

Monday 10th December 2012

## The 2012 Meeting of States Parties: setting the scene

The 2012 Meeting of States Parties (MSP) is part of the third inter-sessional process for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC). The MSP was preceded by a week-long Meeting of Experts (MX) held in July. The third inter-sessional process covers the period 2012 through 2015 and was agreed at the Seventh BWC Review Conference held in December 2011. The Conference decided that this set of annual meetings would discuss three on-going topics as well as specific topics in particular years.

The 2012 meetings are chaired by Ambassador Boujemâa Delmi of Algeria (who replaced Ambassador Idriss Jazaïry from April), assisted by two Vice-Chairs – Dr Cezary Lusinski of Poland and Ambassador Urs Schmid of Switzerland (who replaced Ambassador Alexandre Fasel from October).

### Topics under discussion

The three on-going topics, known as the ‘Standing Agenda Items’, of the third inter-sessional process are ‘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’. In 2012 and 2013 the meetings will also discuss ‘How to enable fuller participation in the CBMs’. In a letter dated 21 June, the Chair proposed a breakdown of sub-topics under each of the topics that might be focused on in each year. The MSP will also discuss progress toward universalization and the annual report of the BWC Implementation Support Unit (ISU).

Article X covers the issue of access to the life sciences for peaceful purposes of the Convention and is seen as part of a bargain in which the renunciation of biological weapons and the control of the hostile uses of the life sciences have to be implemented in such a way as not to hinder the use of the life sciences for peaceful purposes. There remain divergences of opinion between States Parties relating to Article X. Cooperation and assistance goes further than Article X and includes related aspects such as capacity building. The changing science and technology context, and in particular the rapid advances in the life sciences, leads to changes in the nature of risks and threats the regime may need to counter, as well as providing new opportunities for peaceful uses. Improved national implementation of the provisions of the BWC in ways that are appropriate to national contexts has long been seen as an important way of enhancing effectiveness of the overall regime to control biological weapons. The system of Confidence-Building Measures (CBMs) under the Convention provides for returns to be submitted by States Parties on certain relevant activities and facilities. While numbers of returns have risen over the years, there has been wide recognition that participation in CBMs could be improved further.

### Preparations for the MSP

A number of papers from States Parties, together with the Chair's Synthesis Paper summarizing ideas raised at the MX, have been circulated as formal documents prior to the

opening of the MSP. The Working Papers circulated thus far are: WP.1 Next steps on the CBMs (UK); WP.2 Life scientists in the effective implementation of the BWC (Poland); WP.3 Bio-transparency and Openness Initiative (USA); WP.4 Awareness of the dual-use challenge for life scientists (Canada); WP.5 National implementation measures (Iraq); WP.6 Compliance assessment update (Canada, Czech Republic and Switzerland); WP.7 The inter-sessional process (South Africa); and WP.8 ASEAN Regional Forum workshops (Australia, Philippines and USA). An information paper from Canada on its activities under Article X has also been circulated. These papers had previously been issued as 'advance versions' prior to being typeset as official documents. The advance release of papers allows for their contents to be considered before start of the MSP.

The ISU annual report has been published which includes details of national contact points and CBM participation. As of 7 November, 66 States Parties had provided CBM returns this year, compared with 69 returns for the whole of 2011. Of the submitted CBMs this year, 21 have been made public at the request of the submitting States Parties.

Also circulated prior to the MSP is the annual report on activities to promote universality. This report was prepared just before the announcement of the deposit of the instrument of accession by the Marshall Islands in November, bringing the number of States Parties up to 166.

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>> (reference numbers for official documents for this meeting all start BWC/MSP/2012/). Additional papers are likely to be issued during the MSP.

### **The third inter-sessional process – a developing format**

The annual BWC meetings have developed in format and style since the first inter-sessional process started in 2003. Some observers have expressed frustration that the 2012 MX was not as productive as had been hoped. However, there were a number of particular circumstances within which the MX took place, including competing meetings that needed attention from delegates who would normally be involved with the BWC. It should be noted that the first year of meetings in each of the previous inter-sessional processes has been different in character from the rest as new working methods evolved.

As with earlier meetings, there will be a number of side events. While the side events have traditionally been held by non-governmental organizations (NGOs), there has been a trend for other bodies, for example governments and inter-governmental organizations, to make use of these opportunities as well. During the MX there were desires expressed by a number of delegates to import the vitality of the side events into the main meeting room. This has also been raised in the Working Paper from South Africa.

