

Monday 14th December 2015

The 2015 Meeting of States Parties: setting the scene

The 2015 Meeting of States Parties (MSP) is the final such meeting in the third inter-sessional process for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC). It was preceded by a week-long Meeting of Experts (MX) held during August. These meetings are established by the five-yearly BWC Review Conferences, in this case by a decision adopted at the Seventh Review Conference in 2011. The inter-sessional meetings are intended to be practical and focused on developing ‘common understanding and effective action’. The 2015 meetings are chaired by Ambassador Mazlan Muhammad of Malaysia assisted by Ambassador György Molnár of Hungary and Henk Kor van der Kwast of the Netherlands as Vice-chairs.

There are allocated topics for the meeting, with an additional focus on the Eighth BWC Review Conference to be held in 2016. Issues relating to the duration and timing of the Conference and its associated Preparatory Committee (PrepCom) will need to be decided. As well as formal proceedings in the main meeting room, there is likely to be some discussion in the corridors about how any outputs from the current inter-sessional process will feed into the Review Conference – a chance to think about the format of the review process and what form of outcome might be desirable.

The agenda and an informal indicative schedule for the meeting have been published together with a number of Working Papers (either in formal or advance copy versions) along with other materials such as the Report of the MX and the Chair’s Synthesis Paper. All these can be found via the Implementation Support Unit (ISU) website <<http://www.unog.ch/bwc>>; official documents can also be found via the UN server <<http://documents.un.org>> (identifiers for official documents for this meeting all start BWC/MSP/2015/).

Allocated topics for the 2015 meetings

There are three topics which are standing agenda items for the third inter-sessional process:

‘Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X’ – this Article of the Convention relates to access to the life sciences, and materials and equipment related to them, for peaceful purposes; embodying a bargain that the renunciation of biological weapons (and thus the control of the hostile uses of the life sciences) should allow access to the use of the life sciences for peaceful purposes. Cooperation and assistance in this context also includes issues such as capacity building. Many divergences of opinion relating to Article X issues have been evident over the years.

‘Review of developments in the field of science and technology related to the Convention’ – rapid advances in the life sciences mean the BWC operates within a rapidly changing science and technology (S&T) context which changes the nature of challenges the Convention may need to counter as well as providing new opportunities for peaceful uses. These contexts need to be understood in different ways to changing political contexts.

‘Strengthening national implementation’ – the improvement of national implementation of the BWC in ways that are appropriate to national contexts has long been regarded as an important way of enhancing effectiveness of the overall regime to control biological weapons.

For this year (and in 2014) the annual meetings also have on their agenda ‘How to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties’. This Article deals with the provision of ‘assistance’ if a State Party is ‘exposed to danger’ because of a breach of the Convention. Recent Review Conferences have agreed this includes dangers from non-state actors. No country is likely to have all of the resources at its immediate disposal to respond to a severe biological attack.

In addition, the MSP also has the annual report of the ISU and progress on universality of the Convention as items for discussion.

The Eighth Review Conference and beyond

Decisions to be taken at the MSP about the Eighth Review Conference include its timings, its budget and its President. The recent pattern has been a 3-day Preparatory Committee meeting in the second quarter of the year and a 3-week Review Conference in the last quarter. Following this pattern, the PrepCom only deals with procedural issues. Suggestions have been made that the PrepCom should be used as an opportunity to discuss substantive matters, as is the practice in some other treaty arrangements. These suggestions have gained widespread support. Indeed, the UN General Assembly resolution on the BWC (A/RES/70/74) adopted by consensus on 7 December encouraged BWC States Parties ‘to establish a preparatory process allowing for the due and balanced consideration of both substantial and procedural issues related to the review of the Convention and its implementation’. A substantive PrepCom would have to meet for more than the 3 days of a procedural PrepCom and current suggestions include the idea of 2 separate weeks of PrepCom in 2016 to allow for better consideration of issues both in BWC meetings and in national policy processes. While additional time to examine issues would have benefits, cost factors and personnel availability will feed into the deliberations on this.

