

Thursday 7th December 2023

## Organizational, institutional and financial aspects - setting the scene

The topic for the final day of the Third Session of the Working Group (WG) on the strengthening of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) is scheduled to be ‘Measures on organizational, institutional and financial arrangements’. This is topic (g) of those allocated to the WG. To assist with discussions on this topic Husham Ahmed (Pakistan), Ambassador Ichiro Ogasawara/Shigeru Umetsu (Japan) and Arsen Omarov (Kazakhstan) have been appointed as facilitators/Friends of the Chair.

Discussion of this topic comes at the end of an active week of the WG which has been meeting in Geneva for its Third Session during 4 to 8 December 2023 and will be followed the week after by the annual BWC Meeting of States Parties (MSP). The First Session of the WG met during March 2023 to discuss organizational issues and the Second Session met during 2006 to discuss some of the substantive topics, as scheduled by the First Session. The WG was established by a decision of the Ninth BWC Review Conference (2022). Reports in this series from those meetings, together with reports from BWC meetings since 2006, are available from the links provided overleaf.

This topic is very broad as it underpins many other aspects of possible measures to strengthen the Convention, not just compliance and verification. For example, a central focal point with sustainable funding could support international cooperation and assistance activities in relation to Article X and beyond, support the review of scientific and technological (S&T) developments, provide support for national implementation, and enhance assistance, response and preparedness to biological threats. However, it may be difficult for discussion of this topic to engage with all of the implications of these issues until further progress has been made on the other topics.

The meanings of the terms ‘organizational’ and ‘institutional’ have considerable overlap in English. However, the terms have greater distinction in some other languages. Discussions with delegates in the corridors outside of the meeting room suggest that many see the ‘organizational’ thread of this topic to be related to decision-making arrangements and the ‘institutional’ thread to be related to what form of entity (and its roles and responsibilities) would be most suitable to strengthen the Convention. While there are other interpretations of the distinction, this is the one this daily report will be based on. It is a useful reminder that the BWC is a multilingual forum.

### **Organizational arrangements**

Whatever form of institution might be at the centre of any new arrangements to strengthen the BWC, there will need to be political oversight in one form or another. How this is organized will be key to many delegations.

This sub-topic is also a logical place in which to have discussions about the organization of the WG and what form of output should be agreed by the WG to be presented to the Tenth BWC Review Conference (or a Special Conference if the timing is more appropriate) which would then presumably be forwarded to a new negotiating forum established by that Conference. Corridor discussions suggest there is not yet a clear common view of what is the preferred form of output should be. Establishing some clarity about this might help focus discussions within the other topics being discussed by the WG.

## **Institutional arrangements**

The institutional deficit within the BWC has been long recognized, but perspectives on how this should be resolved have varied significantly over the years. Institutional strengthening of the Convention was the topic for Meeting of Experts MX5 in the last intersessional programme of work. In part this was because it could be a starting point for discussing what form of institution might be useful for making the BWC more effective.

Over the years there have been a number of proposals for an institution analogous to the Organization for the Prohibition of Chemical Weapons (OPCW) established under the Chemical Weapons Convention (CWC). In addition, in September 2020, at the high-level plenary of the UN General Assembly, the President of Kazakhstan proposed the establishment of an International Agency for Biological Safety (IABS) which would be 'based on the 1972 Biological Weapons Convention and accountable to the UN Security Council'. Further details have been provided through a number of working papers, the most recent of which were to this session of the WG.

Another area where there has been some discussions over the years is the enhancing of the Implementation Support Unit (ISU). The ISU was established by the Sixth Review Conference (2006), replacing the ad hoc support arrangements for BWC meetings and taking on the the UN Office for Disarmament Affairs (UNODA) functions in relation to the BWC such as the processing of CBM returns from states parties. If the WG were to recommend negotiations on a new institution to replace the ISU, it would take some years before the negotiations were concluded and further years before any agreed instrument entered into force. The ISU has considerable support and would be expected to have the duration of its mandate extended while those negotiations were taking place. Moreover, preparations for such negotiations may identify appropriate expansions to the mandate of the ISU to take on additional tasks identified as useful to strengthen the BWC in the interim and to assist in the transition to the new institution.

## **Financial arrangements**

The MSP to be held next week will be discussing the short-term issues of financing, while the WG will be looking at the longer-term issues. However, it can only do so if there is a clear understanding of the current financial situation.

Over the last decade or so, the BWC has gone through considerable financial difficulties that were caused by arrears in payments by states parties of their assessed contributions. While the situation has improved overall there are still a number of challenges. When the Chair of the MSP this year, Ambassador Cristian Espinosa Cañizares (Ecuador), wrote to states parties on 29 September in preparation for the meeting, he noted 'the fact remains that a significant number of States Parties have still not paid their assessed contributions for 2023, and many also have outstanding amounts owed for previous years. Full and timely payment of assessed contributions is necessary in order for us to conduct the activities that we agreed to at the Ninth Review Conference. I would therefore like to encourage all States Parties to fulfil the obligation to pay their assessed contributions for 2023 in full as soon as possible, and to request any States Parties with outstanding contributions from earlier years, to clear them as soon as possible.' The financial situation of the Convention has improved in part because of an improved rate of payment of assessed contributions and some payment of arrears but also because of a set of financial measures adopted at the 2018 MSP which included the establishment of a Working Capital Fund (WCF).

Many of the subject areas being considered by the WG have considerable financial implications and these will need to be examined. If the WG recommends the establishment of some form of negotiations these themselves will be costly and so the implications of these will need to be evaluated.

*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](mailto:richard@cbw-events.org.uk)>.*