

Monday 4th December 2017

## The 2017 Meeting of States Parties: setting the scene

The 2017 Meeting of States Parties (MSP) is being convened after the failure of the Eighth Review Conference for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) to agree an on-going work programme.

BWC Review Conferences have been held on a five-year cycle and the previous three Review Conferences had agreed on programmes of inter-sessional meetings intended to be practical and focused on developing 'common understanding and effective action'. The Eighth Review Conference, held in November 2016, had received a number of proposals for inter-sessional activities but consensus could not be reached on a programme. Instead, the only Final Document that could be agreed was one that did not include any substantive discussion topics for inter-sessional work but did include an annual MSP without a specific agenda apart from the first year in which it 'will seek to make progress on issues of substance and process for the period before the next Review Conference, with a view to reaching consensus on an intersessional process'. The document also preserved the Implementation Support Unit (ISU), the small nucleus of support staff for the Convention.

The MSP will be chaired by Ambassador Amandeep Singh Gill of India, assisted by Ambassador Michael Biontino of Germany and Ambassador Juraj Podhorský of Slovakia as Vice-chairs. The agenda and an 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 on universalization activities [Samoa joined the BWC during 2017] and the annual report of the ISU. These can be found via the 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/2017/).

### **Prospects for progress**

It is hard at this stage to assess prospects for the MSP. There was one state in particular, Iran, that pushed for a minimalist outcome from the Review Conference. The motivation for this appeared to be a desire for a legally binding instrument to enhance the BWC that would include verification provisions, coupled with a belief that an inter-sessional programme would be a distraction from efforts to achieve such an instrument. Numerous other delegations are in favour of such an instrument (although see it as impossible to negotiate in the current political context) but regard an inter-sessional programme as the best way to make progress in the circumstances. The driving influences for the actions by the delegation of Iran seem to be mysterious to many other delegates and gaining a better understanding of these motivations may be key to possible success.

There have been a number of preparatory events in the run-up to this MSP. Perhaps the most notable of these was an international conference entitled 'Global Biosecurity Challenges: Problems and Solutions' held in Sochi, Russia on 1-2 November. Deputy Foreign Minister Ryabkov actively participated in the conference – a strong

indication of high-level political interest in the subject matter. A Russian-led statement by the three BWC depositary states (Russia, UK and USA), issued to coincide with the conference, stated ‘it is vital to redouble efforts to build consensus around the next programme of work the adoption of which in our common view must be the main outcome of [the MSP]’ – a further clear sign of a Russian intention to seek a substantive outcome from the Meeting. As Russia and Iran appear to operate so closely together in other fields in which they are allies it is noteworthy that they have expressed divergent views in this area.

It should also be noted that there are clearly external influences that arise from disagreements between major players in other forums, but as there is a reasonably solid global consensus that biological threats should be tackled these may not impinge too much.

If there is no outcome from this MSP, it is unlikely that agreement could be reached before 2021, even if delegations used a loose interpretation of the mandate in future years. In other words, this MSP is the final chance for a BWC inter-sessional process.

### **Inside or outside the formal BWC structures?**

If there is no agreement at the MSP, it is likely that governments will move activities to reduce deliberate biological threats away from the BWC. With resources freed up from not holding an annual Meeting of Experts or convening Open-Ended Working Groups, meetings could be held on specific topics on an ad hoc basis, possibly away from Geneva.

The upshot of this would be that there will be fewer gatherings of diplomats and experts on the BWC in Geneva. It would therefore be harder to promote discussions in the city on the subject of deliberate biological threats. This would weaken the position of Geneva-based diplomats to influence policy on the BWC.

### **Potential topics for future work**

There are a number of topics which have been part of previous inter-sessional work programmes that might be considered for a programme between now and 2021.

Article VII 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 and there is widespread recognition that there are many improvements that can be made in this area.

Article X of the Convention relates to access to the life sciences, and materials and equipment connected 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.

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 to ensure the BWC remains relevant.

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.

The BWC Confidence-Building Measures (CBMs) provide for returns to be submitted on certain relevant activities and facilities. While numbers of returns have been rising, there has been wide recognition that CBM participation could be improved further.

