

Monday 9th December 2013

## The 2013 Meeting of States Parties: setting the scene

The opening of the 2013 Meeting of States Parties (MSP) is the halfway point of four years of meetings in the third inter-sessional process for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC). The MSP was preceded by a one-week Meeting of Experts (MX) that was held in August. The third inter-sessional process was agreed at the Seventh BWC Review Conference that was held in December 2011. The inter-sessional process meetings are intended to be practical and focused on promoting ideas and learning from experiences in order to develop common understandings and effective actions. The 2013 meetings are chaired by Judit Körömi of Hungary, the Special Representative of the Foreign Minister for Arms Control, Disarmament and Non-Proliferation, with two Vice-Chairs – Ambassador Mazlan Muhammad of Malaysia and Ambassador Urs Schmid of Switzerland.

### **Topics under discussion during the 2013 meetings**

There are three on-going topics, also 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’. This year the meetings will also discuss ‘How to enable fuller participation in the CBMs’, the same theme that was under discussion in 2012.

BWC Article X embodies 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. Cooperation and assistance goes further than Article X and includes other 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 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 information to be submitted by States Parties on certain relevant activities and facilities.

### **Preparations for the MSP**

A number of papers from States Parties, together with the Chair’s Synthesis Paper (summarizing ideas raised at the MX) and the report of the MX, have been circulated as formal documents prior to the opening of the MSP. The Working Papers circulated thus far are: WP.1 Confidence-building measures: time to redouble efforts for effective action (USA); and WP.2 Strengthening Article VII: international cooperation and assistance in preparing for and responding to biological incidents (USA). An information paper from Canada on its activities under Article X has also been circulated (INF.2). Advance versions of papers yet to be released as formal documents include Getting Past Yes: Moving From Consensus Text to Effective Action (Australia, Canada, France, Germany, Netherlands, UK, and USA); Step by

Step Approach in CBMs participation (Australia, Canada, Japan, Malaysia, New Zealand, and Switzerland); Assistance and Cooperation (Art. X) (EU); Confidence-Building Measures: Taking discussions on enabling fuller participation forward to the Eighth Review Conference (Switzerland); Establishing a dedicated structure for the review of developments in biological science and technology (Switzerland); The Global Partnership Biosecurity Sub-Working Group in 2013: report of meetings held under the UK presidency (UK); and Strengthening National Implementation (USA). The advance release of papers allows for their contents to be considered before start of the MSP.

The Implementation Support Unit (ISU) annual report has been published which includes details of national contact points and CBM participation. As of 1 November, 57 States Parties had provided CBM returns this year, compared with 66 returns for 2012 as of 7 November 2012. Of the submitted CBMs in 2013, 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. Four countries joined Convention between the 2012 MSP and the 2013 MX – Cameroon (18 January), Nauru (5 March), Guyana (26 March) and Malawi (2 April) – bringing the total number of States Parties to 170. However, there has been no further increase in membership since then.

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/2013/). Additional papers are likely to be issued during the MSP.

### **Global Context**

External political issues that have impinged on the BWC this year. The use of chemical weapons in the East Ghouta area of Damascus on 21 August – during the week following the MX – and the subsequent international reaction has had a significant knock-on impact. The Geneva Framework Agreement negotiated by Russia and the United States and enacted through decisions of the Organization for the Prohibition of Chemical Weapons and the United Nations Security Council has created an unprecedented and challenging operation to remove and destroy Syria's chemical weapons capabilities. As, in many countries, there is considerable overlap in the departments and officials dealing with biological and chemical weapons this has inevitably led to reduced attention to the BWC. The use of the United Nations Secretary-General's investigation mechanism for the investigation into alleged use of chemical weapons in March and then August may result in some BWC-relevant lessons learned. This mechanism has been discussed many times at BWC meetings as a possible method of investigating alleged use of biological weapons. Another issue is the frustration in some circles that the proposed 2012 meeting to discuss possibilities for a Middle East Zone Free of Weapons of Mass Destruction has still to be convened.