The current mandate of the ISU comes to an end at the Review Conference. Issues related to the Unit’s functions and activities and how they might be added to or modified within a new mandate may be raised during the MSP.

A further subject that is likely to be touched upon this week is what form of activities might be put forward as a new inter-sessional work programme to follow the Eighth Review Conference. The existing inter-sessional programme has developed from its ‘lowest common denominator’ agreement that was adopted in 2002, yet it is still a compromise that truly satisfies few delegates. There is a broad recognition on the need for some form of activity to take place in the five-year gap – not least because of so much that has happened since 2011. For example, the outbreaks of Ebola and MERS which, while of natural origin, indicated there were many lessons yet to be learned on how any deliberate disease incident might have to be handled; and the development of new gene editing techniques such as the CRISPR tools which seem likely to fundamentally change the range of genetic modifications that can be made and thus the context the Convention operates within. The Russian proposal to start a new forum for negotiation on some aspects of BWC issues, but not including verification and compliance, remains in the air. Any time allocated in an inter-sessional arrangement for such negotiations would have some impact on time available for other inter-sessional activities.

This is the first report from the BWC Meeting of States Parties, being held from 14 to 18 December 2015 in Geneva. These reports have been produced for all official BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP) and are available via the BWPP website at <<http://www.bwpp.org>>.

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Tuesday 15th December 2015

The 2015 Meeting of States Parties: opening statements

The last week of Meetings of the current inter-sessional process for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) was opened on Monday morning by Ambassador Mazlan Muhammad of Malaysia as Chair of the 2015 Meeting of States Parties (MSP). The widely-reported terrorism alert in Geneva meant a more visible security presence around the Palais des Nations but had no impact on the running of the meeting.

The day was dedicated to opening statements (a session known as the ‘general debate’). As so many delegations wished to take the floor, the informal plenary session for NGO statements was displaced and so will be rescheduled. A draft estimate of the costs of the Eighth Review Conference to be held in 2016 was circulated in the afternoon.

After the formal proceedings had concluded in the main meeting room, informal consultations were held for about 40 minutes behind closed doors in a side room on a non-paper issued by the Chair on elements that might form part of the report of the meeting. This form of informal consultation is now scheduled to be held for the next three evenings.

Opening of the Meeting

Formal decisions were taken, such as adoption of the agenda, programme of work and rules of procedure. During the item on the programme of work, Russia took the floor to suggest that methods of work in earlier meetings had not been optimum and to propose that a drafting committee be established to prepare the Report of the Meeting, as allowed for under rule 36, with the recognition that it could take time to elaborate a proposal that might gain consensus. The USA, Australia, UK and Germany indicated hesitation about such an arrangement, noting such a committee needed some preparation to put together. Each delegation taking the floor emphasised desires for a transparent process. Russia said it would not press the proposal further. In the end, the new method of working with informal consultations each evening may satisfy some of the concerns, although consultations behind closed doors are not so transparent to those who are not members of State Party delegations.

On other formalities, Guinea and Israel were admitted as observers, together with a number of international bodies. The Chair noted sponsorship was provided to assist participation [this will be covered in reporting for the Article X / capacity building session]. Concluding his opening remarks, the Chair noted there was a need to bring the results of the August Meeting of Experts (MX) into a ‘focused product’ and that there needed to be a greater emphasis on the ‘effective action’ part of the mandate of the MSP.

Opening statements

Statements were given 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]), Ireland, Sweden, Russia, Malaysia, Germany, USA, China, Spain, Republic of Korea, India, France, Libya, Denmark, Iraq and Bangladesh during the

morning; with Thailand, Brazil, Pakistan, Morocco, South Africa, Finland, Jordan, Mexico, Italy, Cameroon, Bulgaria, Japan, Indonesia, Cuba, Algeria, Turkey, Burkina Faso, Netherlands, Iran (national), Australia, Ukraine, Argentina and Ecuador after lunch. A statement was also given by the European Union as an international organization. Where copies of statements are provided by those that gave them, these will be added to the Implementation Support Unit (ISU) website. To save duplication during the daily reports this week, themes relating to subject areas that have dedicated sessions later in the week, such as cooperation and assistance and national implementation, will be discussed in the reports for those days. Many issues raised were similar to those raised in the MX.