*This is the first report from the BWC Meeting of States Parties, being held from 4 to 8 December 2017 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). They are available via <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. An email subscription link is available on each page.*

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Tuesday 5th December 2017

## Return to Geneva: the opening of the 2017 Meeting of States Parties

The 2017 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) opened on Monday morning with Ambassador Amandeep Singh Gill of India in the Chair. As the Eighth Review Conference had concluded on 25 November 2016, this was the longest gap between formal BWC meetings since the Third Review Conference in 1991. The closest had been the 11 months between the suspension of the Fifth Review Conference on 7 December 2001 and its 11 November 2002 resumption.

There were a large number of delegates in the room. A clear indication of this was that the usual print run of these daily reports was exhausted.

The meeting was read out a message from UN Under-Secretary-General and High Representative for Disarmament Affairs Izumi Nakamitsu who noted that the 'security challenges posed by biological threats are becoming increasingly more complex'. She suggested that the BWC was 'no longer a strictly security focused instrument', that technical barriers to acquisition of biological weapons were being lowered and that 'implementation is not where it should be' for the BWC and related measures. It was therefore important for the MSP to 'make progress on reaching consensus for a substantive inter-sessional programme for the coming years'. She also urged States Parties to fulfil their financial obligations to the BWC.

A number of administrative and formal decisions, such as adoption of the agenda and programme of work, were taken and the Meeting was informed that Australia, Canada, Germany and India had offered sponsorship to assist 20 experts to attend the MSP to enhance participation by developing States Parties.

Following these formalities, Ambassador Gill offered some opening comments. He talked of the 'immense benefits' that arise from scientific and technological developments and noted that these developments also pose risks which must be assessed. There was a need for a 'wide ranging dialogue' as countries have 'divergent regulations and research governance'. He expressed concern at the current erosion of norms in other fields as 'chemical warfare agents have been used recently in conflict', noting that the BWC is 'not immune' to these developments as 'biological and chemical weapons related norms have normally been seen in conjunction'. He raised concerns about the possibility of acquisition and use of biological weapons by non-state actors, including terrorist groups, and noted that the BWC has a 'crucial role' in ensuring that such use never occurs.

At the end of the day's formal proceedings, the Chair circulated an 'aide memoire' (as document CRP.1) compiled from proposals submitted to the Eighth Review Conference in order to facilitate discussion in the coming days.

### **General debate / plenary statements**

The major part of the day's formal proceedings was taken up with plenary statements in what is known as the 'general debate'. Statements were given in the following order by: Venezuela (on behalf of the non-aligned), Philippines (on behalf of ASEAN), Germany, South Africa, Russia, Pakistan, Australia, China, Morocco, Italy, France, USA, Costa Rica,

Hungary, Indonesia, Switzerland, Thailand, Spain, Finland, Sweden, Cuba and Turkey. These continued after lunch by: Republic of Korea, Norway, Nepal, Japan, Azerbaijan, Iraq, Canada, Slovakia, Malaysia, Bulgaria, Panama, Philippines, Kazakhstan, Belgium, Serbia, Algeria, Netherlands, Brazil, India, Peru, Ukraine, Austria, Argentina, Latvia, Chile, Belarus, Sri Lanka, Cameroon, Paraguay, Ireland, Colombia and Poland. At the end of the day, there were still nine delegations on the list yet to speak, including Iran and Venezuela.

This is a significantly higher number of general debate statements than is usual for the opening day of an MSP – there were 2 group statements and 52 statements by individual States Parties – a sign of particular interest in this MSP. For comparison, there were 2 group statements and 38 statements by individual States Parties on the Monday of the 2015 MSP with the international organizations and the NGOs held over until the Tuesday. There were 2 group and 34 individual statements by States Parties on the Monday of the 2014 MSP which were then followed by the NGO statements. Six further plenary statements were made by individual States Parties on the Tuesday and these were followed by statements from international organizations. There was no MSP in 2016 as it was the year of the Review Conference. Part of the reason why a larger number of statements could be accommodated at this MSP was that many delegations gave abridged versions of their statements verbally, offering the full written versions for posting on the ISU website <<http://www.unog.ch/bwc>>.

This appears to be the first group statement made by ASEAN within the BWC, although ASEAN activities have been reported in national statements at earlier meetings. The statement by Azerbaijan, its first since 2011, has some significance as that country is anticipated to succeed Venezuela as the convenor of the NAM in 2019. The statement by Paraguay is the first this author has records of in a BWC plenary session.

Many delegations welcomed the accession of Samoa which had brought the BWC membership to 179 States Parties. Samoa was represented in the meeting room by Hon. Lemi Taefu MP, Associate Minister for Natural Resources & Environment.

