

Monday 22nd November 2021

## The 2020 Meeting of States Parties: setting the scene

The 2020 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) will convene in Geneva this week having been delayed by a year owing to the COVID-19 pandemic and the consequent restrictions to protect health. The MSP will be followed by the first day of the first session of the Preparatory Committee (PrepCom) of the Ninth five-yearly Review Conference for the BWC. A BWPP report looking toward the PrepCom appears in the Review Conference preview series available via the websites overleaf.

The BWC was the first treaty to ban an entire class of weapons of mass destruction (WMDs). The Convention operates in rapidly changing contexts, primarily driven by continuing scientific and technological (S&T) developments, but also by political changes. Improved understandings of the processes that underpin life bring new positive opportunities for peaceful uses, such as innovative medical treatments and novel detection methods, but also lead to new negative opportunities for hostile uses. There is a need to ensure that the harmful aspects of developments in the life sciences are prevented as far as possible while allowing the peaceful uses to benefit humankind.

To help keep abreast of developments, the BWC states parties hold regular meetings. The five-yearly Review Conferences provide strategic direction for the Convention. In between the Review Conferences are annual meetings known as the ‘inter-sessional process’ or the ‘inter-sessional programme’. The 2020 MSP is the final meeting of the current inter-sessional work programme and follows the Meetings of Experts (MXs) held earlier this year.

The Eighth BWC Review Conference, held in 2016, had been unable to agree on a new work programme to be carried out in the years running up to the Ninth Review Conference, originally scheduled for 2021. The Eighth Review Conference delegated the 2017 MSP to take the decision on the inter-sessional process. The 2017 MSP agreed to hold five distinct MXs over eight days in the middle of each of 2018, 2019 and 2020, together with a four-day MSP towards the end of each year. In summary, the 2020 MXs, their topics, and their Chairs were:

- MX1 – (2 days) *Cooperation and Assistance, with a Particular Focus on Strengthening Cooperation and Assistance under Article X* – Kimmo Laukkanen (Finland)
- MX2 – (2 days) *Review of Developments in the Field of Science and Technology Related to the Convention* – Kazuhiro Nakai (Japan)
- MX3 – (1 day) *Strengthening National Implementation* – Arman Baissuanov (Kazakhstan)
- MX4 – (2 days) *Assistance, Response and Preparedness* – Elena Kuzmanovska Biondic (North Macedonia)
- MX5 – (1 day) *Institutional Strengthening of the Convention* – Grisselle del Carmen Rodrigues Ramirez (Panama)

The purpose of the MXs was to exchange ideas, innovations and perspectives rather than reach consensus positions. Each of the MXs produced an official report that was essentially procedural, although they each include an annex prepared by the Chair to try to capture what had been discussed. The 2017 MSP decision included: ‘The Ninth Review Conference will consider the work and outcomes it receives from the Meetings of States

Parties and the Meetings of Experts and decide by consensus on any inputs from the intersessional programme and on any further action'. Many delegations had anticipated that the work of the MXs would also be used substantively by the MSP each year, but were disappointed in 2018 when this was not possible and that MSP adopted a final report in which the key sentence of the section on the work of the MXs read: 'No consensus was reached on the deliberations including any possible outcomes of the Meetings of Experts'. This phrasing was repeated in the 2019 MSP report. It is clear that many delegations are hopeful for a substantive use of the outputs from the MXs this year, not least because this is the last MSP before the Review Conference.

The Chair of the 2020 MSP is Ambassador Cleopa Mailu (Kenya) with Ambassador Thomas Goebel (Germany) and Robertas Rosinas (Lithuania) as Vice-Chairs. Official MSP documents, including the reports from the MXs, as well as statements given (where the speakers have supplied them), are available on the BWC website for the MSP at <<https://meetings.unoda.org/section/bwc-msp-2020-documents/>>. As of Sunday, six Working Papers had been posted to this website. The BWC website for the MXs is at <<https://meetings.unoda.org/meeting/bwc-mx-2020/>>.

### **Financial situation**

The BWC continues to face a challenging financial situation as considerable arrears have built up from the non-payment of agreed assessments of financial contributions by a number of states parties – some of which have arrears going back many years. The impact of such arrears is compounded by delayed payments by some other governments, causing a significant cash flow problem. The financial situation has had direct impacts on BWC activities – for example, the formal proceedings of the 2018 MSP were shortened by one working day and that day was taken informally with no interpretation, putting a number of delegates at a disadvantage. The Working Capital Fund, established by the 2018 MSP has improved the situation, allowing for simplified advance planning arrangements for meetings. The Fund has received a number of voluntary donations and more are expected in the future. As of 31 August, the Fund contained roughly US\$630,000, according to the 'Report on the Overall Financial Situation of the Biological Weapons Convention' submitted to the MSP by the Chair. One contribution to the fund has been received from a non-governmental entity. States parties have expressed differing views on whether contributions should only be received from governments.

### **BWC membership**

Universal membership of the Convention is a long-established aspiration. Membership of the BWC remains at 183. The most recent addition was the United Republic of Tanzania which deposited its instrument of ratification to the BWC in London on 14 August 2019. There remain four signatory states [i.e., signed the Convention before it entered into force but have yet to ratify it] and ten states which have neither signed nor ratified the Convention. A number of activities take place on a regular basis, such as regional workshops, to assist and encourage countries that are not yet members to join. The 'Report on universalization activities' submitted to the MSP by the Chair provides some information on these. Many planned activities were affected by pandemic restrictions and an increasing number of virtual activities have been carried out.

### **Numbers of Confidence-Building Measures (CBMs) returns**

The number of submitted CBM returns has reached a significant milestone. The BWC website run by the Implementation Support Unit (ISU) indicates that 92 states parties have submitted a return thus far in 2021. This not only represents a record number, but is also the first year that more than 50 per cent of states parties have submitted. During 2020, 85 states parties (46.4 per cent) submitted a CBM return.

*This is the first report from the 2020 BWC MSP being held from 22 to 25 November 2021 in Geneva. They are posted to <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. An email subscription link is available on each page. These reports have been produced for all BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP) and are written by Richard Guthrie, CBW Events, who is solely responsible for their contents. He can be contacted via <[richard@cbw-events.org.uk](mailto:richard@cbw-events.org.uk)>.*

Tuesday 23rd November 2021

## The opening day of the 2020 Meeting of States Parties

The 2020 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) opened on Monday morning with Ambassador Cleopa Mailu (Kenya) in the Chair. The proceedings for the day were primarily devoted to ‘general debate’ – the exchange of views through plenary statements in which any BWC-relevant issues can be raised by delegations. During the day, six additional working papers were published and three virtual side events were held. Details can be found via the official website of the meeting <<https://meetings.unoda.org/meeting/bwc-msp-2020/>>.

The MSP is being held in Salle XIX, the same room that the Meetings of Experts (MXs) were held in earlier this year. The pandemic-related restrictions remain in place which have a direct impact on proceedings. There were more people in the room on Monday than there had been during the MXs. Proceedings were streamed via UN WebTV <<https://media.un.org/en/webtv/>> and some statements were given virtually.

### Opening of the meeting

The Chair, in his opening remarks, noted that this was the last MSP before the Ninth Review Conference and so there was much to do to prepare for it. He noted the global disruption caused by the pandemic and highlighted that this illustrated the need for improved responses to biological threats, stressing that ‘no state, big or small, can fight an invisible threat alone’.

The MSP received a video message from Izumi Nakamitsu, UN Under-Secretary-General and High Representative for Disarmament Affairs, who urged early and thorough preparations for the Ninth Review Conference. She noted that the inter-sessional work programme had generated ‘several initiatives worthy of serious attention’ and called for ‘high-level political attention’ to be paid to the Convention.

There were brief administrative formalities, such as adoption of the agenda, and decisions on participation in the meeting. The Meeting was informed that the European Union had provided sponsorship to enhance participation by developing states parties to assist 11 experts to attend the MSP through the programme administered by the Implementation Support Unit (ISU) and that the USA had also assisted two experts to attend on a bilateral basis.

### The general debate and themes raised

Although the general debate will continue into Tuesday, it is possible to identify a number of themes raised. As the topics of the MXs will be covered in detail as the MSP continues, the focus in the reporting here will be on themes that fall outside of those topics. The prepared statement by the USA marked a change of posture since the MXs and so some details of this statement are highlighted below. The meeting heard statements from Azerbaijan (on behalf of the NAM), China (on behalf of China and Russia), Sweden, Serbia, State of Palestine, Guatemala, Japan, Luxembourg, Ukraine, India, Kenya, Russia, Sri Lanka, Germany, China, Malaysia, Canada, Spain, France, Georgia, Iraq, Philippines, Nepal, Republic of Korea, Netherlands, Pakistan, Panama, Argentina, United States, Thailand, Turkey, Nigeria, Finland, Peru, Jamaica, United Kingdom, Greece, Switzerland,

Lithuania, Mexico, Austria, Italy, Brazil, Ireland, Kazakhstan, Chile, Indonesia, Iran, Burkina Faso, Algeria, Australia, Cuba, Venezuela and Bahrain.

