

Wednesday 10th December 2014

Consensus by confusion: the final day of the 2014 MSP

The 2014 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) concluded its proceedings late on Friday. After many hours of informal consultations, the Chair of the Meeting, Ambassador Urs Schmid of Switzerland, brought the gavel down to adopt the report at 8.06pm, following a sequence of events in a plenary session that left some delegations slightly confused.

Preparations for the 2015 meetings

The proceedings on Friday started with decisions needed for the 2015 meetings. The MSP decided the Chair of the 2015 meetings would be Ambassador Mazlan Muhammad of Malaysia assisted by Vice-Chairs Ambassador György Molnár of Hungary and Ambassador Henk Cor van der Kwast of the Netherlands. The Meeting agreed the dates for the 2015 Meeting of Experts will be 10-14 August and for the 2015 MSP will be 14-18 December.

Report of the Meeting

At 10.50am, a new draft text of the substantive paragraphs was circulated in the room following the consultations the night before. The plenary adjourned to enable delegations to read the new draft and resumed just before the scheduled lunch break. At this point CRP.4 containing the procedural paragraphs of the report was distributed. (The number CRP.3 was not used for any document circulated in the room.) The Chair announced that consultations would continue over lunch with an intention to reconvene at the usual plenary start time of 3pm. Instead, the plenary reconvened at almost exactly 6pm with an announcement that a new draft of the substantive paragraphs was being printed. With interpreters only available for another fifteen or so minutes, some rapid decisions were needed. The quickest solution would be to adopt the draft procedural sections as circulated as these were uncontroversial and allow the substantive paragraphs to form a separate 'Chair's report' that would not need direct approval of the Meeting. This is a solution that has occurred in meetings of other treaty arrangements but is unprecedented in the BWC inter-sessional process. The alternative would be to continue proceedings on the report but this would have to be carried out without interpretation. The Chair noted that these were exceptional circumstances. It was decided to continue in English only. Belarus suggested that any report should reflect that it had been adopted without interpretation services being available. The plenary reconvened at 6.30pm in a side room (Salle XXIV) as the audio system in the main room needed support staff to run it. The remaining points of contention raised in the continuing plenary were around particular aspects. The Russian delegation indicated that they were unhappy that language they had proposed regarding the 1925 Geneva Protocol was not in the latest text. Other outstanding issues included the role of export controls and whether additional preparations are needed for the Eighth BWC Review Conference to be held in 2016.

As the plenary continued in the side room, it appeared that nobody was entirely happy with the Chair's compromise text, as might be expected. However, no delegation

appeared to want to be the one to break consensus. The Cuban delegation (having moments earlier suggested voting on sections of the text which has not been done previously in BWC meetings) proposed that there be a suspension for 5 minutes to try to resolve the final differences. It was clear that the Chair felt that even a short break could instead go on indefinitely. He pressed the Meeting to take a choice between adopting the full report or a procedural report (and thus the rest as a Chair's report) and suggested that reopening the text would be counterproductive. The Cuban delegate appealed the decision of the Chair not to suspend the meeting and this was put to a procedural vote – unprecedented in BWC proceedings. No one voted against the Chair. The Chair immediately proposed the adoption of the report and asked if there were any objections. None were raised, the gavel was dropped and the decision taken. Some delegates felt the process had been confusing, however none objected to the adoption of the report. The MSP closed just a few minutes later at 8.15pm.

Side event

There was one side event on Friday, at lunchtime, hosted by the UN Interregional Crime and Justice Research Institute (UNICRI) on 'National Action Plans and Sharing Best Practices: An Innovative Network Approach to Mitigating Biological Risks'. Remarks were given by Ambassador Vinicio Mati (Italy), Andras Kos (EU) and Francesco Marelli (UNICRI) with panel discussions involving representatives from: Georgia, Morocco, Myanmar (Burma), the Philippines and Serbia; and from Italian institutions.

Reflections

A conscious effort is taken in writing these daily summaries to report the facts 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 difficulty of adoption of the final report was perhaps the lasting memory of this MSP. The reductions in text from earlier drafts, and reversions to language previously agreed in the earlier reports, make the report less useful for a number of readers – such as officials who were not present at the MSP who wish to understand the proceedings. What is the purpose of the report if it were not to help bring some coherence to the inter-sessional process and to communicate what information has been brought forward?

The global context the BWC operates within is rapidly changing. A key purpose of the inter-sessional meetings is to assist States Parties in keeping up with this context. Yet we seem to be frozen in time in 2011. In discussing the possible language relating to Article VII, for which lessons from the current Ebola outbreak are important, one delegate emphasised to this author in a one-to-one discussion the importance of sticking to agreed language from the Seventh Review Conference – held two years before the outbreak began. This might be seen as humorously surreal if there weren't so many lives at stake. This leads to a point made in earlier reflections sections – if a Review Conference lasting 14 days agrees to initiate a programme of activities that lasts a total of 40 days, surely the Conference must expect that programme to move beyond what was known at the starting point. If things are meant to remain static, what is the point of the inter-sessional meetings?

It is possible to view the day and a half of proceedings for a report of the MSP as the price to be paid to get useful work done on the other eight and a half days of the meetings this year. It may be worth examining whether there might be more practical outputs from the inter-sessional meetings following the next Review Conference than the traditional report.

Erratum - A relatively minor error crept in during this week. The coverage of a side event in report 4 referred to Ambassador Masood Khan as being President of the Seventh BWC Review Conference instead of the Sixth. Apologies.

This is the sixth, and final, report from the Meeting of States Parties for the Biological Weapons Convention, held from 1 to 5 December 2014 in Geneva. The reports were prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP) and are available on the BWPP website <<http://www.bwpp.org>>. The author can be contacted via <richard@cbw-events.org.uk>.