In comments on the outcome of the Eighth Review Conference, the most common description used was ‘disappointment’, with the next most common being ‘regret’. No statements were made on Monday in support of continuing an inter-sessional process without a substantive work element. The NAM statement referred to having an inter-sessional programme of work and reiterated desires for a system of verification through a legally binding instrument. [After formal proceedings had finished for the day, an ‘advance version’ of the NAM working paper on the inter-sessional programme was posted on the ISU website. This paper has a particular focus on inter-sessional work that might be carried out in relation to Article X.] Many delegations referred to a working paper (WP.10) by the three BWC depositary states (Russia, UK and USA) that contained possible elements for an inter-sessional work programme. Cuba spoke to its paper (WP.8) which described a different possible set of such elements.

As space is limited in this daily report, further discussion of the general debate will continue in forthcoming daily reports.

### **Side Events**

There were two lunchtime side events on Monday. One, convened by the International Genetically Engineered Machines competition (iGEM), was entitled ‘Safeguarding Advanced Biotechnologies in Practice: The iGEM Safety and Security Program’. The other, convened by Malaysia and the USA, was a briefing on a workshop held in Geneva the week before the MSP. After the close of formal proceedings, Russia convened a briefing on the international conference on biosecurity that it had held in Sochi in November.

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Wednesday 6th December 2017

## The general debate concludes, the start of exchange of views

The 2017 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) continued for its second day on Tuesday with the ‘general debate’ with, in total, a record number of statements being made by delegations. These were followed by statements from international bodies and then NGOs. The meeting then moved into an exchange of views under agenda item 6.

Perhaps the most anticipated statement of the day was that of Iran, owing to the particular role that country’s delegation had played within the Eighth Review Conference. When statements are made there is usually general background noise from conversations in the room, but during the statement by Iran the room was noticeably quiet.

At the end of the day the Implementation Support Unit (ISU) informed the Meeting that, so far, a total of 22 working papers had been submitted.

### **General debate / plenary statements**

The major part of the morning’s formal proceedings was taken up with general debate plenary statements. Statements were given in the following order by: Mexico, Nigeria, Burkina Faso, Venezuela, Bhutan, Iran, Kyrgyzstan, Sudan, Angola, Georgia, Myanmar, El Salvador, Swaziland, UK and Ghana. This brought the total of individual statements to 67 for the two days, with those from Bhutan, El Salvador and Swaziland being their first in a BWC plenary. The meeting then heard from international organizations in the following order: the Organization for the Prohibition of Chemical Weapons (OPCW), the European Union (EU), the World Health Organization (WHO), the International Science and Technology Centre (ISTC), the United Nations Interregional Crime and Justice Research Institute (UNICRI), the World Organization for Animal Health (OIE), the International Committee of the Red Cross (ICRC), Interpol and the Caribbean Community (CARICOM). Where copies of statements are provided by those who delivered them, the ISU will place these on the BWC website <<http://www.unog.ch/bwc>>.

The general debate was wide-ranging, but space limits what can be discussed here, hopefully there will be space in future daily reports to come back to this.

The statement by Iran gave clearer indications of the thinking by that country’s delegation. Ambassador Mohsen Naziri Asl suggested that the BWC as a ‘central instrument of disarmament and international security has been permanently weakening by unilateralism’, going on to say ‘Unilateralism doesn’t work and attempts to politically subordinate this international legally based treaty to mere national implementation, is not only unacceptable, but also impossible in today’s world. Consequently we will be seeing a greater and greater disdain for the basic principles of international law, and independent legal norms are becoming increasingly closer, to one state’s political and legal system’. The focus of the unilateralist comments is clearly the USA. On the specifics of the inter-sessional process, Iran stated: ‘Since 2003, the mandate and purpose of MSPs have been “to discuss, and promote common understanding and effective action” on specific topics. We

believe this mandate should continue to serve as the principal mandate of the next ISP and its related meetings. We are not convinced that going beyond that mandate as proposed by some delegations could strengthen the convention.’ The statement by the NAM on Monday referred to the inter-sessional mandate from the Seventh Review Conference in 2011 as being of use ‘to discuss, and promote common understanding and effective action ... on those issues identified for inclusion in the intersessional programme by this MSP’

### **NGO statements**

The statements by non-governmental organizations (NGOs) were preceded by a joint statement endorsed by a number of NGOs and individuals. This was followed by statements by: the InterAcademy Partnership, VERTIC, University of Bradford, International Federation of Biosafety Associations, Center for Biosafety Research and Strategy of Tianjin University, Johns Hopkins Center for Health Security, Landau Network-Fondazione Volta, Research Group for Biological Arms Control at Hamburg University, University of Massachusetts Lowell, University of London, Pax Christi International and Women of Color Advancing Peace and Security. As with the general debate, where copies of NGO statements are provided by those who delivered them, the ISU will place these on the BWC website.