### **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. If you would like to be added to the mailing list please contact the author via the details given at the bottom of this page. The BWPP daily reports are available via the BWPP website at <<http://www.bwpp.org>>.

*This is the first report from the Meeting of States Parties for the Biological and Toxin Weapons Convention which is being held from 9 to 13 December 2012 in Geneva.*

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

Tuesday 10th December 2013

## The first day: opening remarks and statements

### Opening of the meeting

The 2013 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) was opened on Monday morning by the Chair, Judit Körömi of Hungary, the Special Representative of the Foreign Minister for Arms Control, Disarmament and Non-Proliferation. Formalities, such as the adoption of the agenda, the programme of work and the rules of procedure, and decisions on observers were proceeded with promptly.

Making her opening remarks, the Chair noted that this inter-sessional process had a different character from those which had gone before. In the earlier sets of meetings, each year would deal with a distinct topic and therefore the report from each meeting was 'self-contained'. The format of this inter-sessional process, with three standing agenda items and a biennial topic, means that time is spent considering subject areas each year on a repeating basis. This requires some arrangement to be able to link the reports of each year together in order to provide input into the Eighth BWC Review Conference to be held in 2016.

### Opening statements

Statements were made during the morning session by Iran (for the non-aligned), Canada (for the 'JACKSNNZ' – [an informal grouping of Japan, Australia, Canada, Republic of Korea, Switzerland, Norway and New Zealand]), China, Russia, Indonesia, Denmark, Pakistan, USA, Thailand, Germany, Malaysia, Czech Republic, Japan, Italy, Cuba, South Africa, Algeria, Brazil and India. After lunch, and following a minute's silence in remembrance of Nelson Mandela, statements were given by Colombia, Albania, Australia, Republic of Korea, Iraq, Mexico, France, Libya, Lithuania, Argentina, Kenya, Uruguay, Ecuador, Burkina Faso (its first statement to a BWC plenary) and Madagascar. The European Union, the International Committee of the Red Cross and the UN 1540 Committee then gave statements as international organizations. The Implementation Support Unit (ISU) has indicated it will place copies of statements provided to it on its website <<http://www.unog.ch/bwc>>.

In addition to general comments on universality, many delegates specifically welcomed Cameroon, Nauru, Guyana and Malawi which had joined the BWC this year. States Parties which had provided Working Papers for this MSP generally made reference to them. Numerous references were made to seminars, workshops or similar events held in the speakers' countries or regions. There were a number of calls for formal verification arrangements. The connection between responses to natural and deliberate disease was noted and that better knowledge of each of these led to improved countermeasures against both. The EU noted the adoption in November of its latest Council Decision on support of World Health Organization activities. There were suggestions about the format of the final report that each year should not reopen balances that had been crafted in adopting reports in earlier years.

Some delegates made reference to enhancements of national implementation measures either for the BWC itself or for wider biological safety and security matters. For example, Thailand noted the establishment of an Institutional Biosafety Committee and the Biosafety Association (Thailand). Iraq noted the activities of a new national committee for

management of biological risks. On means to evaluate implementation, Canada and Switzerland, with the Czech Republic, are working further on their Compliance Assessment pilot project. France noted it had carried out a pilot peer review exercise including participation by representatives of nine countries.

On cooperation and assistance, there were many calls for further implementation of Article X, primarily from non-aligned delegations, some of whom stressed that measures to reduce risk of misuse of transferred materials and technologies should be proportionate so that they did not hamper peaceful uses. Suggestions that improved national implementation assists peaceful transfers as the supplier has greater confidence of legitimate use remain an issue of divergence with some statements suggesting this creates additional burdens. Limited technical resources for BWC implementation means that capacity building is a productive form of assistance, it was said. A number of States Parties referred to assistance received from other States Parties, groups of States Parties (such as the EU) or from NGOs (such as VERTIC).

On science and technology issues, questions of how to find the right balance between open scientific research and preventing the acquisition of biological weapons were raised. It was noted that an additional factor which might increase potential threats was the reduced financial costs of many dual-use technologies.