*Pandemic-related issues* – a number of aspects of the pandemic were raised in various forms. Many points raised were based on an underlying suggestion that the significant impacts of the pandemic illustrated a lack of preparedness for response to biological threats, whatever their source. Advances in the life sciences that allowed for the rapid development of COVID-19 vaccines were highlighted. Some references were made to challenges of inequalities of access to vaccines. Lessons of multilateral responses were highlighted in general terms. Mentions were made of the forthcoming special session of the World Health Assembly on a pandemic treaty but references to potential interactions with the BWC were in very general terms, perhaps because the possible scope of any pandemic treaty has not yet been clearly defined. The question of what is needed to be done within the BWC to maintain its relevance was raised in rhetorical form in a number of statements – in more than one case this took the form of asking whether the *status quo* is enough to deal with modern biological threats, whether from deliberate, accidental or natural causes.

*Financial issues* – a large number of statements made direct reference to financial issues, urging states parties with arrears to fulfil their obligations. There were a number of references to the detrimental effects that financial uncertainty can have on activities within the BWC. Many statements suggested that the only sustainable solution to the financial issues was for states parties to pay their dues in full and on time. Further promises of contributions to the Working Capital Fund were made. The question was raised whether the arrears reflected political choices not to pay.

*Universality* – a number of statements noted with regret that there had been no new members of the BWC in the past two years. Kazakhstan informed the MSP that it had ratified the 1925 Geneva Protocol during 2020.

*ISU extension* – many delegations spoke positively of temporarily extending the ISU mandate. No delegation spoke against this.

*Anniversaries* – A number of references were made to 50th anniversaries connected with the BWC, from the adoption of the text in Geneva in September 1971, approval by the UN General Assembly in November 1971, opening for signature in April 1972 and entry into force in March 1975.

*Overseas labs* – the China-Russia statement communicated the text of a statement made by the two governments on 7 October. An element of this statement was that ‘over 200 US biological laboratories are deployed outside its national territory, which function in opaque and non-transparent manner’ and that ‘such activities pose serious risks for the national security of the Russian Federation and China, and are detrimental to the security of relevant regions’. The USA, invoking a ‘right to reply’ at the end of the day, responded that these are not US-owned laboratories, but laboratories supported by US assistance for peaceful purposes and owned by the countries in which they are located.

*The Jenkins statement* – Bonnie Jenkins, Under Secretary of State for Arms Control and International Security, travelled to Geneva to give the US prepared statement. She described the efforts to strengthen the Convention as ‘treading water’ for two decades and suggested the biological weapons threat was ‘real, serious, and, in many respects, growing’. Outlining a two-pronged approach which would include actions that could be taken immediately, such as a number of initiatives discussed during the MXs, she suggested the second prong should be the establishment of ‘a new expert working group’ to look at further measures including those that would ‘enhance assurance of compliance’. The statement marks a change in US posture although it is not clear how far this process might go. It is notable that Jenkins has had considerable experience of the Convention and has previously attended BWC meetings as an Ambassador and as an NGO representative.

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Wednesday 24th November 2021

## The end of the general debate and consideration of MX1 and MX2

The second day of the 2020 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) heard the final statements made in the general debate before considering the reports from the Meetings of Experts (MXs) held earlier this year. The Chair of the MSP is Ambassador Cleopa Mailu (Kenya) who presided of most of the proceedings during the day. Vice-Chair Robertas Rosinas (Lithuania) presided over the latter part of the afternoon session. The reporting here includes some points in relation to the MX topics that were made earlier in the general debate.

Outside of the formal proceedings of the MSP, informal interactions continued about who should be put forward as President of the Ninth Review Conference, scheduled to be held in 2022.

### **The general debate draws to a close**

Statements were given by Colombia, South Africa and Angola as states parties. Egypt gave a statement as a signatory state (i.e., a state that had signed but not ratified the Convention). The European Union (EU), the Organization of American States (OAS), the World Health Organization (WHO), the UN Interregional Crime and Justice Research Institute (UNICRI), the UN Institute for Disarmament Research (UNIDIR) and Interpol gave statements as international organizations. During the morning, the MSP moved into an informal mode to hear statements from non-governmental speakers. Following recent practice there was a joint statement from some NGOs read out by King's College London. This was followed by statements from the Verification Research, Training and Information Centre (VERTIC), Johns Hopkins Center for Health Security, BioSecure, George Mason University, University College London, University of Hamburg and Georgetown University.

