

Monday 1st December 2014

The 2014 Meeting of States Parties: background and issues

The 2014 Meeting of States Parties (MSP) is the third such meeting in the third inter-sessional process for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC). It was preceded by a week-long Meeting of Experts (MX) held during August. These meetings are established by the five-yearly BWC Review Conferences, in this case by a decision adopted at the Seventh Review Conference in 2011. The inter-sessional meetings are intended to be practical and focused on developing ‘common understandings and effective action’. The 2014 meetings are chaired by Ambassador Urs Schmid of Switzerland. There are also two Vice-Chairs – Ambassador Mazlan Muhammad of Malaysia and, for the MSP, Ambassador György Molnár of Hungary, who replaces Judit Körömi of Hungary, Special Representative of the Foreign Minister for Arms Control, Disarmament and Non-Proliferation, who was Vice-Chair during the MX.

It is notable that the MSP is opening on World AIDS Day and while the outbreak of Ebola virus disease (EVD) in west Africa continues. Both are reminders that the possibilities of the hostile uses of disease, together with the hazards posed by natural outbreaks of disease, are challenges that need to be tackled through international cooperation.

Topics under discussion during the 2014 meetings

Three topics are standing agenda items for the third inter-sessional process: ‘Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X’; ‘Review of developments in the field of science and technology related to the Convention’; and ‘Strengthening national implementation’. For this year and next year the meetings also discuss ‘How to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties’. In addition, the MSPs also have the annual report of the Implementation Support Unit (ISU) and universality of the Convention as items for discussion.

Article X of the Convention relates to access to the life sciences, and materials and equipment related to them, for peaceful purposes. This embodies a bargain that the renunciation of biological weapons and the control of the hostile uses of the life sciences should be implemented to allow access to the use of the life sciences for peaceful purposes. Many divergences of opinion relating to Article X issues have been evident over the years.

The BWC operates within a rapidly changing science and technology (S&T) context owing to rapid advances in the life sciences. While many officials within governments are very experienced at understanding changing political contexts, many are less experienced at assessing implications of changing S&T contexts. The changing S&T context relevant to the BWC leads to changes in the nature of challenges the Convention may need to counter as well as providing new opportunities for peaceful uses.

Improving national implementation of the BWC has long been regarded as an important way of enhancing effectiveness of the overall regime to control biological weapons.

BWC Article VII deals with the provision of ‘assistance’ if a State Party is ‘exposed to danger’ because of a breach of the Convention. No country is likely to have at its immediate disposal all of the resources to respond to a severe biological attack.

Implementation Support Unit staffing changes

The ISU is the body established by each of the last two BWC Review Conferences to support States Parties by carrying out a variety of functions such as administrative support for BWC meetings, national implementation support, and the exchange of Confidence-Building Measures (CBMs). The new Head of the ISU is Daniel Feakes who was formerly Strategy and Policy Adviser within the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons (OPCW), based in The Hague.

Preparations for the MSP

The report of the MX (MX/3), the Chair’s Synthesis Paper summarizing ideas raised at the MX (L.1), and a paper on ‘Draft elements for inclusion in the Report of the Meeting of States Parties’ (L.2), have been circulated as formal documents. Working Papers circulated thus far are: ‘Article VII: Analysis of existing resources and gaps, and recommendations for future actions’ (USA, WP.1); and ‘Strengthening national implementation: elements of an effective export control system’ (27 States Parties, WP.2). Papers on general information for participants (ISU, INF.1) and on ‘International organizations that may be involved in the provision of and coordination of assistance relevant to Article VII’ (ISU, INF.2) have been circulated. Advance versions of papers yet to be released as formal documents include: ‘Mechanisms to monitor BTWC implementation’ (Canada, Chile, Mexico, and USA), ‘Perspectives on Article VII (South Africa), ‘Confidence and Compliance with the Biological and Toxin Weapons Convention: Workshop Report’ (UK), and ‘Report on Implementation of Article X of the Convention’ (India). The advance release of papers allows for their contents to be considered before the start of the MSP.

The ISU annual report includes details of 90 national contact points and details of participation in the CBMs. As of 15 September, 67 States Parties had provided CBM returns this year, compared with 69 returns in 2012 and 65 in 2013. Of the CBMs submitted up to 15 September, 23 have been made public at the request of those submitting. The annual report on activities to promote universality notes that no country has ratified or acceded to the BWC thus far during 2014, so the total number of States Parties remains at 170.