### **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.

*This is the first report from the Meeting of States Parties for the Biological and Toxin Weapons Convention which is being held from 10 to 14 December 2012 in Geneva. The reports are prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP). Copies of these reports, starting from 2006, are available via the BWPP website at <<http://www.bwpp.org>>.*

*The reports are prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP) who can be contacted during the Meeting of Experts relating to these reports on +41 76 507 1026 or <[richard@cbw-events.org.uk](mailto:richard@cbw-events.org.uk)>.*

Tuesday 11th December 2012

## The Opening Day: statements and positions

The 2012 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) opened on Monday with Ambassador Boujemâa Delmi of Algeria in the Chair. Before moving to the formal business of the Meeting, Ambassador Delmi noted he had invited high-level representatives of other international organizations to address the meeting to examine how the different bodies could, within their respective mandates, complement activities under the BWC. To this end, the Director General of the World Organization for Animal Health (OIE), Dr Bernard Vallat, and the Deputy Director-General of the Organization for the Prohibition of Chemical Weapons (OPCW), Ambassador Grace Asirwatham, were the first speakers in the morning.

Following this opening ceremony, a number of formal decisions were quickly taken, such as the adoption of the programme of work and the rules of procedure. Attendance was also granted for Israel as an observer state that had neither signed nor ratified the BWC, for a number of international organizations and for non-governmental organizations (NGOs).

### **Plenary statements / General debate**

After the completion of formalities, the Meeting heard plenary statements from States Parties in the following order during the morning: Iran (on behalf of the non-aligned), Canada (on behalf of the 'JACKSNNZ' – [an informal grouping of Japan, Australia, Canada, Republic of Korea, Switzerland, Norway and New Zealand]), Japan, Pakistan, Russia, China, Argentina, Ukraine, Cuba, Bangladesh, Brazil, Australia, India, Iran (national) and Kenya. After lunch, statements were given by: Moldova, Morocco, USA, Philippines, Turkey, Chile, Libya, Kazakhstan, Mexico, Malaysia, Indonesia and Latvia. Where copies of statements have been provided by those who delivered them, the Implementation Support Unit (ISU) has indicated it will place these on its website <<http://www.unog.ch/bwc>>. Notably, there were fewer prepared statements circulated in the room than at similar meetings.

A number of themes were identifiable in the statements. In addition to general comments on desirability of universal membership of the Convention, many delegates specifically welcomed the recent accession of the Marshall Islands. States Parties which had produced Working Papers generally made reference to them. A number of States Parties referred to assistance received via the ISU. Many referred to seminars, workshops or similar events held in their countries or regions. One notable aspect was a greater prominence of calls for formal verification arrangements. There is not time to do a detailed analysis overnight, but it seemed as if there were more specific statements in favour of verification at the MSP than there had been at the Review Conference a year ago. As might be expected, many statements dealt with issues relating to the topics for this year's meetings.

On cooperation and assistance / Article X, there were references to the 'full implementation' of that article without any explicit suggestion of what 'full' means. A number of references were made to regional cooperation arrangements between States Parties to assist each other in capacity building. Many such statements came from Asia-Pacific

governments. For example, the Philippines noted activities under the umbrella of the ASEAN Regional Forum, together Australia and the USA. Canada/JACKSNNZ encouraged ‘any States Parties requiring assistance or seeking cooperation partners come see JACKSNNZ delegations’. Russia suggested there needs to be ‘common goals and modes of cooperation’ to ensure that non-BWC relevant activities are not classed as falling within Article X.

Of the points raised on science and technology (S&T), many were focused on education and awareness of dual-use issues. Broader points were made, such as concerns about the unpredictable consequences of research. Brazil suggested that norms for ‘responsible behaviour’ by researchers and industry should be nationally defined. Some statements made implicit connections between S&T and Article X issues, noting the potential of advances in the life sciences for saving millions through preventing and curing disease. Bangladesh noted the contribution in such advances in overcoming problems of hunger.

Many statements described progress in adoption of national implementation issues. Some statements, for example those from Kenya and Pakistan, provided illustrations of the complexities of implementation. Kazakhstan described some experience of dealing with Soviet-era legacy facilities dating from the Cold War.

On Confidence-Building Measures (CBMs), a number of statements noted the value of the arrangements in reducing ambiguities. For example, Turkey called them ‘valuable tools for mutual understanding’. India noted that they are an ‘important transparency measure to enhance trust in implementation of the Convention’, but they ‘are not an alternative to an effective multilaterally agreed mechanism for verification of compliance’. Russia suggested recent ad hoc visits to facilities could lead to ‘false transparency’.

