

Wednesday 6th December 2023

Working Group discussions on confidence-building and transparency

The Third Session of the Working Group (WG) on the strengthening of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) opened on Monday morning in Salle XVII in the Palais des Nations in Geneva. This is the circular meeting room below Salle XIX where most of the recent BWC meetings have been held.

The meeting was opened by the Chair Ambassador Flávio Damico (Brazil) who kept the opening formalities brief. He noted that nearly 60 experts present in the room had received support under the BWC sponsorship programme supported by the Implementation Support Unit (ISU). He thanked Canada, France, Republic of Korea, Spain, UK and the European Union for their financial support for the programme and the USA for providing bilateral support for experts from four developing states.

Before the start of the substantive discussions on the allocated topic of measures for confidence-building and transparency, the Russian delegation proposed a change to practice, suggesting that international organizations should only be allowed to address BWC meetings in an informal setting. Other than emphasizing the perspective that states parties should take precedence in BWC proceedings, no reason was presented for this suggested change. However, it may not be unconnected to the objections by Russia to the statement made by NATO during the Ninth BWC Review Conference (2022). Two interventions opposed the proposal by Russia and no other delegation spoke in favour of it. The Rules of Procedure used for BWC meetings have remained unchanged since the First Review Conference but practice under them has evolved over the years through a series of informal understandings. It is one of these understandings that has allowed for international organizations to address BWC meetings in a formal setting. It has long been recognised that it would be difficult to achieve consensus for any formal amendments to the Rules. No decision has been taken on the suggestion and consultations on the it are continuing.

Documents, statements and presentations are being posted to the official webpage for the Third Session at <https://meetings.unoda.org/meeting/67453>. Official BWC documents are also available via <https://documents.un.org>.

Panel discussions

The proceedings on confidence-building and transparency began with a panel discussion featuring Daniel Feakes (BWC ISU) and James Revill (UNIDIR). The first presentation gave an overview of the BWC system of Confidence-Building Measures (CBMs) and described how they had evolved over time. The second outlined some of the objectives or purposes of transparency measures that states parties had developed and then identified some measures that have been considered or could be considered to enhance transparency beyond those. This prompted an active Q&A session.

Substantive points

This summary includes some of the substantive points raised during the panel session. Additionally, as some time had been lost at the beginning of Monday, some statements on this topic were delivered on Tuesday. This summary covers statements made on each day.

Russia introduced working paper WP.4 which suggests amendments to the CBM forms, in particular on military biomedical activities conducted by states parties on the territory of other states and on animal vaccine production facilities. Many references were made to the situation in Ukraine, prompting many points of order and rights of reply.

Uganda introduced WP.7 on CBMs which includes a suggestion to harmonize CBM reporting with the cycles and formats of global health security assessments with the aim of easing the reporting burden for states parties. During discussion, other delegations noted that the use of data for more than one international arrangement would save resources. The themes behind this working paper were seen as beneficial to promoting 'one health' approaches

There was a strong emphasis that CBMs were not a substitute for verification, together with comments that noted that CBM-type information exchange would be an important contribution to any verification system. The need to match information being exchanged with the need for enhanced global security was highlighted. Some statements noted that even if CBMs were to be replaced by a verification system in the long run, it would still be worthwhile to consider them more carefully in the short term as any verification instrument might well take some years to negotiate and then further years before entering into force.

The nature of the obligation to produce CBM returns was raised, as is usual in discussions on this issue area. Some statements suggested that submissions were a voluntary activity with others stressing the politically-binding decision by consensus that all states should submit them. A new suggestion was made that the nature of the obligation could be clarified by making CBM submissions mandatory.

There were many expressions of appreciation for increased levels of assistance to states parties for preparation of CBMs and it was suggested that the rise in recent years of CBM returns, reaching the milestone of 100 this year, was more likely due to additional capacity-building assistance being made available than changes introduced by the Seventh BWC Review Conference (2011). There has been a rise in submissions from African states parties, possibly connected with programmes such as the Signature Initiative.

There were suggestions that the CBM process needed to be more user friendly. The ISU noted that the electronic platform for CBM submissions was being updated.

A number of delegations encouraged their counterparts to make their CBM returns public and suggestions were made that some form of central analysis could be carried out on the CBM returns.

One new aspect of this Working Group session is the presentation of statements by Nigeria on behalf of the African Group. While this isn't an official group within the BWC, it is a coordination arrangement within a variety of other international bodies in Geneva. That the Group is becoming active within the BWC can be taken as an indication of increasing attention to the Convention across the continent.

At the end of these discussions, the Friends of the Chair for this topic Angel Horna (Peru) and Laurent Masméjean (Switzerland) offered a few comments on what they regarded as takeaways. They noted that the discussions had shown that confidence building and transparency activities had performed a number of important functions under the Convention and that they have proven their worth is widely acknowledged. CBMs should be preserved if not improved upon. Harmonization with other reporting could be beneficial. There would also be value in exploring whether and how transparency measures could contribute to advancing other topics discussed by the Working Group. They noted that there had been a large number of proposals and comments and that they intended to provide some structure to these contributions so that they can be taken forward in an efficient and organized manner in 2024.

These reports have been produced by the BioWeapons Prevention Project (BWPP) for all BWC meetings with NGO registration since the Sixth Review Conference (2006). 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 reporting for the Third Session of the Working Group 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>.