On Confidence-Building Measures (CBMs), while there were many comments that these were no substitute for verification, there were also many calls for enhancements, either through making CBMs easier to submit or through identifying more relevant information to be exchanged. Concerns were raised that there would be less attention on CBMs over the next two years as this was the last year of discussion on the subject in this series of meetings.

#### **NGO statements**

After the completion of general debate statements, the following non-governmental organizations addressed the meeting in an informal setting: the University of Bradford; the University of London; the International Network of Engineers and Scientists; Landau Network Centro Volta and the Bradford Disarmament Research Centre; Research Group for Biological Arms Control, Hamburg University; the Biosecurity Working Group of the Inter-Academy Panel on International Issues; VERTIC; Pax Christi International; Global Health & Security Consultants; and the Scientists Working Group on Chemical and Biological Weapons. Owing to time constraints, some of these statements had to be delivered in a shortened form. The statements are to be posted on the ISU website.

#### **Side event**

One of the innovations of this year has been that side events have been convened on themes rather than by single organizations. A lunchtime side event was convened on the theme of 'Developments in Science and Technology: Strengthening National Biological Risk Management'. Presentations were given by Brett Edwards, University of Bath, on 'Ensuring regime responsiveness to developments in science and technology'; Jonathan Forman, Organization for the Prohibition of Chemical Weapons, on 'Chemical weapons disarmament in a technologically evolving world'; Alemka Markotic, Croatian Academy of Science, on 'An international roadmap for bioforensics: a Croatian Academy of Sciences and Arts, US National Academy of Sciences, UK Royal Society and International Union of Microbiological Societies initiative'; Dana Perkins, UN 1540 Committee expert, on 'UN Security Council resolution 1540: emerging trends, sharing of experiences, lessons learned and effective practices'; and Gerald Walther, University of Bradford, on 'The 2013 BioWeapons Monitor: launch and plans for the future'. The event was chaired by Ambassador Serhiy Komisarenko of Ukraine.

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Wednesday 11th December 2013

## The second day: cooperation & assistance and science & technology

### Opening of the meeting

The 2013 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) was continued on Tuesday with its first working sessions on the standing agenda items. The morning was dedicated to agenda item 7 'Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X' with the afternoon to agenda item 8 'Review of developments in the field of science and technology related to the Convention'. At the opening of the meeting the Chair, Judit Körömi, offered an apology that time had not allowed for the NGO statements to be heard in full the previous day. Before the morning's proceedings on the scheduled agenda item started, the delegation of Ukraine took the floor to give a general debate statement.

### Cooperation and assistance

Prepared statements or presentations under this agenda item were given by: the Implementation Support Unit (ISU), Malaysia, Iraq, Iran (for the non-aligned), UK, Georgia, Kazakhstan, Cuba, European Union, Netherlands, Mexico, Japan, Russia, Canada, India, Brazil, Germany, Switzerland, USA and Pakistan. A discussion on the issues raised had contributions from Algeria, UK, USA, Iran, the ISU and South Africa.

The ISU made a presentation on the operation of the cooperation and assistance database established as a decision of the Seventh BWC Review Conference. The database currently has 2 entries for requests for assistance from 2 States Parties (Afghanistan and Iraq) and 23 offers of assistance in various areas from 5 States Parties (Canada, France, Germany, UK and USA). A number of interventions made direct reference to this database and issues of how it might be improved. There were suggestions from some delegations that the difficulties with the database illustrated the need for an Article X implementation mechanism – a long-standing policy objective of the non-aligned states which called again for the 'full, effective and non-discriminatory implementation of Article X'. Others wanted to investigate why the database had not yet proved as successful as hoped and what might be needed to enhance its effectiveness. A suggestion made during the August Meeting of Experts that parts of the database, and in particular the offers, be made public was repeated. It was also suggested that the ISU should be more active in promoting the database.

