

Tuesday 6th December 2022

Into the second week: a first look at the Solemn Declaration

The Ninth Review Conference for the Biological and Toxin Weapons Convention (BWC/BTWC) started its second week with a brief plenary. The Committee of the Whole (CoW), meeting in public, took a first look at the Solemn Declaration. The rest of the working time was used by the informal plenary preparing for the Drafting Committee which met behind closed doors. The official BWC website for the Review Conference, which can be found at <https://meetings.unoda.org/bwc-revcon/biological-weapons-convention-ninth-review-conference-2022>, contains official documents, copies of statements delivered and information on side events. The number of working papers on the site is now 50.

Brief plenary

The brief plenary heard that the nomination of Brazil had been received for the last position for Vice-President of the Conference. This was agreed to and means that there is now a full roster of office holders for the Review Conference. The President of the Review Conference, Ambassador Leonardo Bencini (Italy), stressed that his intention was to try to follow the published programme of work which has the CoW and the Drafting Committee meeting in alternating sessions to work on the parts of the final document they had been allocated [the structure of the document is described below]. He noted that the initial compilation of suggestions of what might be in the article-by-article review was sent out by email to delegates late on Sunday and bears the document reference BWC/CONF.IX/COW/INF.1 [past practice has been that this document is put on the Conference website and assurances have been received that the same practice will be followed this year but there has been a technical delay]. Ambassador Bencini stated his aim was to have a consolidated draft of the final document by the end of this week. Finally, he announced the return of the ‘Bowling World Cup’ – the alternative BWC – which will take place on Thursday evening.

The Committee of the Whole – Solemn declaration

The CoW met after the plenary to hold a short session to take a first look at the Solemn Declaration with Ambassador Tatiana Molcean (Republic of Moldova) in the Chair. As its starting point, the CoW took the text from the Eighth Review Conference (2016) which had been adopted by consensus. There are two perspectives that are regularly expressed about the Solemn Declaration – one is that this is the overarching political declaration from the Review Conference, the other that it contains the preambular paragraphs to the article-by-article review. A number of suggestions for changes were proposed without debate.

Schrödinger’s Committee continues

The Drafting Committee that isn’t the Drafting Committee continued its work for the last hour of the morning work session and continued into the afternoon, with Sara Lindgren (Sweden) in the Chair. There were further exchanges of views and the team of facilitators

indicated they were preparing a non-paper to put together elements for the forward-looking part of the final document. While not a formal facilitator, Tancredi Francese (Italy), a member of the Presidential team, has been focused on facilitating discussions on the future inter-sessional work programme.

The structure of the final document

The structure of BWC Review Conference final documents has had two phases. The original was up until the Fifth Review Conference (2001 & 2002) before a new structure was adopted at the Sixth Review Conference (2006). The new structure happened in part because the Fifth Review Conference had been unable to agree a final document in accordance with the BWC's previous practice and this provided the chance to create a new format more suitable to the needs of the BWC at the following Review Conference.

The final documents adopted since 2006 have started with a part titled: 'I. Organization and work of the Conference', often referred to as the 'procedural report'. It is largely uncontroversial as it simply describes the practical aspects of the Conference – when the Conference met, which delegations attended, who were the office holders, etc. The draft of this part is prepared by the Implementation Support Unit (ISU) and is usually circulated only a few days before the end of the Review Conference owing to there being little to discuss as it is almost entirely factual.

The next part is 'II. Final Declaration' which has two sections – the Solemn Declaration and the article-by-article review. The Solemn Declaration is not titled as such in the final document and appears before the article-by-article section. The intention of Part II is to be a review of past activities and is usually the subject of a drawn-out negotiation process to get a text all delegations can agree on.

The third part within the structure is 'III. Decisions and recommendations' and is often referred to as the 'forward-looking' part. It is this part that includes sub-sections such as the details of any inter-sessional work programme, the mandate of the ISU, and so forth. Having said this, practice has been that the first sub-section has consistently been about the previous inter-sessional programme. As with part II, this is usually the subject of a drawn-out negotiation process. As with most multilateral negotiations, 'nothing is agreed until everything is agreed' and so the negotiations for parts II and III are linked.

Final documents also have annexes such as the agenda, rules of procedure and a list of the documents of the Conference. As with part I, these are mostly factual or are copies of documents agreed at the beginning of the Conference so require little discussion in normal circumstances. One exception was that the final document of the Seventh Review Conference (2011) contained an additional annex on the revised forms for submission of Confidence-Building Measures (CBMs) agreed upon that year.

Each of the last three final documents – 2006, 2011 and 2016 – have included some repetition as time was short. It was better to use the available time to resolve any outstanding issues rather than neaten up the text. This may also apply during the negotiations of the final document this time.

Side events

There were three side events on Monday. At breakfast, Russia hosted a 'Briefing on the outcomes of the Consultative meeting initiated by the Russian Federation under Article V of the BTWC'. There were two events at lunchtime: Germany hosted a briefing on 'The German Biosecurity Programme'; and Russia held a reception to launch an exhibition 'The 100-year anniversary of the Russian State Sanitary and Epidemiological Service: A century on guard of health and well-being' which will be available for delegates to view for the coming week.

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