### **NGO statements**

As in previous Meetings, time was set aside during the afternoon to provide an opportunity for non-governmental organizations to address the Meeting in an informal session. Statements were given in the following order: University of Bradford; VERTIC; International Network of Engineers and Scientists; Landau Network-Centro Volta, Defence Medical College of Japan and Bradford Disarmament Research Centre (joint statement); University of London; University of Hamburg Research Group for Biological Arms Control; Biosecurity Working Group of the InterAcademy Panel on International Issues; International Council for the Life Sciences; Biosafety and Biosecurity International Conference; and Global Health and Security Consultants. Copies of the NGO statements will be put on the ISU website.

### **Side events**

Two side events were held over the lunch break on Monday. One was convened by the OPCW on the work of its Scientific Advisory Board (SAB) and in particular the Board's Temporary Working Groups (TWGs) on the Convergence of Chemistry and Biology and on Education and Outreach. Presentations were given by Stefan Mogl (SAB Chair), and by Robin Black, Piers Millett, Djafer Benachour and Jo Husbands, all members of one or other of the TWGs. SAB reports are available via the OPCW website <<http://www.opcw.org>>. The other was convened by the UN Institute for Disarmament Research (UNIDIR) and France on ‘Exploring options for a BTWC Peer Review Mechanism’. Welcoming remarks were given by Ambassador Jean-Hughes Simon-Michel (France), with presentations by Richard Lennane (ISU), James Revill (University of Sussex) and Andrew Halliday (Canada). The event was chaired by Theresa Hitchins (UNIDIR). An advance copy of the UNIDIR study is available at <<http://www.unidir.org/pdf/ouvrages/pdf-1-92-9045-012-Q-en.pdf>>.

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Wednesday 12th December 2012  
(12.12.12)

## The Second Day: cooperation & assistance and science & technology

The 2012 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) continued on Tuesday with Ambassador Boujemâa Delmi of Algeria in the Chair. The day started with a short continuation of the general debate, before moving on to the first two allocated topics of the Meeting. At the end of day Cuba took the floor for a 'right of reply' intervention after an earlier exchange with the USA on trade issues. A Working Paper, WP.9, from Chile, Colombia, Spain, Italy and Mexico on codes of conduct for scientists was distributed as an official document. A Working Paper by China on international cooperation was made available in an advance version.

### **Plenary statements / General debate**

The general debate continued into Tuesday morning with plenary statements from States Parties in the following order: Republic of Korea, Nigeria, South Africa, Algeria and Peru. This was followed by statements from the European Union (EU) and the World Health Organization (WHO). Much of what was said in this short session followed themes that had been elaborated on Monday. South Africa spoke on the procedures of the inter-sessional process, the subject of their Working Paper. The WHO spoke about implications of the infections caused by a novel coronavirus this year. Owing to the evolving rules of EU common foreign policy implementation, EU member states were inhibited from joining in the general debate as the EU was making a collective statement. Once the general debate was over, EU countries were able to make statements on specific subjects.

### **Cooperation and assistance / Article X**

After the conclusion of the general debate, the MSP moved to the first of its allocated topics: 'Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X'. Statements/interventions were given in the following order: Iran (on behalf of the non-aligned states), France, Netherlands, Belarus, Switzerland, Canada, Mexico, Russia, EU, Italy, United Kingdom, Brazil, Portugal, Cuba, India, Malaysia, China, Australia, United States, Japan, Ghana and Germany.

The non-aligned statement emphasised a belief that potential recipients of assistance were being denied access to materials and technologies in the life sciences as Article X wasn't being implemented effectively. Similar points were repeated in a number of other interventions. On the other hand, many western countries expressed a belief that they were actively implementing these provisions of the Convention and provided illustrations of assistance and cooperation activities. There were suggestions that new dispute-resolution procedures should be adopted to deal with Article X issues while others felt that existing arrangements under Article V were adequate. The debate was not simply a north-south divergence of views. India, as both a recipient of assistance as well as a donor, emphasised that there needed to be a balance between Article III (national implementation) and Article X. A number of statements noted that cooperation was more of a two-way process than

assistance. It was highlighted that no single country in the world can deal with all potential public health threats on its own. Examples of south-south cooperation were given. There was discussion on the database established after the Seventh Review Conference in 2011 to enable offers and requests for assistance and cooperation to be consolidated. This included whether more could be done to make this easier to use and to encourage more States Parties to enter information into it.