A number of delegations spoke to specific projects or events; there is space to give only a few examples here. Georgia referred to a regional workshop will be held next week at its Center for Public Health Research with Kazakh, Armenian, Azerbaijani and Russian specialists taking part. The Netherlands noted it was collaborating on several projects in the field of biosecurity in Uganda. Russia spoke of its Special Anti-Epidemic Teams that can be deployed in other countries to help combat infectious disease.

There were suggestions that barriers to trade in biological materials were contrary to the BWC. Others suggested that only proportionate measures were implemented to prevent misuse. India noted the difficulty of access to medical products on grounds of costs.

## **Science and technology**

The afternoon session was chaired by Vice-Chair Urs Schmid of Switzerland. The opening presentation of this session was given by Stefan Mogl as a member of the Organization for the Prohibition of Chemical Weapons (OPCW) Scientific Advisory Board (SAB) Temporary Working Group (TWG) on Convergence in Chemistry and Biology. Statements or presentations under this agenda item were given by: Iran (for the non-aligned), UK, Brazil, Japan, Poland, Netherlands, Switzerland, Canada, Mexico, India, Cuba, France, Sweden, USA, Pakistan, Australia and China. The overarching theme of the session was the balance of benefits and risks that follow on from advances in the life sciences.

Many positive and negative aspects of scientific and technical developments were identified. It was noted that many individual developments carry both benefits and risks. As a simple example, techniques to store viable biological materials for longer periods makes certain medical treatments more accessible, but also allow for storage of agents for misuse.

A number of delegations referred to a cross-regional 'food for thought' working paper with numerous sponsors entitled 'Addressing modern threats in the Biological Weapons Convention'. This paper is expected to be published in the next day or so. As of Tuesday night, the co-sponsors for this were Australia, Canada, Chile, Colombia, Czech Republic, Finland, Ghana, Lithuania, Netherlands, Nigeria, Philippines, Republic of Korea and Sweden.

During the morning there had been considerable emphasis that vaccine production was critical for public health. Preventable infectious diseases kill millions each year and any hindrance on vaccine production would have a cost measured in human lives. There were divergent views on the significance for the BWC of vaccine production facilities. It is clear that further discussion would have to be held on this particular issue before a common understanding could be reached. As noted in the room, vaccine production facilities have been considered BWC relevant in earlier proceedings, hence their inclusion in the Confidence-Building Measures system.

The Netherlands noted there would be lessons learned from its experience regarding H5N1 influenza research. Switzerland, speaking to WP.5, suggested that while the arrangements within the current inter-sessional process were an improvement over past practice for on-going review of science and technology issues, there was a need for a new structure or arrangement to allow for systematic and comprehensive review.

## **Side events**

A breakfast side event was convened on the theme of 'Consolidating Biosecurity Education'. Presentations were given by Tatyana Novosiolova, Landau Network Centro Volta, on 'Teaching biosecurity to neuroscientists'; Brian Rappert, University of Exeter, on 'On the dual uses of science and ethics'; Jo Husbands, member of the OPCW SAB TWG on Outreach and Education on activities in the group; and Ryszard Slominski, Polish Academy of Sciences on 'Promoting education about dual use issues in the life sciences'. The event was chaired by Wojciech Flera, Deputy Permanent Representative of Poland.

A lunchtime event was convened by France entitled 'EU NRBC Action Plan: How the exchange of good practices can improve the surveillance of high risk pathogens'. Presentations were given by Christophe Genisset, General Secretariat for Defense and National Security, France; Saskia Rutjes, National Institute for Public Health and the Environment, the Netherlands; and Bjarke Kirkemann, Centre for Biosecurity and Biopreparedness, Denmark on biosafety and biosecurity in their countries. The first presentation also included background on the Action Plan. The event was chaired by Ambassador Jean-Hugues Simon-Michel of France.

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Thursday 12th December 2013

## The third day: national implementation and CBMs

### **Opening of the meeting**

The Meeting of States Parties (MSP) of the Biological and Toxin Weapons Convention (BWC/BTWC) continued on Wednesday with further working sessions with the morning dedicated to agenda item 9, 'Strengthening national implementation', and the afternoon to item 10, the biennial item 'How to enable fuller participation in the CBMs'. As with Tuesday, there was more detail in the interventions than had been usual in previous MSPs.

