

Friday 26th November 2021

The not quite final day of the Meeting of States Parties

Thursday was scheduled to be the fourth and final day of the 2020 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC). It was not possible, in the time available, to conclude the formal proceedings of the MSP and so it is now scheduled to reconvene at 10am on Friday for one hour.

The day consisted of consideration of three reports and associated issues, preparations for the Ninth five-yearly Review Conference and drafting of the final report of the MSP. However, it was a day of out-of-the-ordinary events.

Two additional working papers were posted to the documents section of the official meeting website <<https://meetings.unoda.org/meeting/bwc-msp-2020/>>.

Consideration of reports

The morning started with consideration of three reports which would usually be annual reports but because of the pandemic interruptions covered activities since the 2019 MSP. Introducing his 'Report on the Overall Financial Situation of the Biological Weapons Convention', the MSP Chair, Ambassador Cleopa Mailu (Kenya), noted that the BWC was in a much better state of financial health since the adoption of a package of measures by the 2018 MSP, including the Working Capital Fund. In discussion, some delegations suggested that non-payment may signify a lack of political will or even that the act of non-payment is a failure to honour commitments that undermines the BWC. Interventions stressed that there could be no write-offs of past sums owing. These points were put forward in terms that were forceful for a diplomatic meeting. The UN Office for Disarmament Affairs hosts a [financial dashboard](#) which shows that there are outstanding payments to the BWC totalling US\$405k, of which arrears for two states parties – Brazil (US\$133k) and Venezuela (US\$78k) – make up more than 50 per cent of the total. In discussion of the 'Report on universalization activities', submitted by the Chair, there were expressions of regret that no further countries had joined the Convention since the last MSP. There were also hopes expressed that progress had been made towards joining the BWC in a number of countries such that there may be new members before the Review Conference. France, as depositary of the 1925 Geneva Protocol, informed the MSP that Kazakhstan and Kyrgyzstan had acceded to the Protocol in 2020 and that Uzbekistan had done so in 2021. The annual report of the Implementation Support Unit (ISU) outlines the activities of the ISU but also includes data on BWC activities such as Confidence-Building Measures and use of the Article X database. Owing to the pressures of time there was only a brief discussion on this report.

Preparations for the Review Conference

A number of key decisions need to be taken by the MSP in support of preparations for the Ninth Review Conference, not least the selection of the Chair of the PrepCom who is President-designate of the Review Conference. Two Vice-Chairs also need to be appointed. The roles rotate between the groups following a pattern. The usual process is that the Chair of the MSP asks the convenor of each regional group for the nominee for the particular role their group has the turn to fill. The convenor provides the name and the

MSP appoints that person to the role by acclamation. What happened in the MSP on Thursday was far from usual.

The role of PrepCom Chair is to be filled this time by the non-aligned group. The group convenor, Azerbaijan, stated that the group wished to nominate Ambassador Khalil Hashmi (Pakistan). The Philippines and India took the floor to object to this nomination, stressing that their objections were based the process for the nomination rather than against the nominee as an individual. The MSP Chair noted that the practice within BWC meetings was not to discuss procedures within the groups for nominations and that his role gave him no authority to question any nomination by a group. He suggested that the group consult amongst its members and report back to the meeting. There was no report back from this group before the MSP was adjourned for the day.

The western group nominated Tancredi Francese (Italy) as a Vice-Chair of the PrepCom to be Chair-designate of the Drafting Committee of the Review Conference and the eastern group nominated Florian Antohi (Romania) as a Vice-Chair of the PrepCom to be Chair-designate of the Committee of the Whole of the Review Conference.

Formal decisions are also needed on the duration and dates of the Eighth Review Conference and its PrepCom. Some concerns were raised about whether an MSP could amend the decision of the Eighth Review Conference that the Ninth Review Conference should be convened before the end of 2021. It became clear that the most workable solution to this would be a text that explained the circumstances which led to the changed dates. The formal proceedings were suspended for nearly an hour while such a text was prepared in informal consultations.

Drafting the final report of the MSP and the decision to continue into Friday

Once the plenary reconvened after the drafting of additional text on Review Conference preparations, the MSP started going through the draft report, paragraph-by-paragraph. Objections were raised by Brazil to the suggestion that, as financial arrears were cleared for past years for which accounts had been closed, these funds would be credited to states parties which had paid on time. As no agreement could be reached on this sub-paragraph, it became a case of ‘consensus by deletion’. With time getting very close to the scheduled end of the MSP, Russia proposed adding some language on substantive issues, the text of which had been circulated to states parties informally a week or so before. Other delegations raised objections, noting that negotiating on substantive issues without interpretation put some delegates at a disadvantage. It was not clear why this additional text was not formally proposed earlier.

Running the main conference rooms is an expensive affair. Interpretation and other support services are booked to run until 18.00. The main meeting rooms are technically complex and need support staff to run their audio and video systems, for example. Some smaller meeting rooms (often used for BWC side events) require less support and thus are easier to use after normal working hours. As the MSP went past 18.00 and the human contents of Salle XIX (the plenary room) were decanted into Salle XXVI (the side room) it became rapidly evident that the plenary would be impossible to continue while maintaining practical distancing measures to keep delegates safe – a room full of people focused on the issues of deliberate disease is inevitably going to be sensitive to concerns about the spread of infection. After the Chair suggested reconvening in the morning there were still a few delegates who wished to debate options to keep the meeting running into the evening. A number of delegations left the room making it impossible to continue proceedings, making it inevitable that the meeting would have to be adjourned.

The MSP is now scheduled to reconvene at 10am on Friday for one hour in the room booked for the first day of the first session of the Preparatory Committee (PrepCom) of the Ninth five-yearly Review Conference. This is the room that the MSP has been holding its plenary sessions in.

This is the fifth report from the 2020 BWC MSP scheduled to be held from 22 to 25 November 2021 in Geneva. These reports are available from <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>> and have been produced for all BWC meetings since the Sixth Review Conference by the BioWeapons Prevention Project (BWPP). A subscription link is available on each webpage. The reports are written by Richard Guthrie, CBW Events, who is solely responsible for their contents. He can be contacted via <richard@cbw-events.org.uk>.