A number of common points were made. Many delegations noted that 2015 marks the 40th anniversary of the entry into force of the BWC. The new parties joining the Convention during this year, Andorra and Mauritania, were welcomed; this brings the total number of States Parties to 173. Important contributions that advances in the life sciences bring to public health and to economic development were noted, and major gaps in biotechnology capacities between the north and south were highlighted. Questions of balance between risks and benefits of advances in the life sciences were raised. Issues across a wide spectrum of biological risks were brought up – from deliberately induced disease by states or non-state actors to naturally occurring outbreaks. Many countries described efforts they had put into place in relation to the Ebola outbreak in West Africa. A number of strands of activity that complement BWC issue areas were highlighted, such as the Global Health Security Agenda and the International Health Regulations, but none were suggested as a substitute for an effective BWC.

Interactions and cooperative actions across and between the groupings that have traditionally dominated BWC practice were highlighted, such as the Indian-US Working Paper on national implementation and an update to the Australian-Malaysian paper submitted to the MX. A number of delegations referred to a forthcoming update to a 2013 cross-regional ‘food for thought’ Working Paper entitled ‘Addressing modern threats in the Biological Weapons Convention’. Such cross-group activity was particularly emphasised with regard to preparations for the Eighth Review Conference.

Many statements spoke in support of some form of legally binding instrument, particularly one including verification and compliance, while others suggested that negotiations would be potentially problematic as there was no consensus on the issue. Russia indicated it was intending to introduce an update to its proposal for a new form of negotiations that would not include compliance and verification issues – an attempt to find areas where consensus might be achieved. This new Working Paper would be co-sponsored by Armenia, Belarus and China.

On Confidence-Building Measures (CBMs), various comments were made about desires to improving the quantity of returns and the quality and relevance of the information provided. The JACKSNNZ statement suggested a proposal in 2012 for a step-by-step approach that would allow States Parties to start submissions with partial returns should be put forward to the Review Conference. Turkey noted its returns were now made public, and suggested others do the same.

Side event

There was one side event at lunchtime on Monday convened by the Royal Netherlands Academy of Arts and Sciences and the US National Academies of Sciences on the topic of ‘Implementation in Action: Contributions of ASEAN Scientists and Scientific Organizations to the BWC’. This followed on from a workshop held on the Sunday before the MSP.

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Wednesday 16th December 2015

Second day: the Review Conference and cooperation and assistance

The second day of the 2015 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) was devoted to preparations for the Eighth BWC Review Conference and to the standing agenda item on 'Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X'.

The day began with some final opening statements carried over from Monday and the opportunity for the NGOs to address an informal plenary. Statements were given by the International Committee of the Red Cross, the UN Security Council 1540 Committee, the G7 Global Partnership (given by Germany as the current chair of the G7), Sudan and Chile. NGO statements were given by: University of Bradford; Federation of American Scientists; UPMC Center for Health Security; VERTIC; International Federation of Biosafety Associations (IFBA) and Bradford Disarmament Research Centre; University of London; University of Pittsburgh (Graduate School of Public Health); Research Group for Biological Arms Control, Hamburg University; Biosecure Ltd; Pax Christi International; Biosecurity Working Group of the InterAcademy Panel on International Issues; Center for Nonproliferation Studies; Parliamentarians for Global Action; Global Emerging Pathogens Treatment Consortium (GET); and Green Cross International. As usual, where copies of statements are provided by those that gave them, these will be added to the Implementation Support Unit (ISU) website <<http://www.unog.ch/bwc>>.

The scheduled informal consultations scheduled for the evening did not take place owing to a desire by the NAM states parties to examine further, as a group, the 8 December Chair's non-paper on draft elements for the Final Report.