The Chair of the meeting, Judit Körömi of Hungary, the Special Representative of the Foreign Minister for Arms Control, Disarmament and Non-Proliferation, announced that the first elements of the draft report of the meeting would be circulated to delegations electronically on Wednesday evening.

### **Strengthening national implementation**

The morning session was chaired by Vice-Chair Mazlan Muhammad of Malaysia. Statements or presentations under this agenda item were given by: the UN 1540 Committee, Interpol, Chile, Iran (for the non-aligned), Mexico, Burkina Faso, Cuba, UK, Peru, Australia, Belarus, Malaysia, Hungary, Iraq, Sweden, France, USA, Republic of Korea, Germany, Switzerland, Canada, India, Pakistan and Ecuador. Exceptionally, the Vice-Chair briefly switched the meeting into an informal session after the US intervention to allow VERTIC to take the floor to provide information on its national implementation measures programme.

Effective and coherent national implementation was widely recognized as being an obligation of BWC membership and key to making the BWC an effective global instrument. A divergence of opinion was apparent on how effectiveness of national implementation should be understood. As with earlier meetings, two proposals to assess effectiveness were raised – peer review, proposed by France, and compliance assessment, proposed by Canada and Switzerland with the Czech Republic. Interventions from a number of western delegations expressed support for these proposals. From a different perspective, Iran and other non-aligned delegations suggested that, while there were opportunities for governments to share national implementation experiences and so learn from each others activities, 'piecemeal' arrangements such as peer review or compliance assessment may create a false sense of assurance and were no substitute for verification. Moreover, a legally-binding verification instrument would, by its nature, set standards by which effectiveness of national implementation could be compared. It would be an over-simplification to suggest that this is a simple two-way split as there are many states which support calls for verification and which support the assessment proposals.

There was some follow-up to the paper by Australia and co-sponsors put forward at the 2012 MSP entitled 'We need to talk about compliance' (WP.11 of that meeting) with suggestions that consideration now of what constitutes compliance could help assist in identifying necessary national implementation measures as well as assisting in framing discussions in preparations for the Eighth BWC Review Conference to be held in 2016.

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

Statements or interventions under this agenda item were made by: the Implementation Support Unit (ISU), the European Union, Iran (for the non-aligned), Belgium, Japan, Malaysia, Spain, the Netherlands, Germany, UK, Cuba, Switzerland, USA, Canada, France, Mexico, Australia, India, Pakistan, China, Belarus, South Africa and Algeria.

There was a general agreement that a greater number of submissions should be encouraged and disappointment expressed that only 63 returns had been submitted so far this year compared with 69 last year. Numerous delegations noted there was a need to know why countries do not submit. It was recognized that efforts were needed to make submission easier. The ISU gave a presentation on an electronic submission system currently under development and funded by the EU. Other suggestions for ways of easing submission efforts included promoting bilateral cooperation and holding regional seminars. In particular, Japan spoke to its proposal in WP.7 for allowing States Parties to submit a CBM in stages in a 'step-by-step approach'. Canada announced it would reissue its 2003 guide to preparing CBMs, taking into account the changes agreed at the Seventh Review Conference in 2011. It was also suggested that translating CBM returns into other UN languages might make CBMs more accessible and that making more them public would give the system a higher profile. The quality of information provided, as well as the quantity of returns, was seen as important.

As in previous years there was considerable discussion about the role of CBMs, with many statements stressing that CBMs should not be a substitute for a verification system nor should they be used to assess compliance, while others indicated that CBMs were useful for helping governments understand each other's activities.

Many delegations noted that this was the last time that CBMs would be formally on the agenda of the inter-sessional meetings and so there was a need to think about what might put forward to the Eighth Review Conference for discussion and possible adoption. While some delegations expressed a desire to see the CBM arrangements evolve, others expressed caution that they did not wish to see substantive changes. It was not clear from the discussion what might constitute appropriate changes that could command consensus.