All these papers can be found via the ISU website <<http://www.unog.ch/bwc>>; official documents can also be found via the UN documents server <<http://documents.un.org>> (numbers for official documents for this meeting all start BWC/MSP/2014/). Additional papers are likely to be issued during the MSP.

About these reports

Starting from the Sixth Review Conference in 2006, the BioWeapons Prevention Project (BWPP) has produced daily reports from each of the BWC meetings. The reports were initially designed to help people who were not in Geneva to follow the proceedings but are now also widely circulated each morning amongst delegates. Six reports will be produced during this MSP, starting with this setting the scene report. A report will be produced covering each day’s activities, the last of which will be circulated electronically after the MSP has concluded. If you would like to be added to the mailing list please contact the author via the details given at the bottom of this page. The BWPP daily reports from the 2006 and 2011 Review Conferences, as well as those from the annual meetings in between and after, are available via the BWPP website at <<http://www.bwpp.org>>.

This is the first report from the Meeting of States Parties for the Biological and Toxin Weapons Convention which is being held from 1 to 5 December 2014 in Geneva.

The reports are prepared by Richard Guthrie on behalf of the BWPP. He can be contacted during the MSP on +41 76 507 1026 or <richard@cbw-events.org.uk>.

Tuesday 2nd December 2014

The first day: opening remarks and statements

The 2014 Meeting of States Parties (MSP) opened on Monday morning with Ambassador Urs Schmid of Switzerland in the Chair. He described the Meeting of Experts (MX) in August as having been ‘focused and constructive’ and expressed a hope that the MSP could be focused on ‘effective action’.

General debate statements were made during the morning session by Iran (for the non-aligned), Canada (for the ‘JACKSNNZ’ – [an informal grouping of Japan, Australia, Canada, Republic of Korea, Switzerland, Norway and New Zealand]), Pakistan, Denmark, Russia, USA, China, Kuwait, Japan, Mali (its first statement to a BWC plenary), Malaysia, Bulgaria, India, Republic of Korea, Netherlands, Germany, Italy, Brazil and Ecuador. After lunch, statements were made by France, Finland, Turkey, Sweden, Argentina, Morocco, Mexico, Algeria, Kenya, Australia, Ghana, South Africa, Iraq, Colombia, Cuba, Thailand and Iran (national). The Chair noted that further delegations wished to take the floor so that the general debate would continue on Tuesday morning.

Following the national statements, non-governmental organizations addressed the meeting in an informal setting: the University of Bradford; the University of London; the University of Bath; the Research Group for Biological Arms Control, Hamburg University; the International Network of Engineers and Scientists; VERTIC; Pax Christi International; and the Biosecurity Working Group of the Inter-Academy Panel on International Issues. Owing to time constraints, these statements had to be delivered in a shortened form.

The Implementation Support Unit (ISU) has indicated it will place copies of statements provided to it on its website <<http://www.unog.ch/bwc>>.

There was much more detail on substantive issues than had been given in the general debate in the MSPs in 2012 and 2013; this might be connected with a focusing of minds in the run-up to the Eighth BWC Review Conference to be held in 2016. There were references to a need for practical action and desires to operationalize common understandings.

Much was said on the standing agenda items and biennial topics. Owing to limited space, this report will focus on other issues raised as proceedings on the specific topics are scheduled for later this week; material on those topics from statements in the general debate can be covered alongside reporting on those specific proceedings.

Draft elements paper – This innovations was broadly welcomed. The Chair noted that similar texts had been circulated at earlier MSPs, the difference this year was one of timing with this text circulated earlier than had been done previously.

Confidence-Building Measures – Turkey noted that it had made its CBM return public and urged others to do so as well. Algeria noted it had submitted a CBM return for the first time in 2014.

Russian proposal – Russia focused on its proposal made during the MX that negotiations towards a legally-binding instrument for the BWC should be re-launched. It noted that the BWC had shortcomings, giving as an example the creation of the ISU as a ‘modest result’ of efforts to strengthen the BWC compared with the institutions associated

with other WMD treaties. Russia named 40 State Party respondents to its questionnaire circulated earlier in the year and noted the majority of respondents wanted BWC shortcomings to be addressed. A number of statements made reference to perceived benefits to the BWC of a legally-binding instrument without direct reference to the Russian proposal. The US statement, while not mentioning the Russian proposal directly, described any new negotiations ‘as a formula for years of inaction’ and suggested more could be done developing existing measures. Others were more specific about the Russian proposal; for example, Australia noted that it could serve as a ‘positive catalyst’ to encourage fresh thinking about how to strengthen the Convention, but stated a preference for ‘a more practical approach’.