Review Conference arrangements

Three decisions have to be taken by the MSP in relation to the Eighth Review Conference – the President, the dates and the costs. It is the turn of the Eastern European Group to nominate the President and the group's candidate was MSP Vice-chair Ambassador György Molnár of Hungary. His appointment was made by acclamation by the meeting.

The depositaries of the BWC (Russia, UK, USA) proposed that there be two separate weeks of Preparatory Committee meetings and three weeks of Review Conference. The suggested dates were 18-22 April and 8-12 August for the PrepCom and 7-25 November for the Review Conference. This would total 25 days of activity, but the proposed cost would be not much greater than costs for the scheduled 17 days of activity in 2011. The ISU explained that this was due to a change in the costs of printing services via the UN which had reduced the costs of conference support. There was no consensus around this proposal, with concerns raised regarding costs for both the conference itself and for travel costs for participants to attend. A number of countries offered potential sponsorship to defray some travel costs. Ambassador Molnár was asked to consult with delegations to see if a consensus outcome could be achieved.

Cooperation and Assistance

The afternoon was devoted to cooperation and assistance issues. Statements were given by: Iran (for the non-aligned), Thailand, Republic of Korea, Netherlands, Russia, UK, Germany, Canada, Japan, Iraq, Ecuador, Argentina, China, Mali, France, Germany (for Germany and Morocco), Australia, USA, India, Germany (as G7 Global Partnership chair) and Cuba.

A number of statements referred to MSP papers (either already published or forthcoming) reporting their activities in relation to Article X. The non-aligned repeated its call for 'clear, specific and timely' reports, as agreed at the Seventh Review Conference. The USA suggested all states parties should submit reports to the Eighth Review Conference. A Working Paper by the G7 Global Partnership highlighted Article X relevant activities with a number of partners.

Many statements spoke to specific projects or cooperative activities that strengthen healthcare systems in states that have fewer resources to call upon. This can be carried out through direct provision of equipment, but is enhanced through training and education which can lead to more sustainable improved abilities for detection of diseases, for example. The Article X database established after the Seventh Review Conference still appears to be underused. Asserting that implementation of Article X needs to be 'full and effective', the NAM reiterated their call for a new mechanism for its implementation.

References were made to sponsorship to support attendance at this MSP for representatives of Afghanistan, Antigua and Barbuda, Burkina Faso, Cameroon, Cuba, Georgia, Ghana, Guinea, Jordan, Liberia, Nigeria, Sudan, Uganda and Ukraine with funding provided by Canada, Finland, Germany, the Netherlands and the USA, either through the ISU or on a bilateral basis.

Export controls are a highly contested activity. They arise under this agenda item in one way as there are regular claims from the non-aligned that denials hinder the 'full, effective and non-discriminatory implementation' of the BWC. They also arise as an area for capacity building to ensure that states are not unwittingly used as a supply conduit for materials and technologies being misused. The Australia Group is a collaborative arrangement by some states to coordinate their export control policies in the biological and chemical spheres which has posted, via Australia, an offer on the database to help with capacity building in this area. There will always be potential for tension between a near-universal disarmament treaty and a far-from-universal collaborative arrangement where their issue areas overlap. China spoke to its Working Paper which seeks to establish a new, more universal, multilateral export control regime to overcome a 'serious imbalance' between international non-proliferation efforts and 'bio-technology international cooperation'. The India-USA Working Paper has a focus on capacity building in this area.

Side events and exhibitions

There were four side events on Tuesday. Two were convened at breakfast: one by the Hamburg Research Group and the Harvard Sussex Program entitled 'Let's talk about compliance: measures, methods, and modalities'; the other by Bradford University on 'Steps Toward Effective Biological Security Education'. Two side events were held at lunchtime: one by Canada on 'National implementation of the BWC: development of a culture of compliance among scientists'; the other by UNIDIR and France on '1925–2015: The Geneva Protocol at 90'. In the evening, there was the opening of an exhibition by Latvia, Poland and Russia on chemical weapons use on the Eastern Front in World War I. There is a second exhibition at the MSP, prepared by China, on Japanese biological weapons activities in China before and during World War II.