## **Side events**

A breakfast side event was convened by the United Kingdom on 'The Biosecurity Sub-working Group of the Global Partnership against the spread of materials and weapons of mass destruction'. Presentations were given by Keiji Fukuda (WHO), Carol Walters (USA), Zalini Yunus (Malaysia), John Griffin (Canada), Sylvia Groneick and Florian Lewerenz (Germany). The event was chaired by Ambassador Matthew Rowland (UK).

There were two lunchtime events. One was convened by the Royal Netherlands Academy of Arts and Sciences (KNAW), on 'Improving biosecurity - assessment of dual use research'. Presentations were given by Jan Wilschut (University Medical Centre Groningen), Koos van der Bruggen (KNAW Biosecurity Committee) and Malcolm Dando (Bradford University). The event was chaired by Kathryn Nixdorff (Darmstadt University of Technology). The other was convened by Denmark, France and Germany entitled 'United Nations Secretary-General's mechanism for investigation of alleged use of biological weapons'. Introductory remarks were given by Sylvia Groneick (Germany) who chaired the meeting, Jean-Hugues Simon-Michel (France) and Uffe Balslev (Denmark). Presentations were given by Nikita Smidovich (UN Office of Disarmament Affairs), Nicolas Isla (WHO), Dzenan Gino Sahovic (Umeå CBRNE Centre), Nicolas Coussière, Ministry of Defence (France), Asbjørn Toft Dahl, Centre for Biosecurity and Biopreparedness (Denmark), and Robert Grunow, Robert Koch Institute (Germany).

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Friday 13th December 2013

## The fourth day: universalization, the ISU and drafting the final report

### **Opening of the meeting**

The Meeting of States Parties (MSP) of the Biological and Toxin Weapons Convention (BWC/BTWC) continued on Thursday with the plenary scheduled to start an hour later than usual in order to allow delegations to have some informal interactions on the draft paragraphs for the final report circulated electronically on Wednesday evening. The Chair of the meeting, Judit Körömi of Hungary, the Special Representative of the Foreign Minister for Arms Control, Disarmament and Non-Proliferation, circulated a hard copy version of this with additional paragraphs on Confidence-Building Measures at the start of proceedings. Another draft text, dealing with purely procedural issues that are uncontroversial (the dates of the meeting, administrative arrangements, and so forth), was also circulated.

The morning session had been scheduled for any remaining comments on any of the subject areas of the meeting but was used instead to consider universalization issues and the annual report of the Implementation Support Unit (ISU) which had been scheduled for later. This freed up time for consideration of the draft report during the afternoon. Work on the this continued into the evening with a revised Chair's text expected in the morning.

The UN in New York announced on Thursday that the mission to investigate allegations of use of chemical weapons in Syria had handed its final report to the Secretary-General. As many delegates and their colleagues back in capitals deal with both biological and chemical weapons issues, this could have an impact on the MSP proceedings.

### **Universalization**

As agreed at BWC Review Conferences the Chair of each of the annual set of meetings of the inter-sessional process should provides a report each year on universalization activities. Introducing her report (document BWC/MSP/2013/3), the Chair welcomed the new members that had joined during the year – Cameroon, Nauru, Guyana and Malawi – bringing the total of States Parties to 170. She informed the meeting of the latest information she had regarding developments towards accession or ratification in certain countries, including Myanmar, Nepal, Haiti, Angola and Guinea. The report includes details of specific activities to promote universalization either by the Chair or the ISU, and also includes information from States Parties on their efforts. Points raised during discussion of the report included a recognition of the value of sponsoring representatives of non-parties to attend meetings, benefits of countries neighbouring non-parties encouraging them to join and a suggestion of a plan of action similar to that carried out in relation to the Chemical Weapons Convention.

