

Friday 23rd August 2013

## The final day: concepts of compliance

The 2013 Meeting of Experts (MX) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) resumed on Friday with continuation of the ‘strengthening national implementation’ item from Thursday. The meeting then moved on to a further discussion on Confidence-Building Measures, followed by a short general discussion of the MX topics before moving to a close. The meeting was chaired by Judit Körömi of Hungary, the Special Representative of the Foreign Minister for Arms Control, Disarmament and Non-Proliferation.

### **Strengthening national implementation, including concepts of compliance**

The final sub-topic under the ‘Strengthening national implementation’ topic was ‘Any potential further measures, as appropriate, relevant for implementation of the Convention’. Contributions were given by Australia, Iran, King’s College London (KCL), Canada, USA, Germany and Japan on Thursday and by France, Denmark, Switzerland, UK and Sweden on Friday. A significant proportion of these discussions was prompted by the paper by Australia, Canada, Japan, New Zealand and Switzerland put forward at the 2012 Meeting of States Parties entitled ‘We need to talk about compliance’ (WP.11 of that meeting).

Australia reminded the meeting of the key questions posed in December: ‘what constitutes compliance with the BWC?’ and ‘how can States Parties better demonstrate their compliance with the BWC and thereby enhance assurance for other States Parties?’ Emphasis was placed on the need for a conceptual discussion on this subject, raising the issues that needed to be debated rather than a focus on its own latest Working Paper (WP.2). Iran noted that as the Convention dated from the 1970s and if there was still no clear understanding of compliance that this must mean that there was something missing. Iran also stressed that compliance issues should apply to all articles of the Convention. Japan (WP.18), Switzerland (WP.12) and the UK (WP.1) introduced their papers which also included responses to some of the subsidiary questions posed in the 2012 paper. France focused its comments on clarifications of its peer review proposal, highlighting that it was not any form of replacement for a verification system, but a voluntary means of sharing best practices and lessons learned. In what would appear to have been carefully chosen words, Germany indicated it was ‘willing to look at and discuss any constructive, pragmatic proposal that builds on the realities of the BWC regime and that brings us closer to a system of effective compliance control. A collective evaluation in a cooperative spirit on the basis of agreed standards would, in our view, be one element of a sound way forward’.

The intervention from KCL was notable as it was the first by someone speaking as an NGO, rather than as a Guest of the Meeting, during a formal working session. It arose as a specific reference had been made during the presentation by Australia to the KCL side event on Monday, making it logical for the representative from KCL to provide further detail. Before giving the floor to the NGO, the Chair asked the meeting whether there was any objection to this and none was forthcoming.

### **Confidence-Building Measures (CBMs)**

The scheduled topic for the morning working session had been CBMs, to follow on from the first discussion of this topic on Monday. There were contributions from Japan, USA, Malaysia, UK and Ecuador. A number of points were made regarding the usefulness of compiling CBM submissions as a process to review domestic implementation and that there was widespread recognition that this process could be burdensome.

Japan noted that there was a particular burden in preparing a full CBM return for the first time and put forward a suggestion that countries doing so might be allowed to make a partial submission. For example, in the first year, a country might submit just part of a CBM, such as the summary of legislation in Form E, which would reduce the effort needed for that year. In the second year and third year, other CBM elements could be added. This suggestion received a number of positive responses.

### **Concluding remarks and adoption of the report**

The Chair opened up the floor for any delegation to make concluding comments. The delegations of Russia, India, USA, Australia, Iran, UK and Ghana took this opportunity. A number of the discussion points related to the breadth of the topics under this inter-sessional process and whether some issues raised in the meetings were broader than those in the mandate from the Seventh Review Conference. Russia, for example, suggested that the meetings should remain focused on the main aspects of the BWC and leave other matters to other bodies. This prompted responses about what might be the main aspects. Others were happy with the range of subjects discussed. Ghana noted, with regret, that there had not been a greater participation from some regions of the world and in particular from Africa and urged delegates to think about how such participation could be encouraged.

The meeting was adjourned briefly for the final suggestions to be added into the list of proposals for the draft report. This was adopted very quickly as it is essentially a factual document saying that the States Parties met and a number of proposals were made. It makes no recommendations or emphasis on any particular proposals.

The Chair then offered some closing comments. She described the meeting as 'focused, positive and constructive'. A theme of the meeting had been to 'bring in more voices' and she noted the broader participation during the MX. The Meeting of Experts was closed at 12.27. The Meeting of States Parties will convene on 9 December.

### **Side events**

There were no side events on Friday.

### **Reflections**

Usually the final daily report for an inter-sessional meeting will include some reