

Friday 11th December 2009

## The Fourth Day: reports and consultations

The fourth day of the 2009 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC) started with a presentation on mobile laboratories by the Netherlands, followed by a short intervention by the UK. This concluded the discussion on the topic of this year's meetings and the rest of the day's sessions dealt with issues of universalization, the report of the Implementation Support Unit (ISU), and drafting of the final report of the MSP. Official documents and Working Papers referred to will be available via the ISU website <<http://www.unog.ch/bwc>> in due course.

### **Universalization activities**

The Chair introduced his report on universalization (document BWC/MSP/2009/4). There are currently 163 States Parties to the BWC. Ambassador Grinius opened his comments on the report by noting with regret that no countries had joined the BWC so far during 2009. However, he said there were eight States that have indicated their accession or ratification processes are well advanced and four that have indicated that such processes have started. The eight are Burundi, Cameroon, Comoros, Kiribati, Mozambique, Myanmar, Tuvalu and the United Republic of Tanzania. The four are Côte d'Ivoire, Haiti, Namibia and Nepal. After describing activities that were being carried out to encourage universal membership which are detailed in the report, he concluded that a reasonable target would be to have the twelve States listed joining the BWC by the time of the 2011 Review Conference.

### **Report of the Implementation Support Unit**

The report of the ISU (document BWC/MSP/2009/2 and 2/Add.1) was introduced by Richard Lennane, Head of the Unit. He described the ISU as an experiment, which in the year covered by the report had been significantly busier than in the previous two years and was perhaps reaching the limit of what can be done within existing resources. The ISU has three staff: Richard Lennane, Piers Millett and Ngoc Phuong Huynh, currently supported by two interns: Eben Lindsey and Rose Jago.

In the discussion that followed, a wide range of countries wanted to put on record their support for the ISU, these included the US, Sweden/EU, Canada, Norway, Germany, Cuba/NAM, China, India, Switzerland, Indonesia, Russia and Pakistan. Some stated the mandate of the ISU should be revisited at the 2011 Review Conference. Many delegations raised concerns that the numbers of Confidence-Building Measures (CBMs) were not higher and welcomed the publication of the ISU guide to producing returns. India noted it was to submit its return which would bring the 2009 total to 64, just one fewer than in 2007. Sweden noted the resources that would be made available to the ISU via the EU Joint Action. Canada announced it was to offer \$100,000 from its Global Partnership funds for support of activities through the ISU. The remit for Canadian Global Partnership funding had previously been limited to the countries that once formed the Soviet Union; now that the programme has a global scope, new ideas for project activities were being sought.

### **Preparations for the final report of the meeting**

The drafting of the final report of the MSP usually takes place in two parts. The draft procedural elements of the report were circulated on Wednesday. These simply describe the practical aspects of convening the Meeting and are thus uncontroversial.

The second part is the inclusion of language relating to the substantive matters of the Meeting. At the end of the morning session the Chair circulated draft text for the substantive paragraphs of the final report. Ambassador Grinius reminded delegates that the conclusion of a report text was not a negotiation and that there were no binding commitments contained within it. He appealed to the delegates present to trust the judgement of the Chair and noted that this was the first of the annual meetings of the BWC devoted to Article X of the Convention and therefore it would be important to adopt a substantive document. After the delegates returned for the afternoon session, having read through the suggested text, it became clear that some countries were not comfortable with some of the wording. Most proposed amendments did not seem to be related to make-or-break issues. However, there was one substantive issue that was proving difficult to find a solution for.

The focal point of the divergent views rested on the use of the term 'mechanism' in the final report. The term has some political connotations as the non-aligned states tabled a Working Paper (WP.2) at the MSP on 'The Establishment of a Mechanism for the Full Implementation of Article X of the Convention'. [An almost identical Working Paper had also been tabled at the Meeting of Experts in August (MX WP.24).] Most of the draft text for the final report was cast in language to suggest things for States Parties, so, for example, they 'could' act upon or be 'encouraged' to consider particular ideas or activities – and therefore be able to decide what to do on a case-by-case basis. However, the paragraph referring to a possible mechanism was about what the Seventh Review Conference 'could' consider. The United States felt this text would presuppose that such a mechanism would end up on the agenda of the Review Conference. The UK expressed a view that the report was to highlight common understandings and that the proposal for a mechanism did not fulfil this criterion. No other Western delegation seems to have indicated a strong concern about the reference. Some non-aligned delegates indicated that they would find it extremely difficult to agree to a Final Report that made no reference to the mechanism proposal.

A small group of delegates met late into the evening in informal consultations, ceasing work just after 8pm. While common ground had been found on most of the textual matters to be resolved, the key issue remained outstanding and, in this form of consultation, nothing can be taken to be agreed until everything is agreed.

### **Side event**

A lunchtime seminar was convened by the Verification Research, Training and Information Centre (VERTIC) on 'Regulatory Guidelines for National Implementation' which was chaired by Angela Woodward (VERTIC). Presentations were given by Scott Spence (VERTIC) on sample legal materials the Centre had derived from legislative and regulatory practice around the world; by Robert Mathews (Melbourne Law School) on the role of workplace codes in enhancing compliance with national implementation; and by Nicholas Sims (LSE) on further possible evolution of the accountability frameworks concepts. Details of VERTIC's National Implementing Measures project can be found via <<http://www.vertic.org/NIM>>.

***NOTE: There will be an additional MSP report covering the final day of the Meeting.***

***This will be published early next week and will be posted at the web location given below.***

*This is the fifth report from the Meeting of States Parties for the Biological and Toxin Weapons Convention which is being held from 7 to 11 December 2009 in Geneva. The reports are designed to help people who are not in Geneva to follow the proceedings.*

*The reports are prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP) in co-operation with the Verification Research, Training and Information Centre (VERTIC). Copies are available via <<http://www.bwpp.org/reports.html>>.*

*For questions during the Meeting of States Parties relating to these reports, please contact Richard Guthrie (+41 76 507 1026 or <[richard@cbw-events.org](mailto:richard@cbw-events.org)>).*