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Thursday 17th December 2015

Third day: science & technology and national implementation

Wednesday, the third day of the 2015 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC), was devoted to the two remaining standing agenda items. The morning session covered 'Review of developments in the field of science and technology related to the Convention', chaired by MSP Vice-chair Ambassador Henk Cor van der Kwast (Netherlands). The afternoon session dealt with 'Strengthening national implementation' with MSP Chair Ambassador Mazlan Muhammad (Malaysia) presiding. There were many cross-cutting issues raised as much of the subject matter for any single session overlaps with others. For example, France outlined its new national advisory board on biosecurity that had been established earlier this year as a science and technology (S&T) item yet it could have been equally raised as a national implementation item. Equally, many of the issues relating to benefits from advances in the life sciences could have been raised under Article X. Numerous statements were introductions or references to Working Papers (either already published or forthcoming).

There were also informal consultations [essentially, meetings behind closed doors] on the timing and costing of the Eighth Review Conference just before the lunch break and on the Chair's non-paper on elements that might be included in the Report of the MSP after the close of formal proceedings that lasted about three and a half hours.

Science & technology developments

Statements were given by Iran (for the non-aligned), China, Canada, Australia, Switzerland, UK, Netherlands, Russia, Cuba, India, France, USA, Japan and Finland. Three presentations of a more technical nature were then given by Switzerland, the Organization for the Prohibition of Chemical Weapons (OPCW) and Georgia (for Georgia and Germany).

Widespread acknowledgement that S&T developments have to be taken into account in the operation of the BWC did not prompt consensus on how this might be done. Switzerland highlighted its Working Paper on an S&T review process. A number of delegations indicated this was an important issue for the Review Conference to consider.

Delegations suggested a particular difficulty with research oversight was early identification of risks within projects. The Netherlands spoke of its experience and lessons learned from the H5N1 influenza gain of function research. Delegations suggested controls should be proportional to assessed risks, but the task to assess the balance of benefits to risks for any particular research in any particular context is a difficult one.

Russia suggested arrangements to persuade any individual journal not to publish a particular article were limited as researchers could publish in another journal. The USA responded suggesting this was a problem the world over.

Codes of conduct were highlighted. The OPCW noted it had carried out a survey of codes relating the chemical sciences which is available on its website and this had contributed to the development of the recent Hague Ethical Guidelines. China spoke to its paper on potential to create a template for such codes.

National implementation

Statements were given by: Iran (for the non-aligned), Colombia, Russia, Thailand, Burkina Faso, Uganda, Antigua and Barbuda (the first time it has addressed a BWC meeting), Spain, Germany, Austria, China, Canada, Australia, Netherlands, Cuba, USA, France, Ghana, UK, Republic of Korea, Argentina, India, Algeria, Myanmar, Switzerland, Romania, Japan, Iraq, Kenya and Georgia.

Many governments referred to progress being made in implementation activities. For example, Colombia described its preparations to establish a national authority; Antigua and Barbuda noted its committee to oversee its efforts to implement measures to make it fully in compliance with its resolution 1540 obligations that would include controls on biological materials; and Canada described its new Human Pathogens and Toxins Regulations which entered into force this month. Cuba noted it was examining ways to include animal and human pathogens [disease causing organisms] within a single regime.

Review activities following on from the original peer review proposal by France were outlined. The Benelux countries peer review exercise was outlined. Germany announced a review project that would include a site visit. The USA announced that, together with Canada, Chile and Ghana, it would be holding 'implementation review' activities. The non-aligned restated their view that voluntary arrangements such as these should not distract from the need for a legally binding verification instrument. The USA noted Luxembourg and Mexico had made their latest Confidence-Building Measures (CBMs) returns public for the first time.

Russia suggested insufficient action was taken with regard to the US transfers of laboratory samples containing inadequately inactivated germs that had been raised during the Meeting of Experts. The USA stated it was prepared to respond to concerns.