Ebola – The situation in west Africa was mentioned a number of times.

Canada/JACKSONZ noted that, for the first time, the UN Security Council had adopted a resolution on health security issues. Ghana noted there was no high containment reference lab in west Africa which may have hindered local efforts to combat the disease.

Eighth Review Conference – It was suggested that to make good use of work done in the inter-sessional meetings, discussions are needed in order to explore improved ways to incorporate the inter-sessional work in the work of the Review Conference.

Inter-sessional working methods – there were calls for a more structured inter-sessional process. A number of suggestions were made for new arrangements, such as the use of open ended working groups. The Netherlands suggested that two meetings each year were not enough, and stated it was working with Germany to bring forward proposals on new working methods.

UN Secretary-General’s investigation mechanism – This mechanism is the only formal process currently in place that could be used to investigate allegations of use of biological weapons. Some delegations see this as no substitute for a legally-binding verification arrangement. References were made to a training exercise for the mechanism in Germany in November and an exercise in France scheduled for June 2015.

Other points – Pakistan described the agreements from the Seventh Review Conference as embodying a ‘delicate balance’ that should be preserved; language also used by Iran in its national statement. Russia noted that Portugal had withdrawn its outstanding reservation to the 1925 Geneva Protocol [this would appear to have been in a note to France (the depositary government) in April 2014]. South Africa welcomed the increased participation in the inter-sessional meetings by African countries. A number of bilateral partnerships in projects or programmes were referred to, for example: Australia & Malaysia, Denmark & Kenya, and Germany & Morocco.

Side event

Following the precedent set last year, some side events have been convened on themes rather than by single organizations. To this end, a lunchtime side event was convened on the theme of ‘Building a Web of Prevention: Progress to Date’. Presentations were given by: Iaroslava Maksymovych, (Palladin Institute of Biochemistry, Ukraine), on ‘Education and Awareness-Raising in Ukraine’; Jo Husbands, (Temporary Working Group on Outreach and Education of the Scientific Advisory Board of the Organization for the Prohibition of Chemical Weapons), on the recent report of that group; Brett Edwards, (University of Bath, UK) on ‘Biological and Chemical Security in an Age of Responsible Innovation: report of a meeting’; and Kathryn McLaughlin, (BioWeapons Prevention Project), launching the ‘2014 BioWeapons Monitor’. The event was chaired by Ambassador Serhiy Komisarenko of Ukraine. A second lunchtime event was convened by King’s College, London on ‘The Threat of Manufactured Disease’. Presentations were given by: Gustav Lindstrom (Geneva Centre for Security Policy), Simon Wain-Hobson (Institut Pasteur), and Marc Lipsitch (Harvard School of Public Health). The event was chaired by Filippa Lentzos (KCL) and introductory remarks were given by Ambassador Matthew Rowland of the United Kingdom.

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Wednesday 3rd December 2014

The second day: cooperation & assistance and science & technology

The 2014 Meeting of States Parties (MSP) continued on Tuesday with the conclusion of the general debate and sessions focused on 'Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X' and 'Review of developments in the field of science and technology related to the Convention'. Ambassador Urs Schmid of Switzerland chaired the morning session, handing over the role to Vice-Chair Ambassador Mazlan Muhammad of Malaysia for the afternoon.

Conclusion of the general debate

General debate statements were made at the start of the morning session by Ukraine, Ireland, Jordan (first BWC plenary statement since 1996), Burkina Faso, Indonesia, Zambia (first ever BWC plenary statement), and the European Union [as an international organization].

Many of the issues raised were similar to those raised on Monday. Issues of global politics entered the room. Ukraine indicated that its biosafety arrangements had been affected by the loss of an 'anti-plague station' that is on the territory of Crimea. Russia, asserting its right of reply, suggested that raising this was politicizing issues. Ukraine, asserting a right of reply in return, denied this. A similar exchange also took place in the afternoon during the science and technology session. Jordan spoke of the issues surrounding proposals for a Middle East zone free of WMD.