### **Exchange of views**

The exchange of views was on ‘Issues of substance and process for the period before the next Review Conference, with a view to reaching consensus on an intersessional process’. The only delegation taking the floor that had not previously spoken in the MSP was Jordan.

Many interventions referred to the paper on possible elements by Russia, UK and USA – the three BWC depositary states – that appears as WP.10, the paper by Cuba on possible elements that appears as WP.8 and the NAM paper on possible inter-sessional work which has yet to be issued with a number. A number of delegations suggested WP.10 could be used as a template for discussion within the MSP; others suggested these three papers should be taken together. Iran suggested that WP.10 had no special status as the depositaries have no specific role dealing with substance of the Convention; the paper was therefore simply one produced by three States Parties.

The Chair of the MSP, Ambassador Amandeep Singh Gill of India, noted that interventions had a ‘constructive tone’ and that the exchange of views was being held in an ‘harmonious atmosphere’.

### **Side Events**

There were two breakfast events on Tuesday: one on ‘Advances in Biological Sciences and Biocontainment’ was convened by the DBT-UNESCO Regional Centre for Biotechnology, India and the Johns Hopkins Center for Health Security; and the other on ‘Science, Industry and the Chemical Weapons Convention: Scientific Review and Key Stakeholder Engagement’ was convened by the OPCW.

There were also two events at lunchtime: on ‘Biosecurity Education: Opportunities to learn from current progress and new initiatives’, convened by the UK and Ukraine; and a ‘Workshop on Smallpox Preparedness’, convened by Chimerix Inc.

**Erratum** – A misreading of my notes while preparing MSP report no 2 meant I didn’t spot that ASEAN had made a group statement in 2016, as reported in Review Conference report no 3, available from the links below. Apologies for any confusion.

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Thursday 7th December 2017

## The BWC Financial Situation and the Start of Private Meetings

The 2017 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) continued on Wednesday with the consideration of financial matters and with the first meetings behind closed doors in efforts to find a consensus on an inter-sessional work programme. During the morning, the Chair of the Meeting, Ambassador Amandeep Singh Gill of India, circulated new papers. At the end of the day a short plenary was held to report on the private meetings. During the day, the NAM working paper on inter-sessional process proposals was made available as an official document bearing the identifier WP.21.

### **Financial matters**

The first formal event of the day was a briefing to the Meeting by the UN Financial Resource Management Service about the current financial situation and future arrangements. The financial year for the UN is the calendar year, and for the current accounting period there is a shortfall of roughly US\$150,000 on assessed contributions since 2001. However, there has been some US\$623,000 in overpayments and advance payments which has meant there have been sufficient funds to carry out BWC activities and fund the ISU during 2017. Some elements of the financial situation have improved since the briefing to the Eighth Review Conference, with the collection rate for assessed contributions rising from 75 per cent to 94 per cent and a substantial reduction in arrears owed. One issue is that new UN accounting rules mean that contracts for personnel and for services cannot be signed until the UN has received sufficient funds to cover the costs. As invoices do not go out to States Parties until close to the start of the year, funds take time to arrive.

In the follow-on discussion, one suggestion made to get around the timing problem was to establish a 'working capital fund' that could be used to even out the cashflow. Comparisons were made with the financial arrangements for the Convention on Certain Conventional Weapons (CCW). Just like the BWC, the CCW is a treaty that is outside of the formal structure of the United Nations, but which uses UN facilities and administrative support – the costs of which are reimbursed by the States Parties to the conventions. In neither case was any language regarding detailed financial matters included in the convention texts. Financial matters were considered at a CCW annual meeting just a few weeks ago, the report of which is available in an advance version via the CCW website <<http://www.unog.ch/ccw>>. This report will be numbered CCW/MSP/2017/8 and be accessible via the UN documents server <<http://documents.un.org>>. Differences between the conventions include how the relevant Implementation Support Units (ISUs) are funded. In the CCW case, financial difficulties have led to non-renewal of ISU staff contracts and the rearrangement of meetings. Other comparisons were made with the Organization for the Prohibition of Chemical Weapons (OPCW) and the International Atomic Energy

Agency (IAEA). There was a suggestion that an information paper be prepared outlining comparisons between financial arrangements for the BWC and other relevant bodies.

