

Monday 31st July 2023

Completion of the First Session of the Working Group on organizational issues

This report covers the conclusion of the First Session of the Working Group on the strengthening of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) that met in Geneva in March 2023 and includes some reflections on the Session.

The Working Group held its second and final day of meetings on organizational issues on Thursday 16 March, continuing into the evening beyond the provision of interpretation to complete its work. There was agreement on the agenda for the Group overall and on an indicative programme of work, both of which are included in the procedural report of the First Session – document BWC/WG/1/2, available from the website for the First Session at <https://meetings.unoda.org/meeting/67449/>. The site for the Second Session in August is at <https://meetings.unoda.org/meeting/67451/>. Official BWC documents are also available via <https://documents.un.org>.

The proceedings of the second day

As with the day before, the proceedings of the second day were presided over by Vice-Chair Ambassador Camille Petit (France). The first action of the morning was the approval of the other Vice-Chair, Irakli Jgenti (Georgia), who had been nominated by the Eastern Group. The Chair of the Working Group, Ambassador Flávio Damico (Brazil), was present in the room for the day's proceedings in line with the exceptional circumstances outlined and accepted the day before.

The focus of discussion was how to organize the work of the substantive sessions of the Working Group. To this end, a draft 'indicative programme of work' had been circulated to delegates on Wednesday night, although a technical issue meant many delegations did not see it until Thursday morning. This initial draft prompted a number of suggestions on how to develop it further.

One aspect for discussion was whether the Working Group had seven topics to discuss or nine. Seven topics were agreed by the Ninth Review Conference for the Working Group and listed in paragraph 8 of part II of its final report which are: (a) international cooperation and assistance under Article X; (b) scientific and technological (S&T) developments relevant to the BWC; (c) confidence-building and transparency; (d) compliance and verification; (e) national implementation of the Convention; (f) assistance, response and preparedness under Article VII; and (g) organizational, institutional and financial arrangements. It was suggested that the Article X and S&T review mechanisms should be dealt with as additional topics as the relevant paragraphs recording the decision of the Review Conference to work towards establishment of each of these mechanisms (nos. 18 and 19 respectively) included the wording: 'In order for this mechanism to be established, the Working Group on the strengthening of the Convention will make appropriate recommendations.' It was agreed that there would be allocated time specifically for discussion of each of the two mechanisms.

Once there was agreement on the number of topics there remained the question of how much time should be allocated to each topic. There was broad recognition that the discussions of the proposed mechanisms would build upon discussions in their relevant

substantive topics and thus the two mechanism topics might not need so much time allocated. Other than this, should each of the topics be allocated an equal time? For example the question was raised as to whether compliance and verification should be allocated more time than Article X and S&T review as these had been the subject of much more discussion at expert level in recent years. Other delegations expressed opposition to allowing some topics to be allocated more time at the expense of others. The balance between topics was the subject of plenary discussions together with informal consultations. The final agreed version allows for all but one of the topics [(f) on Article VII] to be considered at least once during 2023.

The mandate for the Working Group only specifies a final report and there was some discussion about whether time should be allocated to preparing progress reports. The mandate specifies that the Working Group Chair will update the annual Meeting of States Parties on the work of the Group. It was noted that past practice in BWC was to prepare a procedural report from each session of meetings. There was no discussion on what form the final report from the Working Group might take.

The phrasing of the key items on the agenda was agreed after considerable discussion. The key substantive item in the adopted agenda: 'Identifying, examining and developing specific and effective measures, including possible legally-binding measures, and making recommendations to strengthen and institutionalize the Convention in all its aspects within the mandate of the Working Group' is based on the wording in paragraph 8 of part II of the final report of the Ninth Review Conference. Another agenda item allows for discussion of 'Other matters within the mandate of the Working Group'.

Reflections

A conscious effort is taken in writing these daily summaries to report as objectively as possible. However, there are times that this style of reporting does not convey some of the atmosphere of meetings or possible consequences of activities. The following are some personal reflections that do not necessarily represent anyone's views other than the author's own.

The Working Group represents a significant opportunity for the Convention, but progress is not likely to be immediately obvious as the political differences between states parties that prevented agreement at the Ninth Review Conference on items such as the two proposed mechanisms seem likely to remain in the short term. Yet this should not be a reason to be pessimistic about the prospects for the Working Group as time should allow for positive developments.

Further clarity may be useful on what is expected from the Working Group as it was clear from the plenary discussions that there is a lack of an agreed vision on how the substantive work will be taken forward. In discussions in the corridors with delegates, many agreed with one description of the role, that the Working Group should prepare 'building blocks' for a legally binding instrument, while others indicated that the Group should be identifying parts of a collection of measures that should then be forwarded to a new body to be developed further. A clearer collective vision on the potential output may help focus proceedings and help deal with the challenge of turning what was a relatively brief discussion at the Review Conference on what the Working Group might do into a plan of activities in the coming years for the Working Group itself and beyond.

The adoption of an indicative programme of work stretching so far – all the way into 2026 – was surprising when looked at from the perspective of past negotiations in many forums. It is rare for an indicative schedule looking so far ahead to remain intact. Moreover, the consultations at a later stage to amend a previously agreed indicative schedule can be time consuming as it is a well-known negotiating tactic of those not keen on progress to argue that the agreed programme should be adhered to in circumstances where the majority of delegations see benefits in adaptation.

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. The reports are written by Richard Guthrie, CBW Events, who is solely responsible for their contents <richard@cbw-events.org.uk>.