

31st December 2019

The closing day of the Meeting of States Parties and some reflections

The 2019 Meeting of States Parties (MSP) to the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) concluded on Friday 6 December with the adoption of a final report in a conference room with the lights dimmed.

The final report of the MSP and the closing of the Meeting

At the beginning of the day the Chair, Ambassador Yann Hwang (France), circulated a further draft of the MSP final report, following up on the version circulated on Thursday afternoon. Aside from sections inserted to cover the proceedings that had occurred since the earlier version, this one included suggested language on preparations for the Ninth BWC Review Conference scheduled to be held in 2021 – the next in the five-yearly cycle. The language was chosen to keep the decision on the duration of the Review Conference open. In other words, the decision on dates allows for the conference room to be reserved but is phrased in such a way that a later decision could be taken on exactly how long the conference itself should be – two weeks or three weeks. The Ninth Review Conference will thus be held within the period that starts on 8 November 2021 and ends on 26 November 2021 with the precise dates of the Conference to be decided. As part of this, the report includes a decision that the initial draft of the budget for 2021 should be set for 22 days of meeting activities which indicates there is an understanding that the Preparatory Committee (PrepCom) should meet for two sessions, the first administrative (2 days) and the second substantive (5 days). The total number of meeting days in 2021 would reduce to 17 if the Review Conference was for two weeks only. The MSP also decided upon the dates of the annual meetings for 2020 with the Meetings of Experts (MXs) to be held from 25 August to 3 September and the MSP from 8 to 11 December.

The Russian delegation pressed their proposal, made available to delegations on the Wednesday, which included text in relation to each of the MXs for the MSP report. This was interpreted by many in the room as an attempt to get substantive issues reflected in the final report, which has in the past been opposed by Iran. There were suggestions from some delegations that Russia should circulate the text as an MSP working paper as there was little remaining time in the MSP for discussion. The US delegation stated that there would be nothing they could agree to that could come out of discussion of the Russian text. The draft report had included a reference that the MSP ‘took note’ of the *Aide Memoire* circulated by the MSP Chair, in association with the MX Chairs. In an example of ‘consensus by deletion’, the paragraph containing this reference was removed following Russian objections that the *Aide Memoire* did not reflect all proposals made. No objection to the paragraph had been made while the Russian proposal for new text was up for discussion.

The closing of an MSP often includes a number of statements. This time proceedings were very brief as there was not much time – lights had already been dimmed as an indication that support services in the room were coming to an end. A US delegate noted the upcoming retirement of John Walker of the UK delegation, meaning this would be his last MSP after more than thirty years working in this subject area. The US also noted the return of the trophy for the Bowling World Cup – the alternative BWC – that

had been resting in a cupboard at the US Department of State.

In his closing remarks the Chair referred to a short informal paper he had prepared on methodological issues. This paper was dated 4 December, but not made available in the room until the close of the meeting and then posted to the BWC website. The informal paper examines issues such as continuity between the annual inter-sessional meetings, overlaps between meeting topics and enhancing the value of the MSPs.

The Meeting closed at 18.09.

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.

The first thing to note is that this MSP was very full. This made it challenging to report as there was so much said in the the general debate and in the sessions relating to the subject matter of the MXs – this made reporting difficult as there was so much that had to be left out.

On substantive matters, it was frustrating that, despite considerable signposting that a decision was best made this year on the dates for the Ninth Review Conference, there were a number of delegations unprepared for taking such a decision. However, it is important that the MSP accepted that there would be a substantive PrepCom process. The session of the PrepCom dealing with substantive issues held in August 2016 in the run-up to the Eighth BWC Review Conference was the most productive week of activity this author has personally witnessed in decades of following BWC meetings. A problem of Review Conferences is that the review of any particular aspect of the Convention is dominated by thinking about what language would go into the final document – in other words, a discussion of what might be in the final text rather than of the issues themselves. As there is no negotiated text on substantive matters from the PrepCom, the interactive discussion can focus on the issues at hand, giving the proceedings a much more substantive character. The corollary of this is that a three-week Review Conference holds no great advantage over a two-week one as the extra time would be likely to be focused on textual matters rather than on matters of substance.

The *Aide Memoire* was a useful proposal to try to fill the gaps between the annual meetings and between the meetings and the Review Conference in order to bring greater coherence into how the work of the meetings will feed into the Review Conference processes. In the draft circulated at the MSP, the *Aide Memoire* represented a useful balance between usability and comprehensiveness – it would be impossible to create a short practical document that included every suggestion raised.

The UN financial austerity measures, distinct from the financial difficulties in the BWC itself, influenced the tone of the sessions, making it easier to schedule activities as there was no danger of overruns. They also reduced the potential for those that have historically used tactics to prolong meetings to wear down opposition – such tactics have often led to informal consultations going on late into the night. Loss of the tactic meant that there was a bit more focus on substance.

The financial issues within the BWC itself have improved, but it is hard to see how they will be resolved. In other circumstances, to get action from those in arrears to clear their debts would probably involve some kind of penalty. However operation by consensus within BWC meetings makes it challenging to resolve the financial problems as states parties in arrears would be unlikely to agree to penalize themselves. Efforts need to continue to find a solution to these challenges as the arrears will continue to affect the health of the regime.

This is the fifth and final report from the Meeting of States Parties for the BWC which was held from 3 to 6 December 2019 in Geneva. These reports have been produced for all BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP). They are posted to <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. An email subscription link is available on each page. The reports are prepared by Richard Guthrie, CBW Events, who can be contacted via <richard@cbw-events.org.uk>.