

Wednesday 16th November 2016

Further cross-cutting plenaries: Article VII and Implementation

The seventh day of the BWC Review Conference started with an announcement that a short session of the Committee of the Whole (CoW) would be held in order to complete the second reading of the article-by-article review ahead of the scheduled plenaries on the facilitated cross-cutting themes. This would enable the Chair of the CoW, Ambassador Michael Biontino of Germany, to collate a new text for the next phase of work.

Before the CoW convened, there was a plenary discussion on the status of meetings which concluded that the CoW would, for the rest of this Review Conference, be considered a closed meeting with only delegates of states parties able to attend. The cross-cutting plenaries are now described as formal plenaries which means they are considered to be open.

Committee of the Whole

The CoW met behind closed doors for about an hour during the morning. The session considered the last of the articles remaining from the work on the 'second reading' the previous night. A new compilation of text is being prepared, taking into account the changes deriving from the second reading. If past practice is a guide, some informal consultations may take place during this compilation process.

Cross-cutting plenary discussions

The first of the cross-cutting plenary topics started in late morning with the President of the Review Conference, Ambassador György Molnár of Hungary handing over the Chair to Ambassador Alice Guitton of France as facilitator on Article VII issues.

Using some varieties of terminology, a number of delegations noted the importance of rapidity in: detection of disease, assessment of the impact of the situation and deployment of relevant humanitarian assistance – all of which needs effective national capacities to carry out. Therefore capacity building in these areas is of direct relevance to Article VII. Switzerland noted national capacities were the first line of defence against deliberate disease. Venezuela for the NAM suggested timely assistance under Article VII was a legal obligation. South Africa noted that in the last inter-sessional process there had been no real discussion on the practicalities of timely assistance and highlighted aspects of their working paper on Article VII implementation, WP.34. The question of procedures to be used remains the subject of debate, including the question of whether humanitarian assistance should be provided before any determination by the UN Security Council. Resources, or lack of, for assistance prompted the description of arrangements in analogous regimes, such as the OPCW voluntary trust fund for assistance. A need for arrangements to ensure effective interaction between the many international organizations that have relevant mandates, such as the WHO, OIE and FAO, and which might be involved in a relevant situation was highlighted. The need for technical capacities on the ground was highlighted by Russia with its proposal for mobile biomedical units.

A number of delegations expressed support for a database relating to Article VII, (following on from the Assistance and Cooperation Database, commonly referred to as the Article X database) which had been proposed in a France-India joint paper, PC/WP.7; although some delegations noted that there may be lessons to be learned regarding implementation issues around the Article X database.

Many delegations suggested that Article VII should be a subject for consideration in any future inter-sessional process.

Ambassador Guitton thanked the delegates for their comments, noted the level of interest in operationalizing this Article and indicated that she would continue consultations. She then handed over the Chair to Ambassador Biontino in his role as facilitator on implementation issues.

The need for a broad range of implementation activities was highlighted, with recognition that there are a variety of national contexts. The need for capacity building in this area was noted by some delegations.

The Implementation Support Unit (ISU) indicated that 80 Confidence-Building Measures (CBMs) returns had now been received this year; a record number, but still only representing some 44 per cent of states parties. It was highlighted that there were inconsistencies in some returns that would appear to derive from the process by which they had been compiled and this might prompt perception of ambiguities. There were many calls from delegations for increased levels of submissions and some indications of the enhanced transparency that comes from making submissions public. The need for an electronic method to make submission of CBM returns easier as suggested by the Sixth Review Conference (but without mandating resources to implement it) was highlighted.

A number of voluntary measures to promote confidence in compliance were raised. France noted that there had now been six peer-review type transparency exercises. India suggested such activities had evolved without unanimity as to their purpose, and indicated that while the delegation was not in a position to endorse such activities, it did not wish to reject them outright. A number of participants in voluntary activities indicated their positive experiences of them. There were suggestions that if groups of states wished to carry out voluntary compliance activities that was up to them but this should not create expectations that others will follow. Cuba suggested that voluntary measures might lead to a false sense of security. A number of states indicated their preference for implementation in the context of a comprehensive legally binding instrument to strengthen the Convention.

The role of codes of conduct as a further tool to reduce the potential for misuse of the life sciences was highlighted.

At the end of the proceedings, Ambassador Biontino indicated that there were a number of speakers still on his list and that discussion on this cross-cutting theme would continue on Wednesday.

Side events

Three side events were held on Tuesday at lunchtime, convened by: the European Biosecurity Regulators Forum (EBRF) and Denmark, entitled 'Immaterial Technology with Dual-Use Potential'; the United Nations Interregional Crime and Justice Research Institute (UNICRI) and the US Federal Bureau of Investigation, entitled 'Understanding and Mitigating Emerging and Future Risks in the Life Sciences: The International Network on Biotechnology'; and the US National Academy of Sciences, entitled 'Science Advising Relevant to the BWC: Initiatives from the InterAcademy Partnership and Its Members'.

These are the last scheduled side events for a week.

This is the eighth report from the Eighth Review Conference of the Biological and Toxin Weapons Convention (BWC/BTWC). These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP). They are available via <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. A subscription link is available on each page.

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