The general debate on Tuesday included further 'right of reply' exchanges. These reflected geopolitical tensions between particular states and, judging from comments overheard in the corridor over the lunch break, were perceived by some delegates in the room as a distraction from BWC issues.

### **MX1 -- cooperation and assistance**

MX1 was on the topic of 'Cooperation and Assistance, with a Particular Focus on Strengthening Cooperation and Assistance under Article X' and was a two-day MX chaired by Kimmo Laukkanen (Finland) who introduced the report of the meeting including the annex he had prepared.

In the discussion that followed, a number of interventions picked up on the suggestion that the impacts of the pandemic had showed the weakness of implementation of Article X, a point which the Chair had noted in his Annex had been made during MX1. There was widespread recognition that the building of additional capacities in developing states would help with combatting biological threats whether natural or intentional. There were many references to working papers submitted to the MSP. These included reporting on Article X activities by Republic of Korea [WP.8], Russia [WP.9] and the USA

[WP.11], the latter focusing on laboratory support through the Biological Threat Reduction Program. France updated its earlier paper on the SecBio platform proposal [WP.5]. Cuba repeated its earlier paper on difficulties and obstacles [WP.10]. Many references were given to workshops or similar activities, many held virtually owing to pandemic restrictions. There was much discussion on what might be done operationally within the structures of the BWC to enhance Article X implementation. Aspects suggested in multiple interventions included improving the Article X database, creation of a cooperation committee, the addition of a cooperation officer in the Implementation Support Unit (ISU) and the creation of a voluntary trust fund to support cooperation and assistance activities. None of these are mutually exclusive and elements have broad support, although some aspects remain subject to strongly held divergent views. There were many expressions of support for activities to involve young scientists on the issues of disarmament and security, especially young scientists from the global south. Regional approaches were prominent. For example, a number of delegations referred to activities under the Signature Initiative to Mitigate Biological Threats in Africa supported by the Global Partnership. Given that the MX1 topic brought together a cluster of issues for which there have been long-standing divergences of perspectives between delegations, the discussions this year seem to indicate that there is more common ground than before. The experiences of the pandemic may well be significant contributors to this.

### **MX2 – science and technology**

MX2 was on the topic of ‘Review of Developments in the Field of Science and Technology Related to the Convention’. It was chaired by Kazuhiro Nakai (Japan) who has since moved to another diplomatic post. His successor, Shigeru Umetsu, conveyed to the MSP comments from Mr Nakai introducing the report of the meeting including the Chair’s annex he had prepared.

During discussion, the item of possible action that drew most attention was that of an enhanced process for review of scientific and technological (S&T) developments. Until recently, much of the discussion has been in pursuit of specific models of how such a process might work, primarily based on a binary choice between a panel selected in some way in order to create a board (or committee) or an open-ended structure involving experts from all states parties willing to participate. Each option had advantages and disadvantages, the balances of which were perceived differently by different delegations. A sign that perspectives are converging is that there was a noticeable lack of comments in support of either of the binary options in this MSP. Instead, multiple references were made to possibilities of a hybrid model drawing on elements of the earlier models which would allow delegations coming at this issue from a variety of perspectives to each get advantages they desire. A second item of possible action was the development of the Tianjin Biosecurity Guidelines for Codes of Conduct for Scientists which were developed following a China-Pakistan proposal. These guidelines were endorsed by the InterAcademy Partnership (IAP), the global network of science academies, in July. China and Pakistan (with Brazil as co-sponsor) repeated its most recent MX paper on the guidelines [WP.7]. Many interventions welcomed the guidelines. Key aspects referred to included that they were flexible to be able to be adapted to local conditions and that development of the guidelines with academic bodies made them more acceptable to the research world. The proposal has been made that the guidelines should be endorsed by the Ninth Review Conference and no interventions disagreed with this proposal. There was relatively limited discussion on the role of standards that could be used in developing management systems in relation to possible biological risks, in particular the development of ISO 35001:2019.