### **Science & technology developments**

After lunch, the MSP moved on to its second allocated topic, 'Review of developments in the field of science and technology related to the Convention'. Statements/interventions were given in the following order: Iran (on behalf of the non-aligned states), Ukraine, Cuba, Switzerland, France, Netherlands, United Kingdom, Spain, Poland, Spain, Mexico, Australia, Japan, India, Sweden, Russia, United States, Canada and Iran (national). Vice-chair Cezary Lusinski of Poland took the chair for this session of the Meeting.

Many issues were raised in this discussion. Some interventions included specifics about particular developments while others looked at implications of developments and how regulatory arrangements should handle dual-use issues. There were questions raised about how the scientific advice might best be handled. Iran, on behalf of the non-aligned, suggested that as there were no definitions of biosafety or biosecurity in the BWC these should be defined on a national basis. The Netherlands referred to its experiences earlier in the year with the H5N1 flu research issues. India highlighted the need to promote responsible conduct amongst the scientific community. There was much discussion about codes of conduct. There were a number of references to implications of the convergence between biology and chemistry. Switzerland referred to their proposal in the Chemical Weapons Convention for there to be discussion on the topic of incapacitating agents. This elicited supportive comments from the UK and Australia.

### **Side events**

Three side events were held during Tuesday; one before the start of formal proceedings and two during the lunch break. The breakfast event was convened by Canada and the University of Bradford on 'Awareness of the Dual-Use Challenges into Biosafety and Biosecurity Training and Education for Life Scientists'. Presentations were given by Simon Whitby (Bradford), Renée Carrière (Canada) and Shuji Amano (University of Nagasaki). The event was chaired by Ambassador Elissa Golberg (Canada). One lunchtime event was convened by the Biosecurity Working Group of the InterAcademy Panel on International Issues to provide updates on recent activities under the title 'IAP: Global Network of Science Academies'. Presentations were given by Sergio Pastrana (Academy of Sciences of Cuba), Elinor Buxton (Royal Society, UK), Lei Zhang (Chinese Academy of Sciences), Sue Meek (Australian Academy of Sciences), Sergey Zavriev (Russian Academy of Sciences) and Andrej Górski (Polish Academy of Sciences). The event was chaired by Gabriel Ogunmola (Nigerian Academy of Science). The other was convened by the EU with the ISU and was the launch of the new EU Action in support of the BWC. Introductions were provided by Ambassador Mariangela Zappia (EU) and Jarmo Sareva (UN Office for Disarmament Affairs [UNODA]). Presentations were given by Richard Lennane (ISU), Karin Hjalmarsson (UNODA), Jean Pascal Zanders (EU Institute for Security Studies), Jesus (Gary) Domingo (Philippines) and Enrique Valencia Muñoz (Colombia). The event was chaired by Andras Kos (EU).

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Thursday 13th December 2012

## The Third Day: national implementation and CBMs

The 2012 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) continued on Wednesday with the news that Mauritania had requested observer status at the MSP, having made progress toward accession to the Convention. This observer status was agreed.

A Working Paper, WP.11, from Australia, Canada, Japan, New Zealand and Switzerland entitled 'We need to talk about compliance' was distributed as an official document. Also distributed was an update to the report on universality, 3/Add.1. These papers will be available via the ISU website <<http://www.unog.ch/bwc>>; official documents can also be found via the UN documents server <<http://documents.un.org>>.

### **National implementation**

The morning saw the MSP discussing its third topic: 'Strengthening national implementation'. Statements/interventions were given in the following order: Iran (on behalf of the non-aligned states), Chile, Denmark, France, Canada, Cuba, Switzerland, Republic of Korea, India, Netherlands, Russia, Malaysia, China, United Kingdom, Australia, Iraq, United States and Germany. The Chair of the MSP, Ambassador Boujemâa Delmi of Algeria, was in the Chair for this session.

There was general agreement that effective national implementation is key to delivering an effective global regime. A number of calls were made for a legally binding international instrument to strengthen the Convention, not only for verification but to set global standards which national implementation could follow. Moreover, some States Parties wanted to emphasise that drives for national implementation should not distract from the need for a multilateral verification instrument. Many statements outlined existing implementation measures and some indicated forthcoming or planned improvements; examples include Malaysia, which is preparing new legislation, and the Netherlands which is in the process of implementing an improved coordinated biosecurity regime. Chile described in detail existing preparations for response to hostile use of disease. Denmark detailed its biosecurity arrangements. The compliance assessment proposal by Canada and Switzerland was revisited. France spoke to its peer review proposal, stating it would hold a pilot exercise to assess its own national implementation. The non-aligned statement suggested that a peer review system could lead to a false sense of assurance in national implementation. The USA responded that, while there was potential for a false sense of security from a peer review arrangement, this was not a reason to stop exploring the proposal.