### **ISU annual report**

The annual report of the Implementation Support Unit (document BWC/MSP/2013/4) was introduced by Richard Lennane of the ISU who indicated that report was produced in a slightly different format from previous editions in order to make it more concise and to avoid

repeating routine information. The BWC meetings are not UN meetings, although they take place with the support of the UN secretariat and the use of UN document services. Issues raised in 2012 about document arrangements seem to have been resolved successfully.

### **Report of the meeting**

After the discussions in the main meeting room on universalization and the ISU report, the Chair announced that she would adjourn the meeting to allow for an extended lunch break in order for delegates to consider further the draft text. During this time there were many discussions within delegations and between delegations on responses to the text. The plenary session did not reconvene properly until late into the afternoon during which the Chair asked for comments in general terms about aspects of the draft text to be followed up by submission of suggested amendments in writing.

A key factor underlying much of the discussion was how the purpose of the report was perceived. In other words, should this report be a stand-alone document, just like reports from MSPs had been in the past, or should it be highlighting what is new each year so that successive reports build on what has gone before? For stand-alone documents, standard practice is often to revert to consensus language that has been previously agreed on any points; this is a very successful method of negotiating documents. If the purpose is to highlight what is new in the meeting, previously used language does not add anything. It was clear from the discussion that there were different perceptions of the purpose of the report.

The proposed text was more detailed than that for earlier meetings, reflecting the more detailed interactions this year. A number of calls were made for a more tightly focused text with fewer details. Questions were raised about whether the text was balanced between the agenda items.

### **Evening consultations**

The proceedings in the evening proved to be slightly at variance with the sequence of events that has happened at earlier MSPs. Usually on the Thursday evening there is a run of informal consultations, either delegation by delegation or with a collection of interested delegations in a small side room, and these consultations would go on until 10 or 11pm.

This year, immediately after the meeting adjourned at 6pm, the NAM states met to discuss further their detailed suggested amendments to the Chair's morning text. It was not clear how long this meeting would take and early indications were that this could be some hours. The Chair announced to delegates waiting in the main meeting room that rather than hold consultations that night, she would consider the suggested amendments that were being supplied to her from a number of sources and circulate a new text for the opening of the meeting at 10am Friday. By 7pm most delegates not in the meeting of the non-aligned had left the building. Shortly before 8pm, the NAM meeting broke and it was indicated that they had completed their list of suggested amendments which was then given to the Chair of the MSP as an input into her revised text.

### **Side event**

One side event was convened before the start of the day's proceedings by the Hamburg Research Group for Biological Arms Control on 'Monitoring compliance relevant data - Launch of the Hamburg Research Group's trade monitoring website'. It was introduced by Ambassador Michael Biontino (Germany). Presentations were given by Gunnar Jeremias (Hamburg), Thomas Reinhold (Hamburg) and Dana Perkins (UN 1540 expert).

***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 at the web location given below.***

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Friday 20th December 2013

## The final day: adoption of the report of the Meeting

### Opening of the meeting

There were very few formal proceedings for the final day of the Meeting of States Parties (MSP) of the Biological and Toxin Weapons Convention (BWC/BTWC). Most of the day was taken up in informal consultations on the text of the final report. The report was adopted very late, after the interpreters had finished.

The morning started with arrangements for the 2014 meetings. The Meeting of Experts (MX) will be held during 4-8 August and the MSP during 1-5 December. The Chair of the 2014 meetings will be current Vice-Chair Ambassador Urs Schmid of Switzerland. The two Vice-Chairs will be current Vice-Chair Ambassador Mazlan Muhammad of Malaysia and the current Chair Judit Körömi, the Special Representative for Arms Control, Disarmament and Non-Proliferation of the Foreign Minister of Hungary, the first female Chair of a BWC meeting.

There were no side events on Friday.

### Adoption of the report of the meeting

A new draft of the paragraphs of the substantive part of the report was circulated at the opening of the meeting in the morning. After the arrangements had been made for the 2014 meetings, the plenary was suspended in order to allow delegations to consult on the text. The Chair commented that this new draft was shorter than that adopted in the previous year and that she had received an 'abundance' of inputs into the new text. She noted that a restructuring of the text meant that delegates should look carefully as suggested amendments may not appear where they might have been expected.

