

Wednesday 6th April 2022

## The start of the article-by-article review of the Convention

The second session of the Preparatory Committee for the Ninth Review Conference for the Biological and Toxin Weapons Convention (BWC/BTWC) moved to the agenda item on the ‘Comprehensive consideration of all provisions of the Convention’. The first part of this was an interactive article-by-article discussion which covered Articles I through V on Tuesday (no delegation asked for the floor to discuss the Preamble).

Before the plenary meeting started there were informal consultations held behind closed doors on procedural arrangements for the Review Conference. By all accounts there was little progress in the consultations at this stage. During the day the meeting briefly returned to the general exchange of views to allow Botswana to give a national statement. There were no side events on Tuesday.

### **The article-by-article review**

Under *Article I* the BWC States Parties undertake: ‘never in any circumstances to develop, produce, stockpile or otherwise acquire or retain ... microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes’. Russia was first to take the floor under this article, repeating parts of the allegations by its country on US-funded biological facilities in Ukraine, suggesting that the types of pathogens (i.e., microbes that cause disease) being researched indicated a military programme that breached Article I and that the destruction of the pathogens when military action started reinforced this. The USA, Ukraine and a number of other delegations dismissed these allegations. France noted that the World Health Organization (WHO) had recommended destroying pathogens in the war zone. Ukraine noted it had sent a *note verbale* to the WHO to request a visit to the facilities in its territory as a transparency effort. Iran, which has long pressed for an amendment to Article I to include use, did not do so in its intervention this time. However, it did restate its call for reservations to the 1925 Geneva Protocol to be withdrawn.

While the obligation in *Article II* on states parties to destroy those things prohibited under Article I, or divert them to peaceful purposes, might be seen as of historical interest, it was noted that this may be relevant if any new states parties possessed biological weapons when they joined the Convention.

*Article III* deals with obligations not to transfer items that could assist, encourage or induce anyone else to acquire biological weapons. While this was highlighted as a national obligation under the Convention, there were many calls for there to be a multilateral arrangement to oversee this in a non-discriminatory manner. Consistent with discussion in earlier years on this Article, the interaction and balance between Article III and the Article X obligations to ensure ‘the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes’ was a particular focus. This year there were many more comments about how effective implementation of one Article can help implement the other. Perhaps the most developed proposal of the day that had not been previously heard was that from Iran on creating a new system of

transparency in the field of transfers including assurances of end uses consistent with the provisions of the Convention and restrictions on transfers to non-signatories of the BWC.

*Article IV* relates to national implementation of the obligation not to have biological weapons. Russia took the floor to repeat some of its allegations on the US-funded facilities in Ukraine stating activities there breached Article IV. Numerous delegations spoke against these allegations. A major point of discussion was the role of voluntary arrangements to help develop good practice, such as peer review, which the proponents suggest can also enhance confidence in compliance amongst the participants. France spoke to WP.4 of the most recent Meeting of States Parties on an ‘exchange platform’ for voluntary transparency exercises. Other states raised hesitations over the use of voluntary measures which could not replace formal verification measures. On the question of improving standards of laboratory practice, France introduced WP.1 on the ‘SecBio’ proposal for an international platform dedicated to biosecurity and biosafety. China expressed hopes that the Review Conference would endorse the Tianjin Biosecurity Guidelines for Codes of Conduct for Scientists and that the new inter-sessional work programme would discuss their dissemination.

*Article V* deals with consultations and cooperation, bilaterally and multilaterally. As such, it also includes the system of Confidence-Building Measures (CBMs) and some points raised about CBMs under other Articles on Tuesday are reported here for brevity and clarity. The BWC Implementation Support Unit (ISU) introduced its background information document on CBMs (PrepCom document 3) which includes some suggestions for technical changes that the Review Conference might consider. The document also highlights that 2021 was a record year for CBM submissions, reaching 50 per cent of states parties for the first time. While welcoming this increase, some delegations suggested the level was not high enough and urged all states parties to participate. Botswana highlighted its experience in preparing its first CBM return which is expected to be submitted soon; one lesson was that there had not been a focal point to implement the activities needed to compile the return until a CBRN office was established in 2018. There were divergences of views as to the nature of the obligation for CBM returns with some saying they were voluntary as there was no legal requirement to submit them with others saying that Final Documents of successive Review Conferences had agreed that states parties should submit them – if Review Conference conclusions were not followed, where would this take the Convention? Russia spoke to WP.3 on a proposal to require states parties to declare in the CBMs if they had military biological facilities in the territory of other countries. This proposal was supported by China which also noted that one US document said there were 26 supported laboratories in Ukraine while another said 46 and that clarification would be useful. The USA responded by saying there were no biological defence facilities in the territory of other countries other than hospital laboratories to support the health of personnel on military bases. The USA then asked whether the core of the concern was a need for transparency when a military entity collaborated with a civilian biological research laboratory; if so, why was China not being open about military cooperation with a specific but unnamed civilian biological research laboratory? China responded by saying this brought forth unfounded accusations against China, including the work of the Wuhan Institute of Virology, and that such discussion was highly political. On Article V consultation measures, Switzerland noted that earlier Review Conferences had agreed that a consultative meeting should be held within 60 days of a request and asked if the BWC financial arrangements would be able to facilitate this.

As the day drew to a close, Poland asked for a clarification as to whether the BWC was being asked to consider data to support the Russian allegations that had been gathered during an illegal act of war. Russia responded that there was no war, only a special military operation to denazify Ukraine. There was an audible response from many delegates in the room on hearing these words.

*This is the third report from the Preparatory Committee for the Ninth BWC Review Conference being held 4-11 April 2022 in Geneva. These have been produced for all BWC meetings since the Sixth Review Conference by the BioWeapons Prevention Project (BWPP). They are available from <<http://www.bwpp.org/reports.html>> and <<http://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](mailto:richard@cbw-events.org.uk)>.*