*This is the third report from the 2020 MSP of the Biological Weapons Convention being held from 22 to 25 November 2021 in Geneva. These reports have been produced for all BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP) and are available from <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. An email subscription link is available on each page. The reports are written by Richard Guthrie, CBW Events, who is solely responsible for their contents. He can be contacted via <[richard@cbw-events.org.uk](mailto:richard@cbw-events.org.uk)>.*

Thursday 25th November 2021

## Consideration of the remaining Meetings of Experts

Wednesday, the third day of the 2020 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC), heard from the Chairs of the last three Meetings of Experts (MXs) and discussed their reports. The Chair of the MSP is Ambassador Cleopa Mailu (Kenya) who presided over most of the proceedings during the day, sharing these duties with Vice-Chair Robertas Rosinas (Lithuania).

At the end of the formal proceedings, the Chair circulated two documents – a non-paper (i.e., a document with no official status) containing a compilation of proposals made during the inter-sessional programme that is now drawing to a close and the first draft of the final report. Much of the text within the draft report is procedural (when the MSP was held, what was on the agenda, etc) and thus uncontroversial, but there are locations where substantive items will need to be inserted. Usually the penultimate day of an MSP would include some informal consultations in the evening to try to smooth progress towards adoption of the final report but these did not appear to happen this year. The draft report has been posted to the documents section of the official website for the MSP <<https://meetings.unoda.org/meeting/bwc-msp-2020/>>.

There was one virtual side event held on Wednesday, with three having been held on Tuesday and three on Monday. Details can be found via the MSP website.

The ‘setting the scene’ papers in the BWPP MX report series for this year, posted at the websites listed overleaf, provide background to issues discussed at the MXs.

### **MX2 – science and technology**

The morning began with interventions from four states parties regarding MX2 following on from Tuesday afternoon. One suggestion made was there should be a linkage between adoption of an S&T mechanism and creation of a cooperation committee.

### **MX3 – national implementation**

MX3 was a one-day meeting on the topic of ‘Strengthening National Implementation’ and was chaired by Arman Baissuanov (Kazakhstan) who introduced the report of the meeting including the annex he had prepared.

There were many references during the discussion to working papers submitted to the MSP, such as WP.1 submitted by Russia providing details of its proposal to include overseas biological laboratories within reporting under the system of Confidence-Building Measures (CBMs). France and other sponsors resubmitted the paper on an exchange platform with three additional sponsors [WP.4]. The Republic of Korea reported on Article IV and X implementation [WP.8]. The need for comprehensive legislation that was robust and appropriately enforced was highlighted. References were made to needs for ongoing assistance to enhance national implementation. The record number of Confidence-Building Measures (CBMs) returns was widely welcomed. The milestone of having half of states parties submit CBMs this year was highlighted as a success but also as a mark of work to be done to encourage the other half of the states parties to follow suit. Potential actions to enhance the quantity and quality of CBM returns, as well as to try to understand why some states parties did not submit at all, were suggested but mostly in

general terms. Proponents of voluntary measures, such as peer review, emphasised that these were not a replacement for negotiated multilateral compliance measures while others opposing such measures suggested that the only way to achieve confidence in compliance was through a legally binding verification arrangement.

#### **MX4 – assistance and response**

MX4 was on the topic of ‘Assistance, Response and Preparedness’ and was a two-day MX chaired by Elena Kuzmanovska Biondic (North Macedonia) who introduced, via video message, the report of the meeting including the annex she had prepared.

This topic is based on BWC Article VII which deals with the provision of ‘assistance’ by states parties if a state party is ‘exposed to danger’ because of a breach of the Convention. Many participants in the discussion noted that Article VII had never been invoked and there were reminders that humans, animals and plants are vulnerable to biological attack. Pandemic experiences, especially related to lessons learned that existing arrangements were not always agile enough to respond to a novel disease, were highlighted. France and India updated their proposal for an Article VII assistance database in a new working paper for the MSP [WP.3]. The database proposal received widespread support alongside concerns that it should avoid duplication with the Article X database. Synergies between Article VII and Article X were noted. The question of how a state exposed to danger should call upon assistance remains – should a request be sent directly to the Security Council, to the BWC or bilaterally to other states parties? The work of South Africa during this inter-sessional programme on guidelines for requests was highlighted. Questions were raised whether the Security Council was the appropriate body to send a request for assistance to as its procedures are subject to political influence. While mobile laboratories were identified as useful tools to deal with disease outbreaks and other incidents, the financial and administrative implications of laboratories operated centrally within the BWC raised concerns. Some interventions suggested mobile laboratories could be included within offers on an Article VII database. An issue was raised over whether mobile laboratories for use in support of an investigation under Article VI could appropriately be included in the proposed Article VII database. The role of the Secretary-General’s Mechanism to investigate allegations of use of biological weapons remains the subject of divergent views.