The initial suspension of the meeting had been only for a couple of hours with an intention of convening again before lunchtime. This did not turn out to be possible. A few announcements were made during the afternoon indicating some progress towards agreement. At 5.25 it was announced that a new text was now in preparation. This was introduced to the meeting at 5.53. With little time to consider the draft before the interpreters left at 6.00 the final discussions had to be carried out in English. The report was adopted at 6.10 and the meeting closed just a couple of minutes later without the usual closing statements.

The final text contains very little detail in contrast to the proceedings of the MSP which were more detailed than in previous years. An informal (i.e., not formally typeset) copy of the report has already been posted on the website of the BWC Implementation Support Unit, <<http://www.unog.ch/bwc>>. The Chair noted that this might not be the best document, but it was the best available under the circumstances with the pressure on time.

### 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 clearest impression from this meeting is the difference in perspectives of what might be expected from the inter-sessional process. The 2011 Seventh Review BWC Review Conference is the source of the mandate for this inter-sessional process. The Conference met for 14 days and established a 4-year series of meetings that will meet for a total of 40 days. Surely that must mean that the Review Conference meant for the inter-sessional process to be able to develop some thinking further than what had been possible within the 14 days that the Review Conference was limited to. If not, what is the purpose of the annual meetings? While the political position of wanting to ensure that only the topics within the mandate established by the Review Conference are discussed within the inter-sessional process is logically consistent, the position of wanting to go no further than the Review Conference did in any topic area acts as a hindrance to real progress.

This question of purpose was brought into sharp relief by the coincidental timing of the release of the Sellström report into allegations of use of chemical weapons in Syria. This came out as the MSP was moving from its interactive proceedings into document negotiations. Recent events in Syria are a salutary lesson that even if the majority of countries have banned the use of a particular weapon there may be others willing to acquire them and use them. Hopefully nobody would use biological weapons but if they did, what would the reaction of the world be? We can take some indication from what happened with Syria and chemical weapons. The world looked at the track record of the Chemical Weapons Convention and its associated arrangements and institutions and concluded that the efforts to rid the world of chemical weapons were laudable. In the case of use of biological weapons there would be similar questions asked. Those questions would be pointed at the BWC and the delegates sitting in the annual meetings. People would say ‘what have you done? What have you achieved?’ Would it be a satisfactory answer to reply that so much time had been spent in haggling over words in a final document rather than encouraging effective action?

Thus, this MSP was a meeting of two parts. The statements and presentations of the first few days were very informative and allowed for a very useful exchange of ideas. The increased quantity of detailed information prompted a sense that the inter-sessional process has matured well. On the other hand, the difficulties of agreeing a meeting report that builds on a sequence of years of discussing the same topics prompted a much less positive sense. It is a routine tactic of negotiations for delegates to try to make others feel that reaching agreement would be difficult in order to encourage the others to be more flexible in their decisions on acceptable text. Therefore, while there will always be some in the room pessimistic about the chances of concluding a final report, delegates who have participated in a few earlier MSPs tend to see the process of agreeing the final report as time-consuming and unlikely to end in disagreement. However, there was a period on Friday afternoon this year that it really looked possible there might not be a report. The consequences of not adopting a report would have been political embarrassing but, as there are no decisions within the document, the practical consequences would have been limited.

The situation with time running out on Monday for NGO statements should not be repeated. An hour is allocated for this, as has been the practice for a number of years. There is a need for NGOs to deal with some of the issues amongst themselves, and in particular regarding timekeeping.

*This is the sixth and final report from the Meeting of States Parties for the Biological and Toxin Weapons Convention which was held from 9 to 13 December 2013 in Geneva. The reports are prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP). The reports are available via the BWPP website at <<http://www.bwpp.org>>. The author can be contacted via <[richard@cbw-events.org.uk](mailto:richard@cbw-events.org.uk)>.*