Cooperation and assistance

Proceedings on this agenda item started with a briefing from the Implementation Support Unit on the Article X assistance database. It noted two new requests for assistance had appeared this year as well as one new offer. The offers section of the database was opened up to general access from February 2014. The UK and Australia took the floor on offers of assistance and Thailand suggested there may be benefits of having a roster of experts on the database that could be consulted. Later interventions suggested that the database may benefit from being made more user-friendly and highlighted other countries' offers of assistance.

Proceedings moved on to the overall topic. Iran (for the non-aligned), Brazil, Malaysia, Pakistan, Mexico, Germany, Switzerland, USA, Australia, Republic of Korea, Ecuador, Russia, China, Cuba, Canada, UK, Netherlands, Thailand and India took the floor before lunch. Proceedings continued in the afternoon with interventions from Iran (national), Ghana, Ethiopia (first plenary statement in an inter-sessional meeting), France and Japan. Reporting here includes some information from general debate statements given on Monday.

The extent to which Article X is implemented remains a subject for which there are divergent views. Iran, for the non-aligned, noted that Article X had been 'a priority for a long time' and there needed to be 'full and non-discriminatory implementation' of its provisions. There were reminders of earlier proposals such as the Article X implementation action plan proposed at the Sixth Review Conference (WP.39) and the implementation mechanism proposal from 2009 (MX/WP.24). Ecuador described a need for 'unconditional

implementation', a reference to opposition to the use of informal arrangements between states regarding transfer controls such as the Australia Group.

A number of developed countries spoke of their cooperation and assistance activities. Some of these related to support for Ebola-affected countries, two of which are not BWC States Parties – Guinea and Liberia. The USA suggested that cooperation and assistance should be more than the work of governments and that much might be achieved by 'unleashing' the private sector. South-South cooperation was also highlighted; for example, India noted the recent offer by its Prime Minister for support for a regional reference laboratory. Malaysia and Thailand referred to regional workshops, on responses to biological risks and on biosafety issues, respectively. Australia, Canada, Germany, India and USA referred to their published or forthcoming reports on Article X implementation.

Science & technology (S&T)

The proceedings on S&T issues followed on immediately from the cooperation and assistance proceedings. There were interventions from: Iran (for the non-aligned), Russia, Switzerland, Pakistan, Mexico, Australia, UK, Ukraine, India, Ecuador, Brazil, USA, Japan and Cuba. Reporting here includes some information from general debate statements given on Monday.

Some delegations focused on the potential dangers posed by S&T advances, some on potential benefits, and some a mix of the two. Highlighted perceived dangers included advances in synthetic biology and 'gain of function' research [research that enhances, for example, the ability for an influenza virus to be transmitted more easily between mammals]. Highlighted perceived benefits included significant public health possibilities; for example, more rapid and cheaper development and manufacture of vaccines would lead to a significant reduction in impact of infectious disease, both on a human level and in economic terms.

There were many uses of terms such as 'responsible research' and 'research of concern' but there seemed to be some variance in perspective as to where the boundary between such concepts might lie. This could need further work before a common understanding might be reached.

Convergence between scientific disciplines, and in particular between biology and chemistry, was raised, noting implications for the operation of the relevant conventions.

Education and awareness efforts and the promulgation of codes of conduct were described as making a contribution to oversight of research. References were made to a new working paper on codes that has been submitted to this MSP by Chile, Colombia, Costa Rica, Ecuador, El Salvador, Spain, Italy and Mexico.

Switzerland followed up on its call for new S&T review arrangements it had put forward in August. Japan noted working paper WP.13 submitted to the Seventh Review Conference in 2011 with Australia and New Zealand on an annual S&T review process.

Side events

Two side events were held in parallel at lunchtime. One was on training for the UN Secretary-General's mechanism used to investigate allegations of use of biological weapons and was convened by the UK. Introductory remarks were given by Ambassador Michael Biontino (Germany) and Ulf Lindell (Sweden). Presentations were given by Anders Norqvist, (FOI, Sweden), Mick Hoare (UK Police CBRN Centre), Christine Uhlenhaut (Robert Koch Institute, Germany). The event was chaired by Ambassador Matthew Rowland (UK).