#### **MX5 – institutional strengthening**

MX5 was a one-day meeting on the topic of ‘Institutional Strengthening of the Convention’ and was chaired by Grisselle del Carmen Rodrigues Ramirez (Panama) who introduced the report of the meeting including the annex she had prepared.

During discussion, there were no suggestions that the current institutional arrangements were satisfactory. There is therefore clear agreement of the need for institutional strengthening but significant divergence of views on how this should be done. Many calls were made for a reopening of negotiations on a legally binding instrument to strengthen the Convention. Suggestions were made for expanding the work of the Implementation Support Unit (ISU). A number of interventions highlighted that institutional strengthening required a sustainable financial situation within the BWC. Russia resubmitted its earlier paper on an Article VI mechanism [WP.2]. Panama updated and expanded its MX paper on gender equality and women’s empowerment [WP.6]. Many interventions welcomed the work of UNIDIR in analysing and highlighting gender issues. The question of decision making in inter-sessional meetings was discussed with many expressions of support but others raising objections. The proposal by the President of Kazakhstan for the establishment of a new international agency was referred to as being worthy of further consideration.

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Friday 26th November 2021

## The not quite final day of the Meeting of States Parties

Thursday was scheduled to be the fourth and final day of the 2020 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC). It was not possible, in the time available, to conclude the formal proceedings of the MSP and so it is now scheduled to reconvene at 10am on Friday for one hour.

The day consisted of consideration of three reports and associated issues, preparations for the Ninth five-yearly Review Conference and drafting of the final report of the MSP. However, it was a day of out-of-the-ordinary events.

Two additional working papers were posted to the documents section of the official meeting website <<https://meetings.unoda.org/meeting/bwc-msp-2020/>>.

### Consideration of reports

The morning started with consideration of three reports which would usually be annual reports but because of the pandemic interruptions covered activities since the 2019 MSP. Introducing his 'Report on the Overall Financial Situation of the Biological Weapons Convention', the MSP Chair, Ambassador Cleopa Mailu (Kenya), noted that the BWC was in a much better state of financial health since the adoption of a package of measures by the 2018 MSP, including the Working Capital Fund. In discussion, some delegations suggested that non-payment may signify a lack of political will or even that the act of non-payment is a failure to honour commitments that undermines the BWC. Interventions stressed that there could be no write-offs of past sums owing. These points were put forward in terms that were forceful for a diplomatic meeting. The UN Office for Disarmament Affairs hosts a [financial dashboard](#) which shows that there are outstanding payments to the BWC totalling US\$405k, of which arrears for two states parties – Brazil (US\$133k) and Venezuela (US\$78k) – make up more than 50 per cent of the total. In discussion of the 'Report on universalization activities', submitted by the Chair, there were expressions of regret that no further countries had joined the Convention since the last MSP. There were also hopes expressed that progress had been made towards joining the BWC in a number of countries such that there may be new members before the Review Conference. France, as depositary of the 1925 Geneva Protocol, informed the MSP that Kazakhstan and Kyrgyzstan had acceded to the Protocol in 2020 and that Uzbekistan had done so in 2021. The annual report of the Implementation Support Unit (ISU) outlines the activities of the ISU but also includes data on BWC activities such as Confidence-Building Measures and use of the Article X database. Owing to the pressures of time there was only a brief discussion on this report.

### Preparations for the Review Conference

A number of key decisions need to be taken by the MSP in support of preparations for the Ninth Review Conference, not least the selection of the Chair of the PrepCom who is President-designate of the Review Conference. Two Vice-Chairs also need to be appointed. The roles rotate between the groups following a pattern. The usual process is that the Chair of the MSP asks the convenor of each regional group for the nominee for the particular role their group has the turn to fill. The convenor provides the name and the

MSP appoints that person to the role by acclamation. What happened in the MSP on Thursday was far from usual.

The role of PrepCom Chair is to be filled this time by the non-aligned group. The group convenor, Azerbaijan, stated that the group wished to nominate Ambassador Khalil Hashmi (Pakistan). The Philippines and India took the floor to object to this nomination, stressing that their objections were based the process for the nomination rather than against the nominee as an individual. The MSP Chair noted that the practice within BWC meetings was not to discuss procedures within the groups for nominations and that his role gave him no authority to question any nomination by a group. He suggested that the group consult amongst its members and report back to the meeting. There was no report back from this group before the MSP was adjourned for the day.

