

# Potential outcomes of the Ninth BWC Review Conference

JEZ LITTLEWOOD

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POTENTIAL OUTCOME 1	POTENTIAL OUTCOME 2	POTENTIAL OUTCOME 3	POTENTIAL OUTCOME 4
<p><b>Limited:</b> No BWC activity until next Review Conference</p>	<p><b>Status quo:</b> MXs on agreed topics plus MSP</p>	<p><b>New approach:</b> New mandate for working groups on enhancing BWC implementation</p>	<p><b>Negotiation:</b> New mandate to negotiate on ways to enhance BWC implementation</p>
<p><b>Assumptions</b></p> <ul style="list-style-type: none"> <li>No SP will openly promote this outcome</li> <li>Inability to agree in 2022 may result in compromise in 2023 and activity in 2024–2025</li> </ul>	<p><b>Assumptions</b></p> <ul style="list-style-type: none"> <li>Most likely outcome as it is the default option</li> <li>Existing ISP mandate is retained</li> <li>Diminishing value due to more identified issues to discuss, less time allocated to meetings, and little effective action</li> </ul>	<p><b>Assumptions</b></p> <ul style="list-style-type: none"> <li>A new (expanded) MX approach that includes working groups on compliance, cooperation, capacity-building and cross-cutting issues (e.g. institutional architecture)</li> </ul>	<p><b>Assumptions</b></p> <ul style="list-style-type: none"> <li>A negotiation mandate is possible, albeit exceedingly difficult</li> <li>Consensus agreement is required for any outcome from any negotiations</li> </ul>
<p><b>Rationale for outcome</b></p> <ul style="list-style-type: none"> <li>Used to prevent unfavourable outcome in 2022 by a single or very few party(ies)</li> <li>Used to create failure to signal intent and as a means to negotiate another outcome in future</li> </ul>	<p><b>Rationale for outcome</b></p> <ul style="list-style-type: none"> <li>Familiar, flexible and low-cost default outcome with no new obligations</li> <li>Low political cost compromise with meetings maintained but SPs free to promote their preferred alternative approach</li> </ul>	<p><b>Rationale for outcome</b></p> <ul style="list-style-type: none"> <li>Need to create a shift in working methods</li> <li>Potential alternative compromise for all SPs with strong negotiation or no negotiation views</li> <li>Flexible and allows for phased enhancement of BWC</li> </ul>	<p><b>Rationale for outcome</b></p> <ul style="list-style-type: none"> <li>Belief that multilateral negotiations have a chance of success</li> <li>Long process to shape final outcome</li> </ul>
<p><b>Advantages</b></p> <ul style="list-style-type: none"> <li>Used to prevent a worse potential outcome</li> <li>Creates cooling off period if major disputes arise in 2022</li> </ul>	<p><b>Advantages</b></p> <ul style="list-style-type: none"> <li>Familiar to SPs</li> <li>Highly flexible: allows for significant variation (topics, number and duration of meetings) to expand or reduce effort, time commitment and costs</li> </ul>	<p><b>Advantages</b></p> <ul style="list-style-type: none"> <li>Signals shift in approach to bio-related threats without imposing new obligations on any SP</li> <li>Compromise-driven approach to explore issues and promote future change</li> <li>Evolutionary shift in ISP that is not too radical</li> <li>Can establish the groundwork for future efforts</li> </ul>	<p><b>Advantages</b></p> <ul style="list-style-type: none"> <li>Signals explicit response to bio-related threats</li> <li>Allows for agreement on new obligations for SPs to enhance BWC implementation</li> <li>Outcome can take different forms (e.g. a potentially minimal or a maximal agreement or series of agreements of different types)</li> <li>Likely to revitalize interest and effort</li> </ul>
<p><b>Disadvantages</b></p> <ul style="list-style-type: none"> <li>Will be viewed as failure given pandemic</li> <li>Increases divisions among SPs</li> <li>Mandate of ISU may not be renewed in a worst-case scenario, and loss of sponsorship programme, administration of CBMs and other activities is possible</li> </ul>	<p><b>Disadvantages</b></p> <ul style="list-style-type: none"> <li>Diminishing value and effectiveness of existing MX/MSP approach</li> <li>Likely to be perceived as limited response to pandemic experience</li> <li>Unlikely to address complex and divisive issues in systematic manner to enhance implementation</li> </ul>	<p><b>Disadvantages</b></p> <ul style="list-style-type: none"> <li>Additional costs for all SPs</li> <li>Requires investment in a serious effort to reach outcome</li> <li>Requires willingness to address a number of very difficult issues</li> <li>Any enhancement of BWC is in the future</li> </ul>	<p><b>Disadvantages</b></p> <ul style="list-style-type: none"> <li>Significant additional costs for all SPs</li> <li>Inevitable repetition of old debates</li> <li>Success is dependent on reaching an agreement: process fails if no agreement(s) are adopted</li> <li>Cost and level of effort required may prevent any other work on BWC by SPs</li> <li>Any enhancement of BWC is in the future</li> </ul>