The other was on the electronic system for submitting Confidence-Building Measures, convened by the EU and the ISU. Introductory remarks were given by Nico Frandi (EU). The electronic system was demonstrated by Kevin Jutuah (UN IT office). The event was chaired by Karin Hjalmarsson (UN Office for Disarmament Affairs).

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Thursday 4th December 2014

The third day: national implementation and Article VII

The 2014 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) continued on Wednesday with sessions devoted to ‘Strengthening national implementation’ and ‘How to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties’. The morning session was chaired by the incoming Vice-Chair Ambassador György Molnár of Hungary. The afternoon session was chaired by Ambassador Urs Schmid of Switzerland, the Chair of the MSP.

At the end of the day’s formal proceedings, an updated text relating to the standing agenda items of the draft report of the MSP was circulated to delegations. This text was also posted on the website of the Implementation Support Unit (ISU) <<http://www.unog.ch/bwc>>.

National implementation

The morning session was allocated to this standing agenda item. Statements/interventions were given by Iran (for the non-aligned), Spain, Chile, France, Pakistan, USA, Ecuador, Belgium, Mexico, Switzerland, Mongolia, Colombia, Thailand, Republic of Korea, Malaysia, Cuba, Russia, India, Australia, Canada, UK, Japan, Netherlands, Iran (national) and Algeria.

There were a number of reminders to the Meeting that there were diverse national situations and differing constitutional requirements, meaning that implementation had to be appropriate to each national context. There were many instances of improvements in national implementation that were reported in statements. Suggestions of ways to review implementation were aired. Positive benefits of effective national implementation were put forward. Malaysia, for example, noted that the ‘bioeconomy’ could be 5 per cent of its national GDP by 2020 and so there was a need for appropriate regulation that keeps biorisks to a minimum while allowing for prosperous economic activity. India suggested that strengthened implementation in relation to Article III [export controls] ‘would ensure that the cooperation envisaged under Article X is not abused’.

In broad terms, discussion within this session was consistent with discussions on this topic in earlier inter-sessional meetings.

Article VII

The afternoon was allocated to Article VII discussions, the first year that this topic has been before an MSP. This article deals with provision of ‘assistance’ if a State Party is ‘exposed to danger’ owing to a breach of the BWC. There were interventions from: Iran (non-aligned), UK, China, South Africa, Pakistan, France, Switzerland, USA, Belgium, Canada, Australia, Spain, Netherlands, Germany, Brazil, Japan, Russia, India, Cuba and Sweden.

A point of common agreement was that primary responsibility for protecting populations is that of the national government where those populations reside; this therefore means that basic protection and response arrangements need to be in place before any emergency. There were a number of calls for the establishment of a database that could list

forms of assistance that would be separate from the Article X database. No opposition was expressed to this and some comments were made about how it might operate.

A number of statements suggested the need for clear procedures to activate assistance to ensure a prompt and appropriate response. The need for timeliness and appropriateness of provision of assistance is a clear lesson from the Ebola outbreak in west Africa. There was some discussion of definitions of assistance, with most contributions focusing on primarily humanitarian aspects. It was suggested that effective command and control procedures would need to be established beforehand in order to ensure that relevant assistance would be deployed to areas it is needed.

There was a range of perspectives on whether assistance activities should be linked with investigation activities in any case of alleged use. Some considered these to be entirely separate activities. Others saw links, such as whether assistance should include assistance to investigative capabilities of national governments, including capacities for forensic analysis, for example. Assistance/investigation issues were also important in terms of timing of provision of assistance. Should assistance only be provided once the UN Security Council had made a determination on the issue? Or should assistance be provided as a humanitarian imperative regardless of any Security Council deliberations? Should an investigation of alleged use be carried out before or at the same time as assistance is provided? It was remarked upon that in the early stages of a disease outbreak there is likely to be great ambiguity of the exact cause – might it be naturally occurring, accidental or deliberate? [By definition, an outbreak is an unexpected event and is unpredictable.]

The lack of a central institution for the BWC was suggested by some to be a particular weakness in relation to this article. The use of the UN Secretary-General's investigation mechanism to investigate allegations of use of biological weapons was supported by a number of delegations, some of which indicated they had put forward experts for the roster. Some delegations suggested that this mechanism is no substitute for a legally-binding verification arrangement.

The proceedings on the Article VII topic illustrate that there is significant potential for improving such assistance arrangements. This topic will be discussed again in the 2015 inter-sessional meetings.

