

Monday 17th December 2012

The Final Day: a report, finally

The final day of the 2012 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) was dominated by consultations on the drafting of the report of the Meeting. Details of the meetings in 2013 were agreed. They will be chaired by Judit Körömi (Hungary) with Vice-Chairs Mazlan Muhammad (Malaysia) and Urs Schmid (Switzerland) and be held on 12-16 August (Meeting of Experts) and 9-13 December (MSP).

Preparations for the final report of the meeting

Following the consultations the night before, a new draft of the text for the substantive section of the MSP report was circulated in the morning. The plenary was convened for a few minutes and adjourned to allow delegates more time to study the draft. On reconvening about an hour later, the Chair, Ambassador Boujemâa Delmi of Algeria, asked for comments on the draft. A number of interventions indicated disappointment that the draft was not better but suggested it would be acceptable at a push. It was clear no delegation wanted to be the first to say that they could not agree to the draft text. Eventually, India indicated that it would like further consultations on the text to take place without specifying if it was in favour of the text or not. This led to a run of other delegations asking for similar. When asked by the Chair which paragraphs should be the subject of consultations, only a few were mentioned. Not long after the consultations had started behind closed doors it became clear that many paragraphs were being put up for discussion.

Agreement on a text was reached late in the day. The Plenary reconvened at 17.40, with little time to complete procedures before the interpretation services were due to end at 18.00. The report was adopted at 17.56 and closing statements took the meeting past the usual deadline to end at 18.13. Non-aligned countries seemed broadly happy with the outcome text, but many western countries regarded this text as overly weak.

Side event

A breakfast event was convened on Friday by the USA on 'Facilitating National Implementation through Assistance and Cooperation: US, UK and Canadian Programs' with presentations by Ambassador Jo Adamson (UK), Counsellor Kelly Anderson (Canada), Assistant Secretary Tom Countryman (US Dept of State) and Assistant Secretary Andy Weber (US Dept of Defense). The event was chaired by Ambassador Laura Kennedy (USA).

Reflections

A conscious effort is taken in writing these daily summaries to report the facts and not give opinion. However, there are many times that the question is raised – 'so what do you think about what happened?' While the role of a commentator should be to try to report what is happening in an impartial manner, 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 last daily report for the Seventh Review Conference included the following assessment: 'The regime to control biological weapons, of which the BWC is the focal point, is built upon the convergence of legal, political, scientific, technical, moral and humanitarian

(including public health) issues. A major weakness of the Seventh Review Conference was the focus of some delegations on a purely legalistic perspective rather than a focus on practical action that could reduce biological threats around the world. When histories are written of the BWC in decades to come, 2011 will be seen as a significant missed opportunity'. The same divergence is apparent in the 2012 meetings of the inter-sessional process.

An example of how difficult it was to include substantive details in the text that was supposed to be about substantive matters is the French proposal on peer review. Despite attempts to get this referred to specifically in the MSP report, it ended up subsumed within what became para 38 (b) 'Continuing discussion on sharing best practices and experiences, including the voluntary exchange of information among States Parties, including in light of various proposals made by States Parties'. As a key purpose of the report is to help officials who were not present at the MSP this reduces the usefulness of the report considerably. How would such officials know what had been discussed about 'sharing best practices'?

However, the MSP report is not the only story. The real value of the annual meetings is the exchange of views and the ability of countries to draw lessons from the experiences of others. All of this happens well before the final report is discussed. Indeed, the final report really only took time over the last day and a half. There were useful activities, including excellent side events, that made the trip to Geneva worthwhile to most people. But if much of the benefit of the week is outside of the main meeting room, shouldn't that be a clear sign that the process needs further development?

When there were suggestions, prompted by the South African paper, that the effectiveness of the inter-sessional process was worth examining, there was an instant response from some states, notably Cuba, India, Iran and Pakistan, that the mandate was clear and there was no need for discussion. Furthermore, when any aspect of trying to develop better ways of focusing debate came up there was always a demand to only use language agreed at the Seventh Review Conference. If a three-week Review Conference agrees to initiate a programme of activities that last a total of eight weeks, surely the Conference must expect that programme to make progress. If things are only meant to remain frozen in time at 2011, what's the point of being in Geneva for two weeks a year? There were significant levels of frustration to the reaction to the ideas from South Africa, not simply because those ideas had widespread support, but because many delegations felt it was worth making the best use of the time available in future meetings. It is an interesting question as to how certain delegations might defend back home that they had a chance to discuss how to make the meetings more cost-effective for States Parties – such as by identifying which topics might deserve flying particular experts into Geneva for certain days – but they instead chose to close down such discussions.

In terms of how debate might move forward, the initiative of five of the JACKSNNZ informal group (the Jackson 5?) provides a means for States Parties to bring forward questions relating to what is meant by compliance that might be discussed in 2013 and beyond. This will have to be an on-going debate for a number of years but without this there is little chance for the world to truly get to grips with the control of biological weapons.

But it's not simply compliance in security terms that is hampered by the lack of progress in the inter-sessional process. Much progress has been made politically since the first inter-sessional process on raising awareness of Article X issues amongst Western states. Article X implementation carries a price with it – projects carry a financial cost. Greater implementation of Article X therefore brings greater costs. Developing a more dynamic inter-sessional process would generate greater political attention to BWC implementation and thus to potential further Article X activities. The irony may be that the greatest obstacle to more effective implementation of Article X is the lack of progress in the inter-sessional process deriving from the actions of those most vocal in support of Article X.

This is the sixth, and final, report from the Meeting of States Parties for the Biological and Toxin Weapons Convention which was held from 10 to 14 December 2012 in Geneva. The reports are prepared by Richard Guthrie <richard@cbw-events.org.uk> on behalf of the BioWeapons Prevention Project (BWPP). Copies are available via <<http://www.bwpp.org>>.