The western group nominated Tancredi Francese (Italy) as a Vice-Chair of the PrepCom to be Chair-designate of the Drafting Committee of the Review Conference and the eastern group nominated Florian Antohi (Romania) as a Vice-Chair of the PrepCom to be Chair-designate of the Committee of the Whole of the Review Conference.

Formal decisions are also needed on the duration and dates of the Eighth Review Conference and its PrepCom. Some concerns were raised about whether an MSP could amend the decision of the Eighth Review Conference that the Ninth Review Conference should be convened before the end of 2021. It became clear that the most workable solution to this would be a text that explained the circumstances which led to the changed dates. The formal proceedings were suspended for nearly an hour while such a text was prepared in informal consultations.

### **Drafting the final report of the MSP and the decision to continue into Friday**

Once the plenary reconvened after the drafting of additional text on Review Conference preparations, the MSP started going through the draft report, paragraph-by-paragraph. Objections were raised by Brazil to the suggestion that, as financial arrears were cleared for past years for which accounts had been closed, these funds would be credited to states parties which had paid on time. As no agreement could be reached on this sub-paragraph, it became a case of ‘consensus by deletion’. With time getting very close to the scheduled end of the MSP, Russia proposed adding some language on substantive issues, the text of which had been circulated to states parties informally a week or so before. Other delegations raised objections, noting that negotiating on substantive issues without interpretation put some delegates at a disadvantage. It was not clear why this additional text was not formally proposed earlier.

Running the main conference rooms is an expensive affair. Interpretation and other support services are booked to run until 18.00. The main meeting rooms are technically complex and need support staff to run their audio and video systems, for example. Some smaller meeting rooms (often used for BWC side events) require less support and thus are easier to use after normal working hours. As the MSP went past 18.00 and the human contents of Salle XIX (the plenary room) were decanted into Salle XXVI (the side room) it became rapidly evident that the plenary would be impossible to continue while maintaining practical distancing measures to keep delegates safe – a room full of people focused on the issues of deliberate disease is inevitably going to be sensitive to concerns about the spread of infection. After the Chair suggested reconvening in the morning there were still a few delegates who wished to debate options to keep the meeting running into the evening. A number of delegations left the room making it impossible to continue proceedings, making it inevitable that the meeting would have to be adjourned.

The MSP is now scheduled to reconvene at 10am on Friday for one hour in the room booked for the first day of the first session of the Preparatory Committee (PrepCom) of the Ninth five-yearly Review Conference. This is the room that the MSP has been holding its plenary sessions in.

*This is the fifth report from the 2020 BWC MSP scheduled to be held from 22 to 25 November 2021 in Geneva. These reports are available from <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>> and have been produced for all BWC meetings since the Sixth Review Conference by the BioWeapons Prevention Project (BWPP). A subscription link is available on each webpage. The reports are written by Richard Guthrie, CBW Events, who is solely responsible for their contents. He can be contacted via <[richard@cbw-events.org.uk](mailto:richard@cbw-events.org.uk)>.*

Friday 3rd December 2021

## The extra day of the Meeting of States Parties and some reflections

The 2020 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC), held in 2021 because of the pandemic, had been scheduled to last four days. Owing to difficulties of working into Thursday evening (the last scheduled day of the MSP) the Meeting resumed on Friday 26 November. Meeting facilities had already been booked in the Palais des Nations for the BWC as the Friday had been scheduled for the first day of the first session of the Preparatory Committee (PrepCom) of the Ninth five-yearly Review Conference. In the end, the PrepCom was entirely displaced by the MSP. In one of those quirks of diplomacy, the final report of the MSP was dated 25 November and said it was adopted on that date – the clock having been stopped on Thursday night to enable the MSP to reach its conclusions.

The BWC remains without a President-designate for the Review Conference, having passed this decision to the PrepCom – a case of consensus by deferral. There was a marked juxtaposition between the slow discussion in the BWC meeting room and the rapidly changing events in relation to deliberations elsewhere in Geneva the same day about whether the World Health Organization should declare the omicron variant of the SARS-CoV-2 virus as a new ‘variant of concern’.

A total of sixteen working papers have been posted to the documents section of the official meeting website <<https://meetings.unoda.org/meeting/bwc-msp-2020/>>.