### **Inter-sessional programme discussions**

The first private meeting of the MSP started in the morning in a side room (Salle XXI) a short time after the adjournment of the plenary. Ambassador Gill was explicit in his understanding that a private meeting was for delegates of States Parties only, thus no NGOs or observers such as the European Union would be able to participate.

The Chair circulated two documents within the room. One was a single page starting to draw together a structure for an inter-sessional work programme. The other was a compilation of various proposals that would form an annex that would indicate possible topics to be discussed within such a programme with text drawn from the Cuba paper (WP.8), the Russia-UK-USA paper (WP.10), the NAM paper (WP.21) and the President's Proposal from the Eighth Review Conference (BWC/CONF.VIII/CRP.3). Past practice shows that such documents are used to draw together a consensus but will not reach such a consensus instantly – any such document that might be immediately accepted (or, indeed, be immediately rejected) by any delegations would be one that was unlikely to be in the necessary middle ground. From discussions with delegates who had been in the room, the papers were proving to be a useful tool to focus interactions.

At the end of the day, a formal plenary was convened to brief those who were not in the smaller room. Ambassador Gill described the sessions as 'very useful' and that discussions had been held on the structure that an inter-sessional programme might have, the content it might have, and how it might report its activities to the Ninth Review Conference. On possible topics, he indicated that the subjects of international cooperation and of science & technology review had been discussed in detail. He thanked States Parties for their 'constructive spirit'.

Before the meeting was adjourned, Russia took the floor. Mikhail Ulyanov, Director of the Non-Proliferation and Arms Control Department of the Foreign Ministry, noted there were only two days remaining and that if the MSP could not reach consensus there would be 'no tangible work done' to strengthen the BWC regime in the coming three years. He suggested that willingness to seek compromise was especially crucial at this time, otherwise in 48 hours delegates would leave 'with a sense we have failed in our duty to agree', concluding 'I would very much like to avoid that'.

### **Side Events**

There were two breakfast events on Wednesday: one on 'Multilateral Biosecurity Dialogue in South-East Asia' convened by the Johns Hopkins Center for Health Security; and the other on 'What is the Role of the BWC Within the Global Health Security Landscape: The Global Health Security Agenda Joint External Evaluations, UNSCR 1540, and Sustainable Development Goals?' convened by Women of Color Advancing Peace and Security.

There were also two events at lunchtime: one on 'Global Catastrophic Biological Risk: Considering Very Low Probability, Very High Consequence Events' convened by Future of Humanity Institute, University of Oxford and the Centre for the Study of Existential Risk, University of Cambridge; and the other on 'Initiating a Request under Article VII of the BTWC' convened by France and Fondation pour la Recherche Stratégique.

After completion of the day's formal proceedings a reception was hosted by Ambassador Gill.

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Friday 8th December 2017

## Universalization, the ISU Report and Cost Implications of Programme Options

The 2017 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) continued on Thursday with the consideration of mandated reports and a briefing on the financial implications of various options for possible inter-sessional work. The rest of the day consisted of further meetings behind closed doors.

### **Universalization report and the ISU annual report**

The Chair of the MSP, Ambassador Amandeep Singh Gill of India, introduced his report on universalization by welcoming the accession of Samoa during 2017. He noted that there were few conventions that are 40 years old still being actively adhered to. Fiji and the United Arab Emirates noted regional events that they had hosted. The European Union highlighted its sponsorship for regional workshops and noted that the four countries that had joined the BWC in the past two years had all attended EU-sponsored events. Finland noted they were sponsoring an MSP participant from Tanzania as a universalization activity.

The Chief of the ISU, Daniel Feakes, introduced the ISU report. He updated some of the data, noting that to 4 December there had now been 74 Confidence-Building Measures (CBMs) returns, the second highest ever number. He encouraged States Parties to ensure their 'national contact point' information was up to date. He thanked Germany and Ireland for their financial assistance to allow updating of the CBM electronic platform and of the Article X database system respectively.

The universalization report this year appears as document BWC/MSP/2017/3 and 3/Add.1 and the ISU annual report is in document BWC/MSP/2017/4.

### **Finances for an inter-sessional work programme**

During the discussion on financial issues on Wednesday there was a request for a briefing on the costs of possible options for an inter-sessional work programme. ISU Chief Daniel Feakes gave a presentation on Thursday on such costs, emphasising that the figures being expressed were provisional.