Review Conference arrangements

The depositary proposal for 2 separate weeks of Preparatory Committee and 3 weeks of Review Conference might be described in short as '1+1+3'. The additional costs of this over the recent practice of 3 days of PrepCom before a 3 week Conference has raised concerns. Some delegations initially hesitant about any change have indicated that they could agree to a week-long PrepCom, thus adding two working days to the programme – in short: '1+3'. The proponents for greater preparatory time suggest there would be benefits in having separate PrepCom meetings to allow for more detailed consideration and reflection on issues raised. From this perspective, if only 4 weeks were available, it might be better to have 2 separate weeks of PrepCom meetings and a 2-week Conference, '1+1+2'. Two weeks is not unprecedented – the Fourth Review Conference was this length (25 November-6 December 1996). Corridor discussions suggest that delegates are not close to a decision on this and all options bring with them particular costs and benefits. This may not be a stand-alone decision as there is potential for it to be tied into the diplomatic bargaining that will come with the negotiating of the MSP Report.

Side events

There were four side events on Wednesday. Two were convened at breakfast: one by Switzerland on 'Strengthening the UNSGM: an update'; the other by the Emerging Leaders in Biosecurity Initiative on 'Assessing the Biothreat, Proceeding Safely'. Two were held at lunchtime: one convened by the Royal Society and the International Academy Panel on 'Trends in science and technology that impact the BWC'; the other by UNICRI and the Philippines on 'Putting Biosafety and Biosecurity under the Microscope: Elements for an International Approach to Reinforce Capabilities and Address Future Risks'.

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Friday 18th December 2015

Fourth day: Article VII and further consultations

The fourth day of the 2015 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC), was opened by the Chair, Ambassador Mazlan Muhammad of Malaysia, with an announcement that a compilation of suggested changes to the Chair's non-paper [essentially, the draft of the substantive part of the final report of the meeting] was to be circulated to States Parties. The allocated topic for the morning session was 'How to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties'. The afternoon session had been allocated as a catch-up slot should any of the topics of the Meeting needed more time for discussion in formal session. As this was not the case, the afternoon was used for informal consultations.

Article VII

Statements were given by Iran/NAM, Switzerland, Canada, USA, Japan, UK, France, India, Cuba, Australia, Argentina, Netherlands, Russia, South Africa and China.

An implicit argument underpinning a number of contributions was that improved capacities to counter any infectious disease makes any potential use of deliberate disease less effective and thus less attractive to attempt. The UK noted that effective public health systems constitute the first line of defence against an attack with biological weapons.

There was recognition of a lack of detailed procedures or mechanisms for Article VII implementation, hence the creation of the topic. This made this particular subject area a prime candidate for which the MSP could move towards 'effective action'. A number of calls were made to learn lessons from the provision of assistance in response to the Ebola outbreak. The South African proposal to the Meeting of Experts about the creation of forms with checklists to ease the compilation of the information needed to rapidly put together a request for assistance was revisited; this would focus on enabling prompt humanitarian assistance. A number of delegations called for standard operating procedures to be adopted. Calls were made for avoidance of duplication of arrangements. However, a key lesson of the Ebola outbreak – the failure of the single path of formal communications used to prompt large-scale international assistance – was not raised explicitly. The lesson here may be a need for redundancy in mechanisms to raise the alarm.

France and India spoke to their joint proposal for a database, similar to that which already exists for Article X, noting that this would aid provision of assistance, help improve coordination between potential donors and providing an additional incentive for those outside the Convention to join it to benefit from assistance activities.

Some states referred to investigation activities under this topic. Russia suggested investigations of alleged use were not the topic on the agenda. India suggested that a request for humanitarian assistance would take a different form, and need different information, to a request for an investigation. South Africa noted that more work was needed on this aspect and that it was open to ideas to develop its proposal further.

