

Friday 3rd December 2021

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

The 2020 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC), held in 2021 because of the pandemic, had been scheduled to last four days. Owing to difficulties of working into Thursday evening (the last scheduled day of the MSP) the Meeting resumed on Friday 26 November. Meeting facilities had already been booked in the Palais des Nations for the BWC as the Friday had been scheduled for the first day of the first session of the Preparatory Committee (PrepCom) of the Ninth five-yearly Review Conference. In the end, the PrepCom was entirely displaced by the MSP. In one of those quirks of diplomacy, the final report of the MSP was dated 25 November and said it was adopted on that date – the clock having been stopped on Thursday night to enable the MSP to reach its conclusions.

The BWC remains without a President-designate for the Review Conference, having passed this decision to the PrepCom – a case of consensus by deferral. There was a marked juxtaposition between the slow discussion in the BWC meeting room and the rapidly changing events in relation to deliberations elsewhere in Geneva the same day about whether the World Health Organization should declare the omicron variant of the SARS-CoV-2 virus as a new ‘variant of concern’.

A total of sixteen working papers have been posted to the documents section of the official meeting website <<https://meetings.unoda.org/meeting/bwc-msp-2020/>>.

The proceedings during the extra day

The day started with a return to the question of the Chair of the PrepCom, who is the President-designate of the Ninth Review Conference, and who is usually appointed about a year before the Review Conference. The group convenor for the non-aligned, Azerbaijan, repeated the nomination of Ambassador Hashmi (Pakistan). India and the Philippines repeated their objections to this nomination. A number of interventions from non-aligned delegations indicated that there had been no further consultations within the group. Azerbaijan noted that the Non-Aligned Movement (NAM) at its formal meetings allows for reservations which do not break consensus, citing the conclusions of the Final Declaration of the Havana Summit in 1979 (see <<https://undocs.org/en/A/34/542>>), and suggested that the two objections should be treated this way. The MSP Chair, Ambassador Mailu (Kenya), noted that any nomination still had to be adopted by consensus by the MSP as had been past practice. India suggested that the provisions in the BWC Rules of Procedure for contested elections for positions might need to be invoked. The Chair concluded that it was better to give the group more time to try to reach consensus rather than hold an election. As the Vice-Chairs for earlier PrepComs have been seen as less significant, they were not usually appointed so far in advance. Reference to the appointment of the PrepCom Vice-Chairs, decided on Thursday, was deleted from the MSP report as such appointments were not mentioned in earlier MSP reports.

It had been anticipated there would be discussion on duration of the Review Conference, yet in the end this was not discussed at all; presumably because those that had been pressing for only two weeks were focused on items they felt had higher priority. The

Review Conference dates were confirmed as 8-26 August 2022, to be preceded by a day of administrative PrepCom on 20 December 2021 and a further administrative day (should funds allow) to be held with the substantive PrepCom during 4-11 April 2022.

A full day of proceedings, including informal consultations through most of the lunch break, was taken to produce a final report rather than on substance. The proposed text by Russia to add substance was circulated as a working paper [WP.16]. The MSP Chair's non-paper [now published as INF.2] captured much of the substance of the inter-sessional work programme that has now concluded.

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.

A more charitable commentator might suggest that, as there had been few in-person meetings during the pandemic period, the diplomats at the MSP were simply out of practice. However, this would seem to be only part of the story and what was a disappointing week in terms of progress for the BWC seemed to have been doomed by some delegates appearing not to place a high value on time within the meeting. On top of this were the complications of time taken in dealing with the questions of the BWC financial issues (notwithstanding the questions of which budget the extra day of the MSP was being paid from) and the Presidency of the Ninth Review Conference. It is not clear what some delegates had felt they had achieved in the extra time used. The length of time to reach conclusions does not bode well for the Review Conference.

The divisions within the NAM group of BWC states parties are the most marked that this author has ever seen in any of the regional groups used in the Convention. The convenor, Azerbaijan, was not often in the room. Uganda (the next in line to be convenor) was not spotted in the room at all by this author. As the regional groups have important coordination roles within BWC meetings, it must be hoped that the situation improves so that less-than-effective coordination does not hamper progress within the Review Conference. If the position of PrepCom Chair had gone to a vote, it is not clear how many delegations would have done anything other than abstain. Although it would have been a secret ballot, many delegations would not have wanted to get involved in a dispute within a regional group, even indirectly.

Before any future inter-sessional programme is developed, it might be useful to have some discussion on what the role of a report from an MSP is – what is it that people are taking/transmitting back to capitals and their relevant national arrangements for implementing the BWC? One of this author's measures of success for a BWC meeting is whether participants have left the meeting with enough information, and more importantly enough confidence, to communicate recommendations for actions to be taken by their colleagues back home. There is a need for substance in MSP reports, but there doesn't seem to be a common understanding of what that should be and how it contributes to implementation of the BWC in all of its facets. The previous inter-sessional programme (2012 to 2015) produced reports with some substance to them, reporting on a single Meeting of Experts (MX) of five days and a five-day MSP. With five MXs totalling eight days of working time, negotiating a report in four working days of an MSP was always going to be a challenge. One factor missing in the inter-sessional programme just finished was the synthesis paper that was produced by the Chair of the single MX (who was also Chair of the MSP) in the earlier inter-sessional programmes. This provided a link between the MX and the MSP that contributed to the discussions about the MSP report.

This is the sixth and final report from the 2020 BWC MSP that had been scheduled for 22 to 25 November 2021 in Geneva, but which continued for an extra day. These reports are available from <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>> and have been produced for all BWC meetings since the Sixth Review Conference by the BioWeapons Prevention Project (BWPP). A subscription link is available on each webpage. The reports are written by Richard Guthrie, CBW Events, who is solely responsible for their contents. He can be contacted via <richard@cbw-events.org.uk>.