The BWC budget for 2017 is US\$208,000 for conference services costs and US\$901,000 for non-conference services, including the ISU. This gives a total budget of \$1.1 million. The conference costs include the use of meeting rooms and the support services to run them, the interpretation services for discussions in the rooms and document production costs including translation, formatting and printing.

The provisional conference services costings for the current situation plus a 5-day work programme were given as US\$1.37 million, with those for the current situation plus a 10-day work programme were US\$1.6 million. By comparison, the BWC budget for 2016, which included the Eighth Review Conference, was US\$1.97 million. The BWC budget for the year 2000 – the last full year of Ad Hoc Group negotiations – was US\$2.9 million in then-year prices (i.e., not accounting for inflation since).

In summarizing the situation, Ambassador Gill noted that the expenditures for all of the possible proposed work programmes fall well within the historical range of expenditures on the BWC. It is worth noting that the budget for 2017 was an anomaly as it

was the first year since the establishment of the ISU that there was no work programme other than an MSP. This naturally meant that the costs for 2017 have been lower.

### **Inter-sessional programme discussions**

Following the close of the morning plenary, States Parties met in private (in Salle VII in the morning and XXI in the afternoon). During the morning the topics of assistance & protection and national implementation were discussed.

At the beginning of the afternoon session, the Chair introduced a new non-paper on the possible structure of the inter-sessional work programme. As with the structure non-paper on Wednesday, such a document is never anticipated to allow a instant consensus to form but is aimed to focus discussion. Some time later in the afternoon a revised annex on possible content, in terms of subject matter, in an inter-sessional programme was circulated. This was slimmed down from the fairly raw compilation put forward the day before.

The production of new non-papers in this style indicates progress, but as in all other multilateral negotiations ‘nothing is agreed until everything is agreed’.

At the end of the day, a very short formal plenary was convened to brief those who were not in the smaller room. Ambassador Gill said that progress had been made in some ‘difficult areas’, and that common ground had appeared on possible sub-items for consideration in a possible inter-sessional process grouped within four areas – ‘International Cooperation’, ‘Science and Technology’, ‘National Implementation’ and ‘Assistance, Support and Preparedness’. He indicated that there were still a number of issues that needed further work, that he would be carrying out consultations into the evening, and that Friday morning’s work would start with a continuation of the private meeting. The short plenaries at the end of the day to brief those not able to be involved in the private meetings have been welcomed as increasing inclusivity within the process.

Discussions in the corridors with delegates involved in the private meeting had indicated that the sticking points that remained were those that might have been expected. It is difficult to comment on them here as such comment could potentially disturb the process. As of Friday morning, the quantity of work required to achieve consensus is considerably less than at the equivalent time during the Eighth Review Conference.

Prospects are difficult to evaluate at this point. In other negotiations experienced by this author there have been situations when things have looked more optimistic at this time but consensus wasn’t reached. More importantly, there have been numerous times when the situation has looked far less optimistic at this stage but a solution was found.

### **Side Events**

There were two breakfast events on Thursday: one on ‘Aligning International Needs Assessments and National Action Plans in Africa in the Post-Ebola Biological Field’ convened by Italy, the European Union and the United Nations Interregional Crime and Justice Research Institute (UNICRI); and the other on ‘Strengthening the UNSGM: Moving Towards a Global Trusted Network of UNSGM Designated Laboratories’ convened by Switzerland and Germany.

There were three events at lunchtime: one on ‘Implementation in Action: IAP’s Experience in Engaging Scientists in Biosecurity’ convened by the InterAcademy Partnership (IAP); one on ‘The European Union’s Continued Support for Strengthening the Biological and Toxin Weapons Convention’ convened by the EU; and the other on ‘How Real is the Biological Threat: A Global Perspective’ convened by Emergent BioSolutions.

***Please note: there will be a sixth report produced next week covering the final day of the Review Conference that will be e-mailed out and placed on the websites below.***

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Thursday 14th December 2017

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

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

### **The agreed inter-sessional work programme**

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

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

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

### **Reaching consensus**

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

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

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

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

### **Side Events**

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

### **Reflections**

A conscious effort is taken in writing these daily summaries to report objectively and not give opinion. However, there are times that this style of reporting does not convey some of the atmosphere of meetings. The following are some personal reflections that do not necessarily represent anyone’s views other than the author’s own.

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

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

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

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

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