

Thursday 14th December 2017

The Conclusion of the MSP, an Agreed Work Programme and Some Reflections

The 2017 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) concluded on Friday with agreement on a new work programme for the inter-sessional period leading up to the Ninth Review Conference to be held in 2021.

The agreed inter-sessional work programme

The agreed annual work programme will consist of 8 days of Meetings of Experts (MXs) with 4 days of MSPs, making 12 days of meetings each year. This compares with 15 days per year for 2003-05 and 10 days for 2007-10 and 2012-15. In a sign of a compromise in the divergent views as to whether there should be open-ended working groups or MXs, the report states 'The Meetings of Experts will be open-ended'.

The first three of the expert meetings are: MX1 (2 days per year) 'Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X' with 7 sub-topics; MX2 (2 days) on 'Review of developments in the field of science and technology related to the Convention' with 5 sub-topics; and MX3 (1 day) on 'Strengthening national implementation' with 5 sub-topics. These all use topic titles that have been used in earlier MXs. MX4 (2 days) has a title that has developed further from what has gone before – 'Assistance, Response and Preparedness' with 6 sub-topics. It follows on from earlier Article VII discussions and expands the work beyond that Article into broader disease response issues. The fifth, and final, topic is in MX5 (1 day) on 'Institutional Strengthening of the Convention' with just 1 sub-topic, worth quoting in full: 'Consideration of the full range of approaches and options to further strengthen the Convention and its functioning, through possible additional legal measures or other measures, in the framework of the Convention.'

Dates for the meetings have not been decided, although it was agreed that the MXs 'for eight days will be held back to back and at least three months before' the MSPs. With the pressures on time to reach consensus on the substantive topics for the meetings, there were clear advantages to using 'consensus by deferral' as the decisions on meeting timings could be dealt with via consultations in the coming weeks and months.

Reaching consensus

At the start of the proceedings on Friday morning it was not clear whether consensus would be reached or not. There had been some informal consultations into the late evening on Thursday and, while these made some progress, there was no substantial breakthrough.

The morning's proceedings started in the side room in the private format behind closed doors. A new draft non-paper of programme elements was introduced, marking a further convergence of positions. During a short plenary at the end of the morning, the Chair of the MSP, Ambassador Amandeep Singh Gill of India, referred to the draft as a 'collective non-paper'. Issues still in play at this stage included: how any topic on institutional strengthening should be dealt with (and, notably, how close any description of it should get to using contentious terms such as 'verification' or 'compliance'); how many

days should be needed for the work programme; and some financial matters which focused on costs of the work programme. During lunch and into the afternoon, consultations were held in smaller groups

Towards the end of the afternoon, a draft copy of the report of the Meeting was introduced into the room by Ambassador Gill, containing the work programme. Apart from the details of the work programme, the bulk of the rest of the report was uncontentious as it was factual and procedural – where the meeting was held, who held which offices, and so forth. There were still some contentions over financial issues, in particular about the issues of longer term financial arrangements, which required some verbal amendments to the draft report. The report was formally adopted at 18.20 and the meeting closed after a number of closing statements, the focus of many of which was praise for the role the Chair had played in achieving the outcome of the MSP.

Side Events

There was one lunchtime side event on Friday: on ‘Strengthening Global Mechanisms and Capabilities for Responding to Deliberate Use of Disease’ convened by Canada.

Reflections

A conscious effort is taken in writing these daily summaries to report objectively 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.

This BWC MSP was unlike any other. Analytically, this MSP was more like an extension of the Eighth Review Conference than part of the inter-sessional programme itself. The general debate, for which space restrictions limited reporting in these daily reports, broadly followed the topics raised at the Review Conference.

There was considerable relief in the room at the agreement on a work programme. While the common ground was based on language from the Seventh Review Conference, there was a significant practical advance from what had come out of the Eighth Review Conference. The lack of a work programme could have weakened efforts to maintain a world free of biological weapons.

The most novel feature of the new work programme is the discussion on institutional strengthening. While there were concerns expressed by some delegates in discussions in the corridors that this might become a forum for polarized political views, there is also the possibility that this could be productive. For many years there have been obstacles to talking about verification and compliance issues, most notably owing to positions expressed by the USA. There are arguments that a traditional verification arrangements based on declarations of materials and facilities that are evaluated by an international body and followed up with visits to the sites have some limitations in the biological field. Such limitations stem from the living nature of organisms and the widespread adoption of biological technologies in a wide variety of industries. The problem of the control of deliberate biological threats is multifaceted. As work in the past inter-sessional work programmes has shown, there are multiple strands of activity that might be woven into a ‘web of prevention’, some of which might form the basis of new legal or institutional arrangements in the longer term. A forum in which such issues could be discussed in a technical manner could move the debate forward.

There is still a tremendous need, at many levels, for improving implementation of the BWC as the foundation stone of international efforts to control biological weapons. The agreed work programme is not the pinnacle of possibilities, but should prove to be a practical contribution to making the world safer.

This is the sixth and final report from the BWC MSP, being held from 4 to 8 December 2017 in Geneva. These reports are prepared by Richard Guthrie of CBW Events on behalf of the BioWeapons Prevention Project (BWPP). They are available via <<http://www.cbw-events.org.uk/bwc-rep.html>> and <<http://www.bwpp.org/reports.html>>. An email subscription link is available on each page. The author can be contacted via <richard@cbw-events.org.uk>.