review Conference in 2006 and subsequent annual meetings are available via <<http://www.bwpp.org/reports.html>>.*

*The reports are prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP). For questions during the Preparatory Committee relating to these reports, please contact Richard Guthrie (+41 76 507 1026 or <[richard@cbw-events.org.uk](mailto:richard@cbw-events.org.uk)>).*

Thursday 14th April 2011

## The BWC Preparatory Committee: the opening day

The Preparatory Committee (PrepCom) for the Seventh Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) was opened on Wednesday morning by Jarmo Sareva, Director of the Geneva Branch of the United Nations Office of Disarmament Affairs. The first formal decision of the meeting was the endorsement of Ambassador Paul van den IJssel (Netherlands) as President for the Review Conference and Chairman of the Preparatory Committee. On taking the Chair, Ambassador Van den IJssel suggested that the community of States Parties was ‘perhaps the best placed it has been for a decade or more to address the challenges facing the Convention’. He noted that the BWC had ‘noble and vital objectives’ and stressed that while the work of the Preparatory Committee was mostly procedural and ‘not glamorous or exciting’, it was necessary in order to give the Review Conference a solid start.

Cuba, as coordinator of the Non-Aligned group, announced that Ambassador Desra Percaya (Indonesia) would be that group’s nominee for Vice-Chairman of the PrepCom and Chair of the Committee of the Whole for the Review Conference. Romania, as coordinator of the Eastern European group, announced that Counsellor Judit Körömi (Hungary) would be that group’s nominee for Vice-Chairman of the PrepCom and Chair of the Drafting Committee for the Review Conference. These appointments were endorsed by the PrepCom. These three offices – President, Committee of the Whole Chair and Drafting Committee Chair – form the core of the ‘Bureau’ which handles administrative arrangements of the Review Conference. At the start of the Conference, the Bureau will be enlarged by the addition of a number of Vice-Presidents who will be appointed in such a way as to provide an appropriate geographical spread.

A number of what might be called ‘housekeeping’ decisions were taken, such as the formal adoption of the PrepCom agenda, that decisions should be taken by consensus, the use of all UN official languages, participation of signatory states, participation of Israel as an observer, participation of the European Union as an inter-governmental organization and the participation of non-governmental organizations (NGOs).

Ambassador Van den IJssel noted that, as the PrepCom was procedural, there was no agenda item for general debate although there were two identified points at which statements could be made; the first was under agenda item 5 on the organization of the Review Conference, the second was under agenda item 9 on ‘other business’ once all the procedural arrangements had been concluded.

Within half an hour of the start of the meeting it moved into closed session as agenda item 5 was reached. Prepared statements, such as that by the European Union from behind the Hungarian seat, were thus given in private. In the 2006 PrepCom, when the meeting was closed for the same agenda item, the then Ambassador of Canada, Paul Meyer, wanted the prepared statement he was to read on behalf of Australia, Canada and New

Zealand to be heard by NGOs. NGOs were then let back in the room to hear that statement. In 2011 the situation was different and the meetings remained closed for the rest of the day.

The role of civil society within the BWC was the subject of debate following a suggestion by the Chairman of a paragraph for the PrepCom report which would not amend the draft rules of procedure but would recognize the practice of more openness that had evolved during the inter-sessional process – the last closed session of an annual meeting had been in 2008. Much of the debate focused on whether openness in the inter-sessional process, which was an engagement activity, could be compared with the Review Conference, which should be a deliberative process. India, for example, was a delegation that highlighted these differences. Iran expressed a desire for more clarity in this proposal and indicated that the arrangements for the Sixth Review Conference had been adequate. Algeria suggested that there should be informal consultations on the matter. Pakistan recognized the benefits of engagement with non-governmental representatives but felt that the Conference should be focused on the States Parties and so supported the Algerian suggestion. The United States, amongst others, spoke in favour of greater NGO access. [This intervention was significant as it was the USA which had pursued a firm line on closing many sessions of meetings to NGOs in the first inter-sessional process (2003-05).] At the close of the day's proceedings, consultations on this matter were on-going.

This situation highlighted difficulties of how understanding the processes within the room were much harder without any non-governmental presence there. For example, from outside of the room, some of the ambiguity could be interpreted as resulting from the Chairman's proposed text comparing 'committees' of the Review Conference with 'working sessions' of the annual meetings. There are three formal committees in a BWC Review Conference – the Committee of the Whole, the Drafting Committee and the Credentials Committee. It might therefore have been possible, if this interpretation had been correct, for a solution to be reached through an understanding that this new paragraph would not apply to the latter two of these committees. However, it seems that little, if any, discussion within the room was along these lines.

Other notable points of the day's proceedings included Iran suggesting that the subject of legally binding measures for strengthening the BWC, including through verification measures, should be put on the agenda of the Review Conference. Agreement was reached on the topics for background papers to be prepared by the ISU in time for the Review Conference. The list of topics will be reproduced in the final report of the PrepCom

### **Side Events**

One lunchtime side event was held on Wednesday. This was convened by the University of Bradford Division of Peace Studies and the Inter-Academy Panel on the topic of 'Preparing for the Seventh Review Conference of the BWC'. Presentations were given by Malcolm Dando (Bradford) and Nicholas Sims (LSE) on recent papers in the Review Conference Papers series <<http://www.brad.ac.uk/acad/sbtwc/briefing/RCPapers.htm>>. Presentations on the theme of education of scientists were given by Simon Whitby (Bradford) on the University's Applied Dual-Use Biosecurity teaching and Anwar Nasim (Comstech) <<http://www.comstech.org>> on Biosafety Education in Pakistan.