### **The proceedings during the extra day**

The day started with a return to the question of the Chair of the PrepCom, who is the President-designate of the Ninth Review Conference, and who is usually appointed about a year before the Review Conference. The group convenor for the non-aligned, Azerbaijan, repeated the nomination of Ambassador Hashmi (Pakistan). India and the Philippines repeated their objections to this nomination. A number of interventions from non-aligned delegations indicated that there had been no further consultations within the group. Azerbaijan noted that the Non-Aligned Movement (NAM) at its formal meetings allows for reservations which do not break consensus, citing the conclusions of the Final Declaration of the Havana Summit in 1979 (see <<https://undocs.org/en/A/34/542>>), and suggested that the two objections should be treated this way. The MSP Chair, Ambassador Mailu (Kenya), noted that any nomination still had to be adopted by consensus by the MSP as had been past practice. India suggested that the provisions in the BWC Rules of Procedure for contested elections for positions might need to be invoked. The Chair concluded that it was better to give the group more time to try to reach consensus rather than hold an election. As the Vice-Chairs for earlier PrepComs have been seen as less significant, they were not usually appointed so far in advance. Reference to the appointment of the PrepCom Vice-Chairs, decided on Thursday, was deleted from the MSP report as such appointments were not mentioned in earlier MSP reports.

It had been anticipated there would be discussion on duration of the Review Conference, yet in the end this was not discussed at all; presumably because those that had been pressing for only two weeks were focused on items they felt had higher priority. The

Review Conference dates were confirmed as 8-26 August 2022, to be preceded by a day of administrative PrepCom on 20 December 2021 and a further administrative day (should funds allow) to be held with the substantive PrepCom during 4-11 April 2022.

A full day of proceedings, including informal consultations through most of the lunch break, was taken to produce a final report rather than on substance. The proposed text by Russia to add substance was circulated as a working paper [WP.16]. The MSP Chair's non-paper [now published as INF.2] captured much of the substance of the inter-sessional work programme that has now concluded.

## 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.

A more charitable commentator might suggest that, as there had been few in-person meetings during the pandemic period, the diplomats at the MSP were simply out of practice. However, this would seem to be only part of the story and what was a disappointing week in terms of progress for the BWC seemed to have been doomed by some delegates appearing not to place a high value on time within the meeting. On top of this were the complications of time taken in dealing with the questions of the BWC financial issues (notwithstanding the questions of which budget the extra day of the MSP was being paid from) and the Presidency of the Ninth Review Conference. It is not clear what some delegates had felt they had achieved in the extra time used. The length of time to reach conclusions does not bode well for the Review Conference.

The divisions within the NAM group of BWC states parties are the most marked that this author has ever seen in any of the regional groups used in the Convention. The convenor, Azerbaijan, was not often in the room. Uganda (the next in line to be convenor) was not spotted in the room at all by this author. As the regional groups have important coordination roles within BWC meetings, it must be hoped that the situation improves so that less-than-effective coordination does not hamper progress within the Review Conference. If the position of PrepCom Chair had gone to a vote, it is not clear how many delegations would have done anything other than abstain. Although it would have been a secret ballot, many delegations would not have wanted to get involved in a dispute within a regional group, even indirectly.

Before any future inter-sessional programme is developed, it might be useful to have some discussion on what the role of a report from an MSP is – what is it that people are taking/transmitting back to capitals and their relevant national arrangements for implementing the BWC? One of this author's measures of success for a BWC meeting is whether participants have left the meeting with enough information, and more importantly enough confidence, to communicate recommendations for actions to be taken by their colleagues back home. There is a need for substance in MSP reports, but there doesn't seem to be a common understanding of what that should be and how it contributes to implementation of the BWC in all of its facets. The previous inter-sessional programme (2012 to 2015) produced reports with some substance to them, reporting on a single Meeting of Experts (MX) of five days and a five-day MSP. With five MXs totalling eight days of working time, negotiating a report in four working days of an MSP was always going to be a challenge. One factor missing in the inter-sessional programme just finished was the synthesis paper that was produced by the Chair of the single MX (who was also Chair of the MSP) in the earlier inter-sessional programmes. This provided a link between the MX and the MSP that contributed to the discussions about the MSP report.

*This is the sixth and final report from the 2020 BWC MSP that had been scheduled for 22 to 25 November 2021 in Geneva, but which continued for an extra day. These reports are available from <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>> and have been produced for all BWC meetings since the Sixth Review Conference by the BioWeapons Prevention Project (BWPP). A subscription link is available on each webpage. The reports are written by Richard Guthrie, CBW Events, who is solely responsible for their contents. He can be contacted via <[richard@cbw-events.org.uk](mailto:richard@cbw-events.org.uk)>.*