

Thursday 11th August 2016

Article-by-article review: Preamble to Article VI

The Preparatory Committee (PrepCom) for the Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) continued on Wednesday with further interventions on the cross-cutting before moving on to the scheduled article-by-article review which is expected to take two days. The Chair of the Prep Com, Ambassador György Molnár of Hungary, presided over the morning meeting with Vice-Chair Ambassador Michael Biontino of Germany presiding over the afternoon meeting.

A request from Djibouti to attend the PrepCom as a non-signatory observer state was received and approved. Not only is attendance by three non-signatory states a much greater representation than normal, it would also appear to be the first time ever that Djibouti has attended a BWC meeting.

Cross cutting issues

The first hour or so of the formal proceedings followed on from discussion the day before. Taking the floor under this item were: Japan, Canada, Albania, Republic of Korea, Norway, Finland, Colombia, USA, South Africa, UK, Iran, Australia, India and France. As proceedings were very interactive, delegations are listed for when they first took the floor.

Most of the discussion focused on aspects of the Implementation Support Unit (ISU) and possible future work programmes. It was noted that past BWC budgets had been very rough estimates. The USA indicated that expenditure had not matched the budget for any of the years of the last inter-sessional work programme. South Africa noted that decisions on the package of activities for a work programme are taken right at the end of each Review Conference, giving very little time to develop a precise budget, and highlighted a suggestion it had included in its Working Paper on the ISU. South Africa proposed that the first Meeting of States Parties be specifically mandated to adopt the budget for the ISU and its support for the work programme in subsequent years as this would allow for the estimates available to the Review Conference (which would inevitably be rough, owing to time pressures) to be fine tuned into a more precisely calculated budget without having to amend any other aspect of financial procedures. This proposal prompted further discussion on the decision-making issues raised on Tuesday.

Article-by-article review

In order to have a comprehensive review of the Convention, the PrepCom examined all articles of the Convention, starting with the Preamble. The Chair highlighted the ISU information document on previous understandings on each Article (BWC/CONF.VIII.PC/4).

Rather than list who intervened on each article, delegations that took the floor during this agenda item during Wednesday were: USA, Iran, Russia, UK, Armenia, China, Australia, Pakistan, Canada, India, Netherlands, Switzerland, France, Algeria, Montenegro, Spain, Germany, Japan, Norway, Finland, Cuba and Sweden. Many subject areas fall within the purview of more than one article. For example, Germany described its peer review exercise under Article V owing to its transparency characteristics, but acknowledged it could have equally done this under other articles.

Much of the discussion regarding *Article I* focused on the issue of use and that the term ‘use’ does not actually appear in the text of the article. Iran and Russia argued this was a significant weakness. The Fourth Review Conference in 1996 declared that use is implicitly prohibited by the Convention, a declaration repeated at each Conference since. Russia argued this only applied to states and noted it had presented a paper to the Conference on Disarmament earlier this month updating its proposal for a legal instrument prohibiting biological and chemical terrorism. [*Historical note:* This discussion on use was held exactly 45 years to the day from the first discussion on the US-Soviet joint draft BWC that had been submitted to the negotiations a few days earlier. A key difference from the earlier UK drafts had been the dropping of use as a prohibition. On 10 August 1971, UK Ambassador Henry Hainworth forcefully urged the reintroduction of use as a prohibition but this did not overcome the resistance of the USA and USSR. The UK then carried out a legal review which reported that use would rely on possession of prohibited items and therefore the use of biological weapons would fall within the prohibitions of Article I.]

A number of interventions on *Article III* focused on export control issues. The balance of obligations for each State Party to ensure it does not assist others in the acquisition of biological weapons while at the same time to ensure fullest possible access to materials and technologies for peaceful purposes under Article X has long been the subject of discussion. Suggestions were made that the informal arrangement between certain governments to coordinate export controls in this subject area, known as the ‘Australia Group’, is unfair and discriminatory; members of the group denied this, arguing it is a mechanism to harmonise practice and exchange information. China and Pakistan spoke to their Working Paper to establish a ‘non-proliferation export control and international cooperation regime’ under the framework of the Convention.

On *Article IV*, it was noted that national implementation could be done to whatever standard a government wished. Some delegations suggested there could be useful benchmarks set internationally. France and the Netherlands spoke of their peer review experiences. Canada and USA referred to a recently initiated ongoing implementation review project they are participating in with Chile, Ghana and Mexico. Montenegro spoke to its Working Paper with Côte d’Ivoire, Gabon, Kenya Philippines and Uganda on National Action Plans.

The *Article V* discussion included suggestions that there were limitations with the existing system of Confidence-Building Measures (CBMs). Japan noted its earlier proposal that states could submit partial CBMs rather than wait until they had built capacity to compile the information for all of the CBM forms and this might encourage participation. Spain described its Working Paper on voluntary visits

Under *Article VI*, a number of delegations noted that the UN Secretary-General’s investigative mechanism (SGM) was the only available investigation tool in existence while others suggested there should be a mechanism within the BWC itself. Cuba noted that many people had been involved in training for the SGM and these skills could be transferred to an investigation mechanism within the BWC. It was noted that there was a collective benefit derived from effective investigation measures.

Side event

There was a lunchtime side event convened by the University of Massachusetts Lowell (UML) under the title of ‘Promoting Norms through Knowledge: Roles and Mechanisms for Science and Technology Review in the BTWC’ with Nicholas Evans (UML), Megan Palmer (Stanford University) and Piers Millett (Biosecure).

This is the fourth report from the August session of the Preparatory Committee for the Eighth BWC Review Conference which is a continuation of the PrepCom session in April. These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP) and are available via <<http://www.bwpp.org>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>.

The reports are prepared by Richard Guthrie. He can be contacted during the PrepCom on +41 76 507 1026 or <richard@cbw-events.org.uk>.