### **Confidence-Building Measures (CBMs)**

After lunch, the MSP moved on to its fourth topic, 'How to enable fuller participation in the CBMs'. Unlike the other topics, which are for consideration in each year of the third inter-sessional process, this topic is scheduled for discussion in 2012 and 2013. Statements/interventions were given in the following order: Iran (non-aligned), France, Canada, United



Kingdom, Switzerland, Germany, India, Sweden, United States, Cuba, Australia, Pakistan, Iran (national) and Belgium. Vice-chair Ambassador Urs Schmid of Switzerland took the chair for this session of the Meeting.

As in the past, many statements stressed that CBMs should not be a substitute for a verification system nor should they be used to assess compliance. There was general agreement that greater participation should be encouraged. The need for the compilation of returns not to be burdensome was highlighted and there was discussion about the benefits that CBM submission brings to a country, such as creating a catalyst for action between agencies and as a domestic tool to take stock of what oversight is needed. A lack of knowledge about the challenges some States Parties face in compiling their returns was recognised and it was noted that knowing where obstacles are could help target assistance as well as help in the development of the CBM arrangements. Canada noted that it was translating some 15 CBM returns into English in the hopes that this will make them more usable. The UK spoke to its Working Paper, WP.1, with the aim of prompting substantive discussion in 2013 on this issue, noting that leaving further debate until 2016 would be a wasted opportunity.

### **Role of the Synthesis Paper**

Part of the function of the MSP is to produce a report at the end of the Meeting, ideally a report that has some utility. In past MSPs, States Parties have sometimes made comments on the Synthesis Paper circulated by the Chair after each year's Meeting of Experts in order to focus thinking on what might be in the MSP report. During Tuesday and Wednesday, a few States Parties made specific reference to the Paper in their interventions; however, some phraseology being used came across as if amendments were being suggested to the Synthesis Paper itself rather than guidance being offered for the drafting of the MSP report. This does not appear to be the intention, but the perception was created nonetheless. In the past, the Synthesis Paper has been annexed to the MSP report with the following caveat: 'This annex was not proposed for adoption as an outcome of the Meeting, and therefore was not discussed with that aim. Thus, the annex was not agreed upon and consequently has no status.' This has been the procedure since the first Synthesis Paper was produced in 2004.

### **Side events**

A breakfast event was convened by the Universities of Bath and Bradford together with Landau Network-Centro Volta (LNCV) on the theme of science and education. Presentations were given by Alexander Kelle (Bath) 'Towards the focused and effective science and technology review during the third BTWC inter-sessional process', Tatyana Novossiolova (Bradford) 'Biosecurity education for the life sciences: nuclear security education experience as a model', Giulio Mancini (LNCV) 'The European biosecurity awareness raising network', and Simon Whitby (Bradford) 'The 2012 BioWeapons Monitor Book Launch'. The event was chaired by Ambassador Jo Adamson (United Kingdom).

A lunchtime event was convened by the Hamburg Research Group for Biological Arms Control (HRG) and the ISU with support from Germany and the Philippines on 'Technology, Trade and Transparency: Lessons for other treaty regimes'. Introductions were given by: Ambassador Hellmut Hoffman (Germany), Jesus Gary Domingo (Philippines) and Richard Lennane (ISU). Presentations were given by Gunnar Jeremias (HRG), Alvaro Fernandez Acebes (World Customs Organization), Markie Muryawan (UN COMTRADE), Cristina Versino (European Commission Joint Research Centre), and Rossen Popov (International Narcotics Control Board).

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Friday 14th December 2012

## The Fourth Day: process, reports and consultations

The fourth day of the 2012 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) started with a brief revisit to each of the topics of the Meeting and a much longer discussion about process. The afternoon saw discussion of the universalization report, the report of the Implementation Support Unit (ISU) and preparations for the final report of the MSP.

