

Saturday 16th December 2023

The closing day of the 2023 BWC MSP - a meeting of lost opportunities

The 2023 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) drew to an end on Wednesday evening, having held no plenary sessions on Tuesday and not reconvening until Wednesday afternoon.

The MSP did not need to appoint its own Bureau [the Chair and two Vice-chairs] as these had agreed by the processes that had prepared the meeting. The 2023 MSP was chaired by Ambassador Cristian Espinosa Cañizares (Ecuador) with Ambassador Thomas Göbel (Germany) and Nikola Yakov (Bulgaria) as Vice-chairs.

The official webpage for the MSP that hosts documents and details of side events is at <https://meetings.unoda.org/meeting/67446>. Official BWC documents are also available via <https://documents.un.org>.

What the MSP was able to do

On Wednesday the MSP was able to adopt a very thin report of the meeting which included decisions on the dates for BWC meetings in 2024. That was all. This followed the activities on Monday to adopt the agenda and find time for one substantive item – the oral report back from the BWC Working Group (WG), delivered without any discussion.

What the MSP was not able to do

The MSP was not able to adopt its programme of work or its rules of procedure. It did not have the chance to consider whether to allow countries that were neither parties nor signatories to attend as observers or whether to allow international organizations to attend as observers. There was no general debate, the annual opportunity for states parties to express their views on any matter within the remit of the BWC. There was also no opportunity for international organizations and non-governmental organizations to address the MSP, which had been past practice. Three important reports had been prepared for consideration by the MSP – on efforts to encourage universalization of the Convention, on financial matters, and on the activities of the BWC Implementation Support Unit (ISU) over the past year. Each of these is usually introduced to an MSP with a presentation and there is a chance for delegations to discuss the issues raised. These usual discussions are valuable opportunities for states parties to keep abreast of these important issue areas. Lack of formal proceedings hindered informal networking as many discussions over coffee or lunch, etc., are prompted because of what has been said in the conference room.

How did this happen?

The underlying cause for this chain of events was the delegation of Russia objecting to the programme of work and the rules of procedure. The Russian delegation claims it had to act because of events before the MSP. [Questions of ‘why’ are discussed below.]

Without rules of procedure, there was a distinct challenge of how to adopt a report and formally close the MSP. The proceedings of the WG the week before had been interrupted by calls for points of order and rights of reply – how can a Chair be asked to judge whether an intervention is in order when there are no rules? The Chair therefore decided to introduce a short draft factual report which would not be subject to discussion

but to which delegations were invited to suggest any factual or technical modifications.

Russia queried the suggested dates for 2024 meetings, saying they would cause difficulties. These proposed dates had been circulated months previously (including being reported in August in the fourth report in this series). Frustration was expressed in the corridors that the dates should be questioned at such a late stage – if there had really been such a difficulty, why couldn't this have been raised earlier? It was agreed that one week of the August WG session would be moved to December. Dates for 2024 are thus: WG4 19-23 August, WG5 2-13 December and the MSP 16-18 December.

Interactions continued in the main conference room until 18:00 when it had to be vacated as the audio system requires staffing to run it. The MSP moved a short distance to Salle XXVI. There was also no interpretation available at such a late hour and inevitably this put some delegates at a disadvantage. At 21:00, a number of the other room systems, such as the projector and audio equipment, shut off on a timer as part of the UN cost saving measures. This led to delegates having to speak loudly to be heard.

The delegation of Russia objected to the inclusion of the European Union in the title of a working paper submitted by Japan that contained a statement from the G7. This resulted in the titles being omitted from the list of documents in the report. France spoke assertively about protecting the 'sovereign right' of states parties to submit working papers with the titles they choose. Others followed up on this point to suggest that states parties should not censor each other. Concerns were expressed over the possibilities of dangerous precedents being set through these proceedings. A total of 49 working papers were submitted to the MSP, many of which were copies of statements delegations had intended to give in the general debate. The adoption of the report was slightly confused, as a technical amendment was accepted just after the it had been gavelled through at 20:48.

Questions were raised about the participant lists. BWC practice has been to circulate a provisional list as document MISC.1 which is followed up by a final list of participants which is usually document INF.1 of the meeting. If the applications of observers had not been considered could they be counted as participating? Should the final list recognize that there had been the observer applications? Cuba floated the idea that a second document could be circulated that listed the applicants. The Chair suggested this was a matter that should be left to the secretariat and closed the meeting at 22:00.

As with the opening day, there was very little support from other delegations for the Russian positions.

Why did this happen?

It is an obvious statement that much of what happened was connected with wider geopolitical issues, but nevertheless true. As in the WG, Russia made the claim that BWC practice on presentations by observers had been broken at the Ninth Review Conference (2022) with the statement by NATO. Yet this can only be part of the picture as that delegation has raised similar objections in other disarmament bodies in Geneva.

It would seem that the target was international organizations and that the impact on NGOs was 'collateral damage' as it was the first in the sequence of any decisions about observers. The NGOs in attendance appreciated the support expressed by many delegations and the briefing given to them by the Bureau on Tuesday.

The juxtaposition of hopes at the opening of the MSP with reality at the end of it

When Izumi Nakamitsu, the UN High Representative for Disarmament Affairs, recorded her video message with the line 'we know that strengthening the Convention would require a global effort involving numerous stakeholders', she was probably unaware how difficult it would be for some of those stakeholders to engage with the meeting. While the MSP was a meeting of lost opportunities, the WG showed progress on challenging issues.

These reports have been produced by the BioWeapons Prevention Project (BWPP) for all BWC meetings with NGO registration since the Sixth Review Conference (2006). They are available from <https://www.bwpp.org/reports.html> and <https://www.cbw-events.org.uk/bwc-rep.html>. A subscription link is available on each webpage. Financial support for reporting for the 2023 Meeting of States Parties has been gratefully received from Global Affairs Canada. The reports are written by Richard Guthrie, CBW Events, who is solely responsible for their contents <richard@cbw-events.org.uk>.