Side events

Three side events were held on Wednesday; one at breakfast and two in parallel at lunchtime. The breakfast event was a themed one on 'Innovative and Enabling Technologies: Embracing Developments in S&T to Benefit Treaty Implementation'. Introductory remarks were given by Ambassador Michael Biontino (Germany). Presentations were given by: Jonathan Forman (OPCW) on 'Enabling Biochemical Sampling and Analysis Across the Universe'; Gunnar Jeremias and Mirko Himmel (University of Hamburg Research Group for Biological Arms Control) on 'Open Source Data Analysis: Contributions to Enhancing Transparency in the BWC'; and James Revill (Harvard Sussex Program) on 'How Easy is "Easy": Tacit Knowledge, Biological Weapons and the BTWC'. One of the lunchtime events was convened by the Geneva Forum entitled 'Where Next for the Biological Weapons Convention?' Presentations were given by Ambassador Tibor Toth (former Chair of BWC meetings), Jo Husbands (US National Academies), and Richard Lennane (former Head BWC ISU) who also conveyed a presentation from Ambassador Masood Khan (chair, Seventh BWC Review Conference). The event was chaired by Silvia Cattaneo (Geneva Forum). The other was convened by Switzerland on 'Spiez Convergence 2014: Briefing on First Workshop'. Introductory remarks were given by Ambassador Urs Schmid (Switzerland). Presentations were given by Stefan Mogl and Cédric Invernizzi (Spiez Laboratory).

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Friday 5th December 2014

The fourth day: universality, the ISU and preparing the report

Thursday at the 2014 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) opened with Myanmar (Burma) taking its seat as a State Party for the first time, represented by Deputy Foreign Minister Thant Kyaw. The scheduled work for the day was discussion of efforts to promote universal membership of the Convention, the annual report of the Implementation Support Unit (ISU) and preparations for the report of the Meeting.

Universality

The Chair of the Meeting, Ambassador Urs Schmid of Switzerland, introduced his report on universalization activities, which had been published as an official document before the MSP, and noted that an addendum with updated information would also be published.

He announced that Myanmar had deposited its instruments of ratification on Monday, bringing the number of States Parties to 171. The depositary governments, Russia, UK, and USA, took the floor in turn to welcome the new member. Myanmar made a brief statement and noted the government had been ‘undertaking political, social and economic reforms’ and had been examining its treaty obligations. The Deputy Minister said ‘we are a non-possessor state of all WMDs’ and noted his country had ‘virtually completed’ domestic procedures to ratify the Chemical Weapons Convention.

The Chair then noted he had been informed that Angola, Andorra and Mauritania had taken specific steps towards joining the Convention. Iran (for the non-aligned), USA, Mexico, India, Argentina, Netherlands, Australia, China, Republic of Korea, Pakistan, Spain, France, Iran (national) and Italy each took the floor. Delegations welcomed Myanmar to the ‘BWC family’; phrases such as ‘significant development’ were used and hopes expressed that this would set a good example and encourage others to join. Delegates expressed appreciation for the Chair’s report and thanked him for his efforts to encourage universal membership, which was seen as a priority.

Report of the ISU

The ISU introduced its annual report which had been circulated previously. The report contains information the activities of the ISU, but also details of national points of contact and of submission of CBMs. The report noted the ISU had been operating with reduced staffing for much of 2013. Mexico, USA and Pakistan each took the floor to raise points.

Preparations for the final report of the meeting

MSP report drafting usually takes place in two parts, procedural and substantive. The draft procedural parts are normally circulated on Wednesday or Thursday, are factual, describing the practical aspects of convening the Meeting (when it met, who had what roles, etc), and are usually uncontroversial. This year, these have not been circulated yet but this is not a concern. The parts that are subject to discussion are the substantive sections.

This year a text of ‘draft elements’ had been circulated as document L.2 prior to the MSP, earlier than had been previous practice. This had been welcomed by most delegations as it provided a starting point for discussions and suggestions about what should be in the final report. An updated text relating to the three standing agenda items had been circulated late on Wednesday afternoon (CRP.1) and an updated text relating to the Article VII (the biennial topic) section was circulated to delegations on Thursday morning (CRP.2).

