BioWeapons Prevention Project

MSP report #6

Monday 8th December 2008

The Fifth Day: Conclusion of the Meeting

The 2008 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) concluded on Friday morning. A number of informal consultations had been undertaken on the draft final report and, once these had been completed, the meeting held a public session to go through the formal adoption of the report and to take other formal decisions.

Considerable care had been taken this year to ensure that all States Parties were happy with the final report before the consultations in order to prevent a recurrence of the situation in 2007 in which Iran raised objections to the wording of the equivalent report after the public session had started.

The public session opened at 11.45 and started with the news from the UK that the Cook Islands had deposited its instrument of accession, bringing the treaty membership up to 163. The MSP was formally closed at 12.15.

Final Report

The final report of the MSP contains more detailed language about the subject matters that were under discussion. The use of language is very careful to ensure that nothing might be construed as a decision or recommendation. (Iran reminded the meeting on Wednesday that it still interprets the mandate given to the inter-sessional process by the 2006 Review Conference in a strict manner and so could not agree to any decisions or recommendations from the MSP; an interpretation shared by the United States, among others.) The final report therefore uses phrases such as 'States Parties agreed on the value of' or 'States Parties recognised the value of'.

An informal advance copy of the final report of this MSP was up on the web by Friday afternoon (see <http://www.unog.ch/bwc> with a formal version to be made available in the near future. The formal version will carry the document number BWC/MSP/2008/5.

The 2009 meetings

The Chairman for the 2009 meetings will be Marius Grinius of Canada. The Meeting of Experts will be held on 24-28 August 2009 and the Meeting of States Parties on 7-11 December 2009.

There is only topic for discussion in 2009, although it comes in two parts: 'With a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, promoting capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases: (1) for States Parties in need of assistance, identifying requirements and requests for capacity enhancement; and (2) from States Parties in a position to do so, and international organizations, opportunities for providing assistance related to these fields'

Reflections

A conscious effort is taken in writing these daily summaries to report the facts and not give opinion. However, there are many times that the question is raised – 'so what do you think about what happened?' The following are some personal reflections that do not necessarily represent anyone's views other than the author's own.

The Meeting of States parties was undoubtably a success within the terms of its remit, but this does lead to questions of what could have been achieved with a wider remit and what, in the long run, counts as success for the BWC. Limitations of the remit could be felt on such topics as the promotion of the Confidence-Building Measures (CBMs) and how the contents of the CBMs might be redefined in order to make them a more useful tool. Under a strict interpretation of the mandate from the 2006 Review Conference, such topics can only be discussed in 2011 at the next Review Conference.

On the subject of CBMs, the EU's efforts to support other countries to submit their returns may be undermined unless Luxembourg manages to deliver its return by the end of the year. If this is done, the EU will have had all of its member countries submitting for three years in a row. The oddities of the CBM arrangements are illustrated by the listing of the Form F CBM return for Iraq in the annual report of the Implementation Support Unit as 'nothing to declare'. Form F details past biological warfare-related activities, and Iraq admitted to such activities being carried out in the 1980s. However, the current CBM arrangements do not allow for any questions to be raised about a matter such as this, except in traditional bilateral diplomacy.

There were many calls for verification arrangements to be added to the Convention – not least by the UN Secretary-General – during the meeting. However, there is no debate about what 'verification' means. It is clearly impossible to have this debate within the current meeting mandate, but it will be important to have it as there may be a greater divergence of what might constitute verification than many delegates realise. The United States is not the only country that would be opposed to a formal verification arrangement, but it is certainly the most prominent State Party holding this position.

Perhaps the most memorable feature of this meeting for this author was the slightly surreal way that there were no clear distinctions for those in the room about which sessions were held in public and which in private. Not only was the timing of moving to closed session ironic on Tuesday (see report no 3), but on Wednesday, the moment when the discussion moved to awareness raising and codes of conduct – topics that are all about engagement with the outside world – was the moment at which the doors closed and the NGOs were required to be out of the room. The circumstances were a satirists dream! States Parties can always request that they would like to give their presentation in a open session. This would allow the outside world to know what has been presented and, for the subject of capacity building under discussion next year, would allow states to illustrate in public what they had achieved in this field.

Looking forward to 2009, hopefully attendance will return to the historically higher levels of the past. The scheduling clash with both the cluster bomb treaty signing in Oslo and the Conference of States Parties (CSP) for the 1993 Chemical Weapons Convention in The Hague meant that fewer people were able to attend the MSP or had to travel between events during the week. Next year should mark an improvement, as the dates scheduled for the CSP will be the week before the MSP, i.e., 30 November to 4 December 2009. Having these meetings back-to-back makes it easier for delegates who might travel a considerable distance into Europe to attend both. Just for the record, 126 CWC States Parties attended the 2008 CSP, but the meeting was unable to reach consensus on a final report.

This is the sixth and final report from the Meeting of States Parties for the Biological and Toxin Weapons Convention which is being held from 1 to 5 December 2008 in Geneva. The reports are designed to help people who are not in Geneva to follow the proceedings.

The reports are prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP) in co-operation with the Verification Research, Training and Information Centre (VERTIC). Copies are available via <http://www.bwpp.org/2008MSP/MSP2008Resources.html>.