A reception in the evening hosted by Ambassador Van den IJssel provided opportunities for informal interaction.

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Friday 15th April 2011

## The BWC Preparatory Committee: the second and final day

The Preparatory Committee (PrepCom) for the Seventh Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) was resumed on Thursday with the continuation of consultations on the PrepCom final report regarding the rules of procedure. However, during the day it was possible to find solutions to all of the outstanding issues and conclude the proceedings of the PrepCom without needing to go into Friday.

### **Consultations on openness of meetings**

The PrepCom's proceedings started with open-ended informal consultations in a side room. These consultations commenced with a modified proposal that the relevant meetings of committees at the Review Conference would be open unless a decision to close any individual one was taken. After a hour of consultations, a markedly different outcome was agreed. This would assume that relevant committee meetings would be closed unless specific decisions to open them was taken. As soon as the consultations finished, which had taken about an hour, a formal session was started in the main room and the modified paragraph was adopted. States pressing for this outcome indicated that they were not opposed to civil society involvement, and some stressed within the private session that they valued the benefits of interactions with outside bodies.

The agreed paragraph read: 'The Preparatory Committee also agreed to recommend that with respect to meetings referred to in Rule 43(2), the Committees may decide to hold certain meetings in public.'

### **Wrapping up the PrepCom**

The meeting restarted after lunch, again in closed session, to discuss the agenda of the Review Conference. Agreement was fairly rapidly reached on slight rearrangement of items. As part of this agreement, the following text appeared in paragraph 19 of the PrepCom report: 'the Chairman noted his understanding that the agenda was sufficiently comprehensive to facilitate a broad and thorough review of all aspects of the Convention, and that it would allow States Parties opportunity to raise and discuss fully all issues they believe are relevant ...'.

At roughly 15.35 the meeting moved on to agenda item 9, 'other business' and moved into open session. A number of statements were made by States Parties and these are outlined below.

The meeting was suspended at 16.35 to allow time for sufficient copies of the draft report (document number BWC/CONF.VII/PC/CRP.1) to be printed for delegates to read and approve. From around 17.30, the draft report was examined paragraph by paragraph in the resumed meeting. Some uses of terms or phrases prompted questions from delegations, most of which simply required clarification as to why particular words had been chosen – mostly this was focused on the reliance on precedent in international meetings and documentation. The report was adopted at 17.47 and will appear as document BWC/CONF.VII/PC/2.

Following the usual closing formalities – such as the coordinators of the regional groups offering their thanks to the work of the Chairman, the ISU, the meeting support staff and interpreters – the Chairman offered some closing remarks. As well as thanking those that had assisted the smooth conduct of the meeting, he noted that the PrepCom had paved the way for a comprehensive review of the Convention in December and that now the procedural matters were complete there was a need to move on to substance. The gavel came down for the final time to conclude the meeting at 17.54.

The timings have been included in the above paragraphs simply to illustrate that much of the work of this sort of international meeting is done in consultations and that, once it is clear what solutions are likely to work, the formal proceedings are relatively swift.

### **Agenda item 9 statements**

States Parties made statements, or other interventions, in the following order: Cuba (on behalf of the Non-Aligned states), Chile, India, Indonesia (as a joint statement with Norway), Cuba (national statement), Mexico, Philippines, Pakistan, Republic of Korea, United States, Nigeria, Kenya, Germany, Pakistan, Australia and France.

These statements were primarily about hopes and expectations for the Review Conference. Article X featured prominently, particularly in the non-aligned statements. A workshop held in Montreaux the weekend before the PrepCom was highlighted as an example of a cross-regional partnership (its co-chairs were Indonesia and Norway). Many statements referred positively to the work of the Implementation Support Unit (ISU) and suggested its mandate be continued past 2011. There were some notable points from individual statements. India, noting the focus on Confidence-Building Measures, indicated that these were not declarations and were no substitute for effective verification arrangements. The Philippines highlighted a relevant ASEAN Regional Forum workshop to be held in Manilla in September. One of the Pakistan statements focused on the role of scientific collaboration in the Islamic world. Kenya noted that it was close to concluding its biosecurity policy which should be presented to parliament this year and that it would be hosting a regional universality workshop this year. The second Pakistan statement included a suggestion that the ISU produce a consolidated report of its activities in the past five years.

### **Side Events**

Two side events were held on Thursday. The first, before the start of the day's proceedings, was convened by the Inter-Academy Panel, IUMS and the US National Academies on the topic of 'Trends in Science and Technology Relevant to the BTWC: An International Workshop'. Presentations were given by Rod Flowers (William Harvey Research Institute) and Ralf Trapp (Consultant) on the Beijing workshop held in October-November 2010. The event was chaired by Jo Husbands (IAP). The summary report from the conference can be found at <[http://www.nap.edu/catalog.php?record\\_id=13113](http://www.nap.edu/catalog.php?record_id=13113)>.

The lunchtime event was on the topic of 'Options to revise the Confidence-Building Measures of the Biological Weapons Convention' and was convened by the Geneva Forum <<http://www.geneva-forum.org>>. Opening remarks were given by Hilde Skorpen (Norway) and draft proposals based on the outcome of seminars organized by the Geneva Forum to be put forward as a Working Paper to the Review Conference by the three countries acting together were outlined by Reto Wollenmann (Switzerland) and Volker Beck (Germany). The event was chaired by David Atwood (Geneva Forum).

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