

Thursday 24th December 2015

Final day: universalization, the ISU, report adoption and some reflections

The final day of the 2015 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) culminated in the adoption of a Report after many long hours of negotiation. The Chair, Ambassador Mazlan Muhammad of Malaysia, brought the gavel down to close the meeting an hour and a half after formal sessions would normally have been concluded – a sign of how difficult the adoption of the Report had been.

Allocated topics for the morning session were ‘Progress with universalization of the Convention’ and ‘Annual report of the Implementation Support Unit’. The afternoon had been allocated for adoption of the Report. In reality, most of the day was dedicated to informal consultations. An advance copy of the Report has been posted on the ISU website with the formal version (in all official languages) expected early in the New Year.

Universalization and the ISU report

The Chair introduced his report on universalization activities and noted that an addendum with updated information would also be published. Specific actions by Angola, Côte d’Ivoire and Nepal that indicated progress towards joining the Convention were highlighted. Interventions were made by Liberia, Côte d’Ivoire, Argentina, USA and Russia, either to identify steps being taken towards joining the BWC, to highlight assistance to countries joining, or to welcome members who had joined in the last year or two.

The ISU report for 2015 was introduced by Daniel Feakes, the head of the Unit. He noted that the Unit had been operating with only two staff for much of the year and that it would be back to its full strength of three early in 2016. The number of returns under the system of Confidence-Building Measures (CBMs) was said to be the highest ever received. Russia, Cuba, USA, China, Australia, UK, Georgia and India took the floor, some more than once. Russia asked about the regional representation of the ISU staff, noting that all had been from Western countries. India suggested that as the staff were not responsible for appointments it was unfair to have such a debate while they were presenting their report.

Final report

The day had started with a new iteration of the Chair’s non-paper containing the substantive paragraphs of the Report. Indonesia noted some delegations would need time to consult with capitals. After the relatively brief formal proceedings on the ISU and universalization, the remainder of the day was used to allow delegations to consider the new draft and then move into informal consultations. A further iteration was circulated in the early evening. This version was presented to a rapidly convened plenary which closed at 19.29 having adopted the report and gone through the closing formalities.

The Report took considerable time to negotiate. By a rough calculation, some 14 hours were spent in informal consultations during the week (including when consultations in a room were suspended to allow for informal discussions in back rooms and in clusters and huddles at the edges, but not including group meetings). This compares with 7 hours on

general debate (including NGO statements) and 10 hours on the specific agenda items for this year, including an hour in plenary session on the Eighth Review Conference.

A three-week Review Conference is to be held in Geneva 7-25 November 2016. There will be two Preparatory Committee meetings: the first, 'up to two days', 26-27 April and the second 8-12 August. Avoiding terms such as 'procedural' or 'substantive', the Report states: 'It was agreed that the Preparatory meeting in April would consider the Agenda items on General Exchange of Views and the Organizational aspects of the Review Conference. It was further agreed that the meeting in August would provide an opportunity for States Parties to consider comprehensively all provisions of the Convention'. The Report indicates how the PrepCom will communicate its work to the Conference: 'At the conclusion of the meeting in August, the President 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.'

Side events

There was one side event on Friday, convened by the Global Emerging Pathogens Treatment Consortium (GET) on 'The West African Ebola story from an African academic response perspective. Biosecurity concerns, lessons learned relevant to the BWC and capacity building initiatives'.

Reflections

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

The struggles to find agreement on the MSP Report may be seen as symptomatic of a wider, underlying, divergence of perspectives or it could simply be a symptom of a lack of clarity of collective purpose. For example, in corridor discussions with delegates, it was clear that there was no unified sense of what the Report was for – was it simply a record of what had happened during the Meeting, was it to summarize any common understanding (or pointers to effective action), or was it to highlight areas worthy of future examination? The resulting report would not have satisfied anyone looking to any of these purposes.

The Report is weak in content. Taking S&T issues as an example, the Report includes: 'States Parties recognized the value of continuing discussions on science and technology developments relevant to the Convention in light of various proposals made by States Parties.' Earlier draft iterations had included references to the need for a dedicated S&T review process; these had been lost in the negotiating process. On the specific sub-topic for this year, the Report reads: 'Recalling the decision of the Seventh Review Conference for the 2015 Meetings to address the topical scientific subject of any advances in production, dispersal and delivery technologies of biological agents and toxins, States Parties noted that advances in such technologies and its implications needs to be discussed further.' No reference to anything actually said or done under the sub-topic during the year!

In discussions on any work programme to follow the forthcoming Review Conference there would be value in examining what outputs from inter-sessional meetings may be most useful in promoting the aims of the Convention. The current arrangements are now resulting in substantively weak reports that take a considerable proportion of available working time to reach agreement on; yet few delegates can identify a constructive use for them – a situation that needs re-examination.

Moreover, this difficulty to reach a conclusion on a weak document does not bode well for the Review Conference, in which many more significant issues will be in play.

This is the sixth and final report from the BWC Meeting of States Parties, held from 14 to 18 December 2015 in Geneva by the BioWeapons Prevention Project (BWPP). They are available via the BWPP website at <<http://www.bwpp.org>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. The reports are prepared by Richard Guthrie <richard@cbw-events.org.uk>.