### **The topics revisited**

Thursday morning provided an opportunity for delegates to raise any further issues within the topics allocated to the MSP. The following countries took the floor: on cooperation and assistance: Republic of Korea, Algeria and Iran (national); on science and technology: Chile and the United Kingdom; on national implementation: Algeria, Japan and Chile; and on confidence-building measures: Japan. Most interventions followed up on themes that had been previously raised.

### **The inter-sessional process**

South Africa raised a general issue of how the effectiveness and efficiency of the inter-sessional process might be improved, the subject of their Working Paper, WP.7. This prompted questions of whether this clashed with the mandate from the Seventh BWC Review Conference in 2011. Others could see no clash and welcomed the debate on how working methods could be improved. Much, in essence, comes down to the difference between an agenda and a programme of work. In diplomacy, an agenda is derived from an outside mandate, but the programme of work is usually decided by the chair in consultation with the participants. The WP.7 suggestions focused on programme of work issues.

### **Universalization activities**

The Chair, Ambassador Boujemâa Delmi of Algeria, introduced his report on universalization (document BWC/MSP/2012/3 and 3/Add.1) after the lunch break. The Marshall Islands was welcomed as the most recent country to join the BWC. Updates on progress by other states are given in the report. Vice-chair Urs Schmid of Switzerland described his activities on the fringes of the First Committee meetings during October in New York to engage with non-parties which had limited representation in Geneva. Myanmar, which has signed but not yet ratified, addressed the Meeting and noted that, while the national reconciliation process was taking priority, the country was actively looking at ratification issues.

### **Report of the Implementation Support Unit**

The report of the ISU (document 2 and 2/Add.1) was introduced by Richard Lennane, Head of the Unit. The report describes activities over the previous 12 months, a period for which it had been allocated additional activities but without additional funding. Of particular note are

issues surrounding production of documentation. The BWC meetings are not UN meetings, although they take place with the support of the UN and the use of UN document services. This has been done on an ad hoc basis but the ISU indicated there would be benefits if BWC States Parties were to clearly indicate some requirements relating to documentation, such as extent and timing, and therefore some text on this matter was proposed for the MSP report.

### **Preparations for the final report of the meeting**

The drafting of the final report of the MSP usually takes place in two parts, procedural and substantive. The draft procedural elements were circulated in the morning. These describe the practical aspects of convening the Meeting and are usually uncontroversial. This year, however, there were issues raised which broadly relate to the change of the mandate of the inter-sessional process. One was whether States Parties should be encouraged to report on developments to future inter-sessional meetings or to the next Review Conference. An amendment proposed by India appeared to be the basis for a workable solution to the issue.

The Chair circulated draft text for the substantive paragraphs during the middle of the afternoon session. The Meeting was adjourned for nearly an hour to allow delegates to read the suggested text and, on their return, it promptly became clear that many delegations were not comfortable with what was contained in the draft. Most discussion did not seem to be related to make-or-break issues but was more on broader conceptual issues such as balance between the attention paid within the draft to different subject areas.

A small group of delegates met late into the evening in informal consultations through which it seemed that a substantial amount of work would be needed before a new text could be put forward. The consultations concluded at 8.45 pm with the Chair and secretariat being tasked with providing a new text for the morning, taking into account the feedback received during the consultations from interested delegations.

While some delegations seemed a little concerned at the level of consultations needed, there has been a regular pattern of evening consultations on the Thursday of the MSP for some years.

### **Side events**

Three side events were held. A breakfast event was convened by the Netherlands on the 'Dutch Biosecurity Toolkit to Enhance Self-Regulation' <<http://biosecuritytoolkit.com>> with a presentation by Sander Banus (National Institute for Public Health and the Environment, the Netherlands). Walter Biederbick (Germany), who has experience working in research institutes, offered to be a 'guinea pig' to illustrate how the toolkit works. The event was chaired by Ambassador Paul van den IJssel (Netherlands). One lunchtime event was convened by Belgium on 'Health Crisis Response: Light Mobile Laboratories for Rapid & Reliable Identification of Pathogens' with panellists Jean-Luc Gala and Frank Meeussen and chaired by Danielle Haven (all from Belgium). The other was convened by Green Cross International (GCI) on 'Responsible Research for Global Biosecurity: Progress to Date' with presentations by Carrie Wolinetz (Association of American Universities), Giulio Mancini (Landau Network-Centro Volta) and Marina Abrams (Green Cross/Global Green). The event was chaired by Paul Walker (GCI).

***NOTE: There will be an additional MSP report covering the final day of the Meeting. This will be published early next week and will be posted on the BWPP website below.***

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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>>.*