

UK Speaking Notes – 2020 BTWC Meetings of Experts

30th August – 8th September 2021

MX5: Institutional Strengthening of the Convention

Chair: Ms. Grisselle del Carmen Rodríguez Ramírez of Panama

Agenda Item 4: Consideration of the full range of approaches and options to further strengthen the Convention and its functioning through possible additional legal measures or other measures in the framework of the Convention

UK working paper (BWC/MSP/2020/MX.5/WP/1): Review Conferences, Decision Making and Future Institutional Strengthening of the Convention

Thank you, Madam Chair. Good morning / afternoon, distinguished delegates and colleagues.

The manner in which States Parties can take decisions is a central question when we consider ways in which we could strengthen the Biological and Toxin Weapons Convention. Our paper seeks to explore what the history of the Convention shows us about how States Parties have agreed decisions beyond the Review Conferences that have taken place every five years. We make some recommendations about providing ourselves with the opportunity to

take decisions more frequently where needed, to make the implementation of the Convention more effective.

Some States Parties have previously argued that only the Review Conference has the authority to take decisions that are politically binding on States Parties. We contest that this is not the case. There has been no previous decision at any BTWC Review Conference that states this either explicitly or implicitly and there is ample evidence that States Parties have agreed on numerous occasions to devolve specified decision-making authorities to other meetings and groupings of States Parties.

If we return to the text of the Convention itself, Article XII simply specified one Review Conference, to take place five years after the Convention's entry into force, or earlier if requested by a majority of States Parties. As we all know, this first review conference took place in 1980. Since then we have held seven more review conferences as

States Parties have recognised the value of reviewing the operation of the Convention in this format. At each of these, States Parties have in one way or another agreed to delegate certain decision-making powers to other meetings or groupings of States Parties. Our working paper provides examples and sets out in detail what these arrangements have been. It adds up to a significant pattern of decision-making across a range of important issues by other meetings or groupings of States Parties. When these fora have taken decisions, they did so without the need to refer back to a Review Conference for final approval or further consideration. As our working paper states, meetings of States Parties, in whatever setting, can agree to do anything on which they are able to reach consensus.

So what does this mean for us now? We propose that the Ninth Review Conference agree to delegate some decision making authority to Meetings of States Parties so we do not have to wait five years or more to move forward. Annual meetings of states parties

are used effectively in other disarmament treaties and conventions to take decisions; the same is possible for this Convention. The annual Meeting of States Parties to the BTWC should be given the authority to decide on specific actions needed to strengthen the Convention when required. To be clear, the same rules of procedure as apply at Review Conferences should be applied also to these meetings, adapted *mutatis mutandis*.

The UK believes such a move, which we consider entirely consistent with past practice, would help us make substantive progress on strengthening the Convention in a timely manner. Being able to take decisions at annual meetings would enable States Parties to maintain the BTWC's relevance at a time of considerable change. We encourage all States Parties to consider this suggestion and work in a spirit of cooperation to examine how we could make the implementation of the Convention more effective.

Thank you, Madam Chair.