

Monday 14th December 2015

The 2015 Meeting of States Parties: setting the scene

The 2015 Meeting of States Parties (MSP) is the final 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 understanding and effective action’. The 2015 meetings are chaired by Ambassador Mazlan Muhammad of Malaysia assisted by Ambassador György Molnár of Hungary and Henk Kor van der Kwast of the Netherlands as Vice-chairs.

There are allocated topics for the meeting, with an additional focus on the Eighth BWC Review Conference to be held in 2016. Issues relating to the duration and timing of the Conference and its associated Preparatory Committee (PrepCom) will need to be decided. As well as formal proceedings in the main meeting room, there is likely to be some discussion in the corridors about how any outputs from the current inter-sessional process will feed into the Review Conference – a chance to think about the format of the review process and what form of outcome might be desirable.

The agenda and an informal indicative schedule for the meeting have been published together with a number of Working Papers (either in formal or advance copy versions) along with other materials such as the Report of the MX and the Chair’s Synthesis Paper. All these can be found via the Implementation Support Unit (ISU) website <<http://www.unog.ch/bwc>>; official documents can also be found via the UN server <<http://documents.un.org>> (identifiers for official documents for this meeting all start BWC/MSP/2015/).

Allocated topics for the 2015 meetings

There are three topics which 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’ – this Article of the Convention relates to access to the life sciences, and materials and equipment related to them, for peaceful purposes; embodying a bargain that the renunciation of biological weapons (and thus the control of the hostile uses of the life sciences) should allow access to the use of the life sciences for peaceful purposes. Cooperation and assistance in this context also includes issues such as capacity building. Many divergences of opinion relating to Article X issues have been evident over the years.

‘Review of developments in the field of science and technology related to the Convention’ – rapid advances in the life sciences mean the BWC operates within a rapidly changing science and technology (S&T) context which changes the nature of challenges the Convention may need to counter as well as providing new opportunities for peaceful uses. These contexts need to be understood in different ways to changing political contexts.

‘Strengthening national implementation’ – the improvement of national implementation of the BWC in ways that are appropriate to national contexts has long been regarded as an important way of enhancing effectiveness of the overall regime to control biological weapons.

For this year (and in 2014) the annual meetings also have on their agenda ‘How to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties’. This Article deals with the provision of ‘assistance’ if a State Party is ‘exposed to danger’ because of a breach of the Convention. Recent Review Conferences have agreed this includes dangers from non-state actors. No country is likely to have all of the resources at its immediate disposal to respond to a severe biological attack.

In addition, the MSP also has the annual report of the ISU and progress on universality of the Convention as items for discussion.

The Eighth Review Conference and beyond

Decisions to be taken at the MSP about the Eighth Review Conference include its timings, its budget and its President. The recent pattern has been a 3-day Preparatory Committee meeting in the second quarter of the year and a 3-week Review Conference in the last quarter. Following this pattern, the PrepCom only deals with procedural issues. Suggestions have been made that the PrepCom should be used as an opportunity to discuss substantive matters, as is the practice in some other treaty arrangements. These suggestions have gained widespread support. Indeed, the UN General Assembly resolution on the BWC (A/RES/70/74) adopted by consensus on 7 December encouraged BWC States Parties ‘to establish a preparatory process allowing for the due and balanced consideration of both substantial and procedural issues related to the review of the Convention and its implementation’. A substantive PrepCom would have to meet for more than the 3 days of a procedural PrepCom and current suggestions include the idea of 2 separate weeks of PrepCom in 2016 to allow for better consideration of issues both in BWC meetings and in national policy processes. While additional time to examine issues would have benefits, cost factors and personnel availability will feed into the deliberations on this.

The current mandate of the ISU comes to an end at the Review Conference. Issues related to the Unit’s functions and activities and how they might be added to or modified within a new mandate may be raised during the MSP.

A further subject that is likely to be touched upon this week is what form of activities might be put forward as a new inter-sessional work programme to follow the Eighth Review Conference. The existing inter-sessional programme has developed from its ‘lowest common denominator’ agreement that was adopted in 2002, yet it is still a compromise that truly satisfies few delegates. There is a broad recognition on the need for some form of activity to take place in the five-year gap – not least because of so much that has happened since 2011. For example, the outbreaks of Ebola and MERS which, while of natural origin, indicated there were many lessons yet to be learned on how any deliberate disease incident might have to be handled; and the development of new gene editing techniques such as the CRISPR tools which seem likely to fundamentally change the range of genetic modifications that can be made and thus the context the Convention operates within. The Russian proposal to start a new forum for negotiation on some aspects of BWC issues, but not including verification and compliance, remains in the air. Any time allocated in an inter-sessional arrangement for such negotiations would have some impact on time available for other inter-sessional activities.

This is the first report from the BWC Meeting of States Parties, being held from 14 to 18 December 2015 in Geneva. These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP) and are available via the BWPP website at <<http://www.bwpp.org>>.

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