For the Security Council to decide there has been a violation, and thus trigger assistance under Article VII, it needs to be informed of the allegation of use. The Council would want to take a decision on the basis of evidence. It is arguable that provision of the information to the Council containing that allegation would be taken to constitute a 'complaint' under Article VI (which deals with investigations), whether or not it was formally labelled as such. There are a number of perspectives on the connections between these two articles and so discussion at the Review Conference might clarify the situation.

Informal consultations

There were some informal consultations in the morning regarding the remaining decisions related to the Eighth Review Conference. These appear to have consisted of an exchange of views with no substantive progress towards a conclusion.

Informal consultations on the substantive elements on the MSP Report started during lunchtime and, apart from a short pause to change rooms for logistical reasons, continued for about five hours. In most diplomatic processes, this form of informal consultation becomes focused on just a few issues fairly rapidly. In this case, nearly all topics reflected in the draft were up for discussion and there were no agreed paragraphs. This is exceptional for a document under consultation for so long.

Another Chair's draft report text will be prepared for Friday morning. If that cannot gain consensus, following consultations, then options for adoption of a procedural report with no substantive element will have to be considered. There are precedents in other international arrangements for a Chair's summary to be distributed in lieu of the substantive elements of a report.

Proposed draft procedural elements of the final report were published in the morning. These simply describe the practical aspects of convening the MSP and are thus uncontroversial in themselves. This text could form the basis of a procedural report if taken together with the two decisions remaining regarding the Review Conference.

The consequences if no report at all is adopted from the MSP go further than political failure. There would be no decision on the Eighth Review Conference which would mean that, while other political solutions are being sought, there would be no authority to do basic preparation tasks such as reserving conference rooms; meaning that if there was eventually political authority to convene the Review Conference there might then be no rooms available. Additionally, the budget for the ISU for 2016 is contained within the budget for the Review Conference. No decision on the Review Conference budget would mean no funding for the ISU.

Side events

There were four side events on Thursday. Two were convened at breakfast: one by the USA on 'Lessons Learned and Implications of the Ebola Virus Disease Outbreak for the BWC: Update on Research Project to Inform Recommendations for the 8th Review Conference'; the other by France and India entitled 'Proposal for establishment of a database for assistance in the framework of Article VII of the BWC'. Two were held at lunchtime: one convened by Green Cross International on 'Biosafety and Security: Laboratory Procedures and Personnel Ethics in Developing Countries'; the other by Belgium, Germany, France, Luxembourg, the Netherlands and the USA on 'BTWC BENELUX Peer Review: Lessons learned & presentation of new initiatives by Germany and the US/Canada'.

NOTE: There will be an additional MSP report covering the final day of the Meeting. This will be published next week and will be posted at the web locations given below.

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Thursday 24th December 2015

Final day: universalization, the ISU, report adoption and some reflections

The final day of the 2015 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) culminated in the adoption of a Report after many long hours of negotiation. The Chair, Ambassador Mazlan Muhammad of Malaysia, brought the gavel down to close the meeting an hour and a half after formal sessions would normally have been concluded – a sign of how difficult the adoption of the Report had been.

Allocated topics for the morning session were ‘Progress with universalization of the Convention’ and ‘Annual report of the Implementation Support Unit’. The afternoon had been allocated for adoption of the Report. In reality, most of the day was dedicated to informal consultations. An advance copy of the Report has been posted on the ISU website with the formal version (in all official languages) expected early in the New Year.

Universalization and the ISU report

The Chair introduced his report on universalization activities and noted that an addendum with updated information would also be published. Specific actions by Angola, Côte d’Ivoire and Nepal that indicated progress towards joining the Convention were highlighted. Interventions were made by Liberia, Côte d’Ivoire, Argentina, USA and Russia, either to identify steps being taken towards joining the BWC, to highlight assistance to countries joining, or to welcome members who had joined in the last year or two.

The ISU report for 2015 was introduced by Daniel Feakes, the head of the Unit. He noted that the Unit had been operating with only two staff for much of the year and that it would be back to its full strength of three early in 2016. The number of returns under the system of Confidence-Building Measures (CBMs) was said to be the highest ever received. Russia, Cuba, USA, China, Australia, UK, Georgia and India took the floor, some more than once. Russia asked about the regional representation of the ISU staff, noting that all had been from Western countries. India suggested that as the staff were not responsible for appointments it was unfair to have such a debate while they were presenting their report.