# Potential outcomes of the Ninth BWC Review Conference JEZ LITTLEWOOD 2/2

POTENTIAL OUTCOME 1	POTENTIAL OUTCOME 2	POTENTIAL OUTCOME 3	POTENTIAL OUTCOME 4
<b>Impacts and risks</b> <ul style="list-style-type: none"> <li>Short-term, but lasting, damage</li> <li>Increases animosity as one or two SPs likely to be responsible for outcome</li> <li>Risks loss of the ISU if there is no action for whole intersessional period</li> <li>CBM administration, database management and other functions will end without the ISU</li> <li>May accelerate shift to like-minded agreements and actions outside of BWC</li> <li>Perception of BWC having limited relevance may increase</li> </ul>	<b>Impacts and risks</b> <ul style="list-style-type: none"> <li>Effective action remains largely absent for SPs within the Convention</li> <li>Decreasing value of MX/MSP approach in BWC to bio-related challenges</li> <li>No effective action means bi-, mini- and plurilateral efforts outside of BWC become the only way to adopt new mechanisms to address bio-related challenges</li> <li>Acting outside of BWC may result in competing parallel frameworks (e.g. rival export control regimes) and/or rejection of mechanisms (e.g. investigation procedures)</li> </ul>	<b>Impacts and risks</b> <ul style="list-style-type: none"> <li>Interim outcome: requires action after ways to enhance implementation are identified</li> <li>Any demand for a consensus-based final report severely limits value of the process</li> <li>If involvement in the new approach is limited only to SPs, the value is diminished: inclusive, transparent and iterative development of ideas must involve multiple types of entity and actor (e.g. public, private, NGO, State, intergovernmental)</li> </ul>	<b>Impacts and risks</b> <ul style="list-style-type: none"> <li>Need to define what is in and out of scope for negotiation mandate</li> <li>Single legally binding agreement approach has very high risk of failure</li> <li>Failure will renew animosity and reduce relevance of BWC</li> <li>Subject to risks inherent in go-slow process</li> <li>Would need to embrace ability to learn from practices based on key lessons of recent decades</li> <li>Must address contentious and complex issues of last two decades and look to future</li> </ul>
<b>Cost estimate</b> <ul style="list-style-type: none"> <li>Zero if there is no work and ISU ceases to exist</li> <li>US\$901,000 per year if there is no work but ISU continues for duration</li> <li>US\$3.7 million if ISU continues and agreement is reached at MSP in 2023 for existing MX/MSP practice in 2024 and 2025</li> </ul>	<b>Cost estimate</b> <ul style="list-style-type: none"> <li>US\$1.5 million per year based on current meeting duration and size of ISU</li> <li>2023–2025 costs = US\$4.5 million</li> </ul>	<b>Cost estimate</b> <ul style="list-style-type: none"> <li>US\$2.5 million per year</li> <li>2023–2025 costs = US\$7.5 million*</li> </ul>	<b>Cost estimate</b> <ul style="list-style-type: none"> <li>US\$3.8 million per year</li> <li>2023–2025 costs = US\$11.4 million</li> <li>2023–2030 costs = US\$26.6 million**</li> </ul>
<b>Timeline</b> 2023 to 2025	<b>Timeline</b> 2023 to 2025	<b>Timeline</b> 2023 to 2025	<b>Timeline</b> 2023 to 2025
<b>Likelihood of adoption at RevCon</b> Low	<b>Likelihood of adoption at RevCon</b> High	<b>Likelihood of adoption at RevCon</b> Medium	<b>Likelihood of adoption at RevCon</b> Low
<b>Historical context</b> <ul style="list-style-type: none"> <li>Fifth RevCon reconvened in 2002</li> <li>Eighth RevCon delegated to 2017 MSP to agree work</li> </ul>	<b>Historical context</b> <ul style="list-style-type: none"> <li>Current MX/MSP approach to intersessional work agreed in 2002</li> <li>Renewed by SPs in slightly different format (duration of meetings, topics) with intersessional work programmes 2003–2005, 2007–2010, 2012–2015, and 2018–2020 (2020 meetings delayed to 2021 due to pandemic)</li> </ul>	<b>Historical context</b> <ul style="list-style-type: none"> <li>Second RevCon tasked an Expert group to finalize forms for CBMs in 1987</li> <li>Third RevCon established VEREX in 1991, which then met four times during 1992 and 1993; its consensus report was considered by the Special Conference in 1994</li> <li>Expert groups have been meeting since 2002</li> </ul>	<b>Historical context</b> <ul style="list-style-type: none"> <li>AHG mandate agreed by Special Conference in 1994</li> <li>24 AHG sessions between 1995 and 2001</li> <li>AHG costs, 1995 to 2001, are approximately US\$17.6 million (at 2020 dollar value) and 330 days of negotiation time</li> <li>AHG failed to reach agreement</li> </ul>

AHG = Ad Hoc Group; BWC = Biological and Toxin Weapons Convention; CBM = confidence-building measure; ISP = Intersessional Work Program; ISU = Implementation Support Unit; MSP = Meeting of States Parties; MX = Meeting of Experts; RevCon = Review Conference; SP = State party; VEREX = Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Standpoint

\*Costs: Potential Outcome #3 Costs using six weeks of work per year + MSP and no expansion of ISU and costs based on 2018–2020 work programme

\*\* Costs: Potential Outcome #4: Costs using 12 weeks of negotiation time per year, small expansion of ISU (1 one individual) and no negotiation during year of Tenth RevCon. Costs based on 2018–2020 work programme.