The afternoon session started with a request from the Chair for general comments from delegations on the drafts. The first to take the floor was Cuba, suggesting that there was no mandate from the Seventh Review Conference for papers such as L.2, CRP.1 and CRP.2 to be circulated as such documents ‘prejudged’ the outcome of the meeting. The next delegation to take the floor was India with a simple question relating to when the Chair wished to receive specific suggestions relating to his texts; this question implicitly assumed the validity of the documents. The delegations of the USA, UK, Iran, Russia, Australia, Netherlands, France, China, Spain, Germany, Pakistan, Canada, Algeria and Italy each took the floor, some for more than one intervention, none of which questioned the validity of the documents. A number of delegations suggested a paragraph-by-paragraph review of the drafts would be useful. As is usual at this stage, some delegations saw the text as balanced between the agenda items and some as unbalanced.

A new text combining the earlier drafts with some additions of text from the 2013 MSP report was circulated late in the afternoon session. The Chair asked for general comments on a section-by-section run through. India, Cuba, Iran (national), USA, Russia and China provided comments but lack of time prevented proceeding beyond the first section.

In order to make further progress, a relatively small group of delegates met late into the evening in informal consultations in a side room which continued until 10.10pm. The delegations in the consultations tasked the Chair and the ISU with providing a new draft for the morning based on the exchanges that had taken place.

There has been a regular pattern of evening consultations on the Thursday of the MSP for some years, and so on one level this seemed fairly routine. However, brief discussions with some delegations seemed to indicate that there was a greater divergence of perspectives within the consultations than had been apparent in previous years.

Side events

Three side events were held on Thursday; one at breakfast and two in parallel at lunchtime. The breakfast event was convened by the United States on ‘The Global Health Security Agenda, International Response to the Ebola Outbreak, and Their Relevance to the Biological Weapons Convention’. Introductory remarks were given by Ambassador Robert Wood (USA). Presentations were given by: Beth Cameron (USA), Ambassador Päivi Kairamo (Finland), Isabelle Nuttall (World Health Organization) and Dominic Porter (EU).

One of the lunchtime events was convened by Germany and Tunisia on ‘Biosecurity - Biorisks - Bioethics’. Presentations were given by Rym Benkhalifa (Pasteur Institute, Tunisia), Mohamed Kouni Chahed (Pasteur Institute Review Board, Tunisia), Silja Vönecky (University of Freiburg, Germany) and Kathryn Nixdorff (Darmstadt Technical University, Germany). Introductory remarks were given by Ambassador Michael Biontino (Germany) and closing remarks by Ambassador Walid Doudech (Tunisia). The other was convened by France on ‘A Peer-Review Mechanism for the BTWC: Feedback of the Pilot Exercise and Follow-up’. The exercise was outlined by Tiphaine Jouffroy (France) and personal reflections on their involvement were given by Anna Zmorynska (Germany), Cédric Invernizzi (Switzerland), and Christopher Park (USA). The event was chaired by Louis Riquet (France).

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Wednesday 10th December 2014

Consensus by confusion: the final day of the 2014 MSP

The 2014 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) concluded its proceedings late on Friday. After many hours of informal consultations, the Chair of the Meeting, Ambassador Urs Schmid of Switzerland, brought the gavel down to adopt the report at 8.06pm, following a sequence of events in a plenary session that left some delegations slightly confused.

Preparations for the 2015 meetings

The proceedings on Friday started with decisions needed for the 2015 meetings. The MSP decided the Chair of the 2015 meetings would be Ambassador Mazlan Muhammad of Malaysia assisted by Vice-Chairs Ambassador György Molnár of Hungary and Ambassador Henk Cor van der Kwast of the Netherlands. The Meeting agreed the dates for the 2015 Meeting of Experts will be 10-14 August and for the 2015 MSP will be 14-18 December.

