

Friday 12th August 2016

## Article-by-article review: Article VII to Article XV

The Preparatory Committee (PrepCom) for the Eighth Review Conference of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) continued with the scheduled article-by-article review. As with Wednesday, 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.

At the opening of the proceedings, Ambassador Molnár noted that the presence in the room of two signatory states (Haiti and Somalia) and three non-signatory states (Djibouti, Guinea and Israel) was a very positive sign.

Before the close of the meeting, Ambassador Molnár circulated two documents in the room – the drafts of the procedural report and of the Chair’s report. The draft procedural report is factual, describing the practical aspects of the PrepCom (when it met, who had what roles, details of decisions taken, etc). As all of the decisions mandated to the PrepCom have been taken (apart from the adoption of the report itself) this is likely to prove entirely uncontroversial; although, following past practice, it will be reviewed paragraph-by-paragraph before adoption. The Chair’s report follows the decision of the 2015 Meeting of States Parties, under which he ‘would present under his own responsibility, for consideration of delegations ahead of the Review Conference, a summary report without prejudice to perspectives, recommendations, conclusions and proposals presented by delegations or that prejudices the final outcome of the Review Conference’.

### Article-by-article review

Rather than list who intervened on each article, delegations that took the floor during this agenda item during Thursday were, in order they first took the floor: India, UK, Iran, Japan, South Africa, France, Switzerland, Russia, Ireland, Bahrain, China, USA, Pakistan, Australia, Cuba, Finland, Sweden, Netherlands, Algeria, Norway, Canada and Germany. As on Wednesday, there were no group statements during the article-by-article review.

Reading between the lines of interventions on *Article VII*, it would seem that the cluster of issues around this article was seen as most the productive aspect of the last inter-session work programme and the most likely to produce practical outputs from the Review Conference. There was a clear recognition of a lack of preparedness for outbreaks; highlighted, for example, from lessons learned regarding the Ebola cases in west Africa. There was much discussion of the France-India database proposal for assistance in capacity building in this subject area. Capacity building was seen as critical as early detection of disease is key in limiting its spread and connections with Article X were emphasised. The UK described this as synergy in a paper (WP.14) and suggested there were aspects of both articles that should be discussed together. Others noted the links between the articles, as there are links between other pairs of BWC articles, but suggested this link should not be a special case. Japan spoke to its paper (WP.29) on strengthening collaboration with other international bodies. South Africa introduced its update (Advance) to Article VII assistance request procedures. Discussion around this highlighted need for timely emergency assistance before determination is made by the UN Security Council that the incident is a

case of deliberate use. France noted its paper (WP.12) on specificities of the response to natural and intentional disease outbreaks. India argued that lessons from this Article indicated a need for a comprehensive approach to enhancing the Convention as Article VII – about which there is much common ground – can only be developed to a limited extent without further work on Article VI – about which there are major divergences on investigation arrangements.

*Article VIII* relates to the 1925 Geneva Protocol and many delegations urged BWC States Parties that had not done so to join the Protocol. France, the depositary government of the Protocol, informed the meeting that there had been two accessions during 2015 – Colombia and The Former Yugoslav Republic of Macedonia – and noted its paper (WP.11) calling for reservations to the Protocol to be withdrawn. Russia suggested that maintaining a Geneva Protocol reservation was incompatible with membership of the BWC and referred to WP.19, its paper on the subject. The USA, in an apparently carefully phrased intervention, agreed that any reservation reserving the right to hostile use of any item prohibited under the BWC was incompatible with the Convention. [Note: the US reservation applies to the chemical aspects of the Geneva Protocol, not the biological.] The UK agreed with calls for removal of reservations and noted it had informed France some years ago about the withdrawal of its reservation in two stages.

Discussion of *Article IX* on some levels is moot as its calls for negotiations on a Chemical Weapons Convention (CWC) have been fulfilled. Iran referred to delays in destruction of declared chemical weapons stocks under the CWC. The USA noted the increasing convergence between chemistry and the life sciences and noted linkages that could be made between actions under the BWC and CWC on responding to threats by non-state actors. Russia responded that in its view such linkages were not adequate to the challenge, hence the need for a new treaty instrument on biological and chemical terrorism.

*Article X* is an area where there have been many divergences of views expressed in the past. Historically, non-aligned countries would call for better implementation of this article and western states would emphasise that the BWC was primarily a security treaty. The debate has moved on and many interventions related to practical cooperation and assistance activities. Many interventions with a broad geographical spread acknowledged more could be done to enhance capacity building. Iran repeated earlier non-aligned calls for a mechanism to enhance Article X; Russia suggested that this would be a topic suitable for discussion in its proposed open-ended working group. France welcomed the establishment of the cooperation and assistance database by the last Review Conference and suggested there was a need to learn why it has been used less than expected. Canada remarked that it might be that many offers and requests lacked precision and suggested users of the database should be encouraged to identify any impediments that they perceive. Finland and Norway noted the first line of defence against biological attack is an effective public health system.

Iran noted its proposals to earlier Review Conferences under *Article XI* to amend the Convention in order to include ‘use’ within the prohibitions in Article I.

The USA noted in the *Article XII* discussion that if five years was too long a gap between meetings to take decisions to keep up with contextual events such as scientific and technological developments, the gap between Review Conferences could be reduced.

### **Side event**

There was a lunchtime side event convened by the University of Sussex entitled ‘Options for Article X’ with James Revill and Caitriona McLeish (both Sussex University).

***Please note: there will be a ninth report covering the final day of the PrepCom that will be e-mailed out and placed on the websites below***

*This is the fifth 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>>.*

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