Final report

The day had started with a new iteration of the Chair’s non-paper containing the substantive paragraphs of the Report. Indonesia noted some delegations would need time to consult with capitals. After the relatively brief formal proceedings on the ISU and universalization, the remainder of the day was used to allow delegations to consider the new draft and then move into informal consultations. A further iteration was circulated in the early evening. This version was presented to a rapidly convened plenary which closed at 19.29 having adopted the report and gone through the closing formalities.

The Report took considerable time to negotiate. By a rough calculation, some 14 hours were spent in informal consultations during the week (including when consultations in a room were suspended to allow for informal discussions in back rooms and in clusters and huddles at the edges, but not including group meetings). This compares with 7 hours on

general debate (including NGO statements) and 10 hours on the specific agenda items for this year, including an hour in plenary session on the Eighth Review Conference.

A three-week Review Conference is to be held in Geneva 7-25 November 2016. There will be two Preparatory Committee meetings: the first, 'up to two days', 26-27 April and the second 8-12 August. Avoiding terms such as 'procedural' or 'substantive', the Report states: 'It was agreed that the Preparatory meeting in April would consider the Agenda items on General Exchange of Views and the Organizational aspects of the Review Conference. It was further agreed that the meeting in August would provide an opportunity for States Parties to consider comprehensively all provisions of the Convention'. The Report indicates how the PrepCom will communicate its work to the Conference: 'At the conclusion of the meeting in August, the President would present under his own responsibility, for consideration of delegations ahead of the Review Conference, a summary report without prejudice to perspectives, recommendations, conclusions and proposals presented by delegations or that prejudices the final outcome of the Review Conference.'

Side events

There was one side event on Friday, convened by the Global Emerging Pathogens Treatment Consortium (GET) on 'The West African Ebola story from an African academic response perspective. Biosecurity concerns, lessons learned relevant to the BWC and capacity building initiatives'.

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 struggles to find agreement on the MSP Report may be seen as symptomatic of a wider, underlying, divergence of perspectives or it could simply be a symptom of a lack of clarity of collective purpose. For example, in corridor discussions with delegates, it was clear that there was no unified sense of what the Report was for – was it simply a record of what had happened during the Meeting, was it to summarize any common understanding (or pointers to effective action), or was it to highlight areas worthy of future examination? The resulting report would not have satisfied anyone looking to any of these purposes.

The Report is weak in content. Taking S&T issues as an example, the Report includes: 'States Parties recognized the value of continuing discussions on science and technology developments relevant to the Convention in light of various proposals made by States Parties.' Earlier draft iterations had included references to the need for a dedicated S&T review process; these had been lost in the negotiating process. On the specific sub-topic for this year, the Report reads: 'Recalling the decision of the Seventh Review Conference for the 2015 Meetings to address the topical scientific subject of any advances in production, dispersal and delivery technologies of biological agents and toxins, States Parties noted that advances in such technologies and its implications needs to be discussed further.' No reference to anything actually said or done under the sub-topic during the year!

In discussions on any work programme to follow the forthcoming Review Conference there would be value in examining what outputs from inter-sessional meetings may be most useful in promoting the aims of the Convention. The current arrangements are now resulting in substantively weak reports that take a considerable proportion of available working time to reach agreement on; yet few delegates can identify a constructive use for them – a situation that needs re-examination.

Moreover, this difficulty to reach a conclusion on a weak document does not bode well for the Review Conference, in which many more significant issues will be in play.

This is the sixth and final report from the BWC Meeting of States Parties, held from 14 to 18 December 2015 in Geneva by the BioWeapons Prevention Project (BWPP). They are available via the BWPP website at <<http://www.bwpp.org>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. The reports are prepared by Richard Guthrie <richard@cbw-events.org.uk>.