Report of the Meeting

At 10.50am, a new draft text of the substantive paragraphs was circulated in the room following the consultations the night before. The plenary adjourned to enable delegations to read the new draft and resumed just before the scheduled lunch break. At this point CRP.4 containing the procedural paragraphs of the report was distributed. (The number CRP.3 was not used for any document circulated in the room.) The Chair announced that consultations would continue over lunch with an intention to reconvene at the usual plenary start time of 3pm. Instead, the plenary reconvened at almost exactly 6pm with an announcement that a new draft of the substantive paragraphs was being printed. With interpreters only available for another fifteen or so minutes, some rapid decisions were needed. The quickest solution would be to adopt the draft procedural sections as circulated as these were uncontroversial and allow the substantive paragraphs to form a separate 'Chair's report' that would not need direct approval of the Meeting. This is a solution that has occurred in meetings of other treaty arrangements but is unprecedented in the BWC inter-sessional process. The alternative would be to continue proceedings on the report but this would have to be carried out without interpretation. The Chair noted that these were exceptional circumstances. It was decided to continue in English only. Belarus suggested that any report should reflect that it had been adopted without interpretation services being available. The plenary reconvened at 6.30pm in a side room (Salle XXIV) as the audio system in the main room needed support staff to run it. The remaining points of contention raised in the continuing plenary were around particular aspects. The Russian delegation indicated that they were unhappy that language they had proposed regarding the 1925 Geneva Protocol was not in the latest text. Other outstanding issues included the role of export controls and whether additional preparations are needed for the Eighth BWC Review Conference to be held in 2016.

As the plenary continued in the side room, it appeared that nobody was entirely happy with the Chair's compromise text, as might be expected. However, no delegation

appeared to want to be the one to break consensus. The Cuban delegation (having moments earlier suggested voting on sections of the text which has not been done previously in BWC meetings) proposed that there be a suspension for 5 minutes to try to resolve the final differences. It was clear that the Chair felt that even a short break could instead go on indefinitely. He pressed the Meeting to take a choice between adopting the full report or a procedural report (and thus the rest as a Chair's report) and suggested that reopening the text would be counterproductive. The Cuban delegate appealed the decision of the Chair not to suspend the meeting and this was put to a procedural vote – unprecedented in BWC proceedings. No one voted against the Chair. The Chair immediately proposed the adoption of the report and asked if there were any objections. None were raised, the gavel was dropped and the decision taken. Some delegates felt the process had been confusing, however none objected to the adoption of the report. The MSP closed just a few minutes later at 8.15pm.

Side event

There was one side event on Friday, at lunchtime, hosted by the UN Interregional Crime and Justice Research Institute (UNICRI) on 'National Action Plans and Sharing Best Practices: An Innovative Network Approach to Mitigating Biological Risks'. Remarks were given by Ambassador Vinicio Mati (Italy), Andras Kos (EU) and Francesco Marelli (UNICRI) with panel discussions involving representatives from: Georgia, Morocco, Myanmar (Burma), the Philippines and Serbia; and from Italian institutions.

Reflections

A conscious effort is taken in writing these daily summaries to report the facts 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 difficulty of adoption of the final report was perhaps the lasting memory of this MSP. The reductions in text from earlier drafts, and reversions to language previously agreed in the earlier reports, make the report less useful for a number of readers – such as officials who were not present at the MSP who wish to understand the proceedings. What is the purpose of the report if it were not to help bring some coherence to the inter-sessional process and to communicate what information has been brought forward?

The global context the BWC operates within is rapidly changing. A key purpose of the inter-sessional meetings is to assist States Parties in keeping up with this context. Yet we seem to be frozen in time in 2011. In discussing the possible language relating to Article VII, for which lessons from the current Ebola outbreak are important, one delegate emphasised to this author in a one-to-one discussion the importance of sticking to agreed language from the Seventh Review Conference – held two years before the outbreak began. This might be seen as humorously surreal if there weren't so many lives at stake. This leads to a point made in earlier reflections sections – if a Review Conference lasting 14 days agrees to initiate a programme of activities that lasts a total of 40 days, surely the Conference must expect that programme to move beyond what was known at the starting point. If things are meant to remain static, what is the point of the inter-sessional meetings?

It is possible to view the day and a half of proceedings for a report of the MSP as the price to be paid to get useful work done on the other eight and a half days of the meetings this year. It may be worth examining whether there might be more practical outputs from the inter-sessional meetings following the next Review Conference than the traditional report.

Erratum - A relatively minor error crept in during this week. The coverage of a side event in report 4 referred to Ambassador Masood Khan as being President of the Seventh BWC Review Conference instead of the Sixth. Apologies.

This is the sixth, and final, report from the Meeting of States Parties for the Biological Weapons Convention, held from 1 to 5 December 2014 in Geneva. The reports were prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP) and are available on the BWPP website <<http://www.bwpp.org>>. The author can be contacted via <richard@cbw-events.org.uk>.