

Tuesday 12th December 2023

## The opening day of the BWC MSP - procedure over substance

Monday saw the first day of the 2023 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC). This meeting is being held in Salle XVIII, across the corridor from the room in which the Working Group was held in last week. Salle XVIII was traditionally the conference room that disarmament meetings would be held in. The 2023 MSP is chaired by Ambassador Cristian Espinosa Cañizares (Ecuador) with Ambassador Thomas Göbel (Germany) and Nikola Yakov (Bulgaria) as Vice-chairs.

Rather than the day of general debate that most delegates had hoped for, most of the time was taken up with procedural issues. Time was found for the formal report back from the BWC Working Group (WG), although this was done without any opportunity for questions from the floor.

The official webpage for this session that hosts presentations, statements, documents and details of side events is at <https://meetings.unoda.org/meeting/67446>. Official BWC documents are also available via <https://documents.un.org>.

### **The opening of the Meeting of States Parties**

After some brief opening comments, the Chair introduced a video message from Izumi Nakamitsu, the UN High Representative for Disarmament Affairs. She welcomed the establishment of the Working Group and noted that the discussions on compliance and verification ‘marked a historic moment representing the first discussion on this topic in two decades’. She described the Convention as ‘a cornerstone in safeguarding against intentional biological threats playing a vital role in disarmament and global security’. Reflecting on the context of the Convention, she said: ‘as we navigate the intersection of rapid advances in science and technology we must envisage the future free of past failures by learning from them’ and ‘we know that strengthening the Convention would require a global effort involving numerous stakeholders’. She described the MSP as ‘an opportunity for pragmatic collaboration between state parties whereby we can acknowledge challenges and find common ground to resolve them’.

### **The draft programme of work and rules of procedure**

The Chair noted that the draft programme of work had been circulated on 12 October, allowing time for any delegations with questions about it to raise whatever issues they wished to in private.

When the Chair asked if the programme of work could be adopted, the delegation of Russia took the floor. That delegation noted that the proposed programme of work included time for non-governmental organizations (NGOs) to address the plenary in an informal session, suggesting that this was not within the BWC rules of procedure, and indicated they would be happy to agree to the programme of work if that session was removed. The Chair asked for any views from other delegations. Nearly 40 took the floor, all disagreed with the Russian suggestion. The Chair then suggested that perhaps the question of the programme of work could be temporarily put to one side for a while to allow for consultations to be carried out.

The next item on the agenda was adoption of the rules of procedure. The Chair suggested that the rules of procedure should be adopted with the understandings that had been in place for MSPs since 2003. The delegation of Russia took the floor to say it could only agree to their adoption if there was a clear understanding that they would be applied as written with no exceptions or additions in practice. This would apply especially to Rule 44 paragraphs 4 and 5 which relates to attendance by inter-governmental and non-governmental observers, respectively. Neither paragraph refers to oral statements by each category of observers. As in the Working Group, the claim was made that past practice on presentations by observers had been broken at the Ninth Review Conference (2022) with the statement by NATO and so that practice now runs counter to what is in the rules of procedure. Again a number of delegations took the floor, none of which agreed with the Russian interpretation of the rules. Ambassador Leonardo Bencini (Italy), who had served as President of the Ninth Review Conference, denied that practice had been broken then and noted that the final report of the Conference listed the statements that had been made. The state party delegations closest to expressing support were those of Cuba and Nicaragua who called for consultations on the rules, but both noted that only one delegation was raising the question. A signatory state, Syria, suggested that there was an ‘overwhelming symphony of voices from the Global West’ in response to the Russian question. [Note: while the majority of delegations taking the floor were Western, there were also many from Latin America, for example.] After further exchanges it was agreed that consultations should take place and the formal plenary was suspended not long before the scheduled lunch break.

### **Report back from the BWC Working Group**

The plenary was scheduled to resume at 15:00, but did not do so as consultations were continuing. At 16:30 the Chair took his place on the podium and announced that there was not yet any positive outcome from the consultations. However, rather than lose all of the time available, the Chair suggested that the report back from the Working Group could take place. The Russian delegation took the floor to confirm that there would be no discussion following the report back.

The WG Chair for 2023 and 2024, Ambassador Flávio Damico (Brazil), addressed the Meeting from the podium. He reminded delegates that the Ninth BWC Review Conference (2022) had agreed on the establishment of a ‘Working Group on the strengthening of the Convention’. He highlighted that the WG had held 34 meetings in three sessions and that more than 430 delegates from around 120 states parties had attended the WG. Forty-six working papers had been tabled together with four non-papers by the Friends of the Chair (FoCs). Thirteen panel discussions had been held.

Ambassador Damico thanked the FoCs and described them as a ‘robust and sizeable group, comprised of able and experienced diplomats’, bringing a wide array of perspectives and expertise, and whose diversity brings ‘knowledge and experience from different corners of the world’. He suggested that the panels played a role in clarifying the challenges ahead, noting that by engaging with these experts, ‘we gain clear insights into the nuances and intricacies of our tasks, providing us with a more informed understanding of the potential obstacles and opportunities that lie ahead’. He thanked the BWC Implementation Support Unit (ISU), describing it as ‘instrumental’ in managing the logistics and administration of the WG.

Looking forward, he spoke of the need to step up efforts during the coming year and that delegates should be ‘prepared to roll up your sleeves for a very intense 2024’. He concluded by saying ‘I will protect the mandate, its bottom-up character, its member-driven process and the effort to arrive at a safe harbour by 2024’.

*These reports have been produced by the BioWeapons Prevention Project (BWPP) for all BWC meetings with NGO registration since the Sixth Review Conference (2006). They are available from <https://www.bwpp.org/reports.html> and <https://www.cbw-events.org.uk/bwc-rep.html>. A subscription link is available on each webpage. Financial support for reporting for the 2023 Meeting of States Parties has been gratefully received from Global Affairs Canada. The reports are written by Richard Guthrie, CBW Events, who is solely responsible for their contents <[richard@cbw-events.org.uk](mailto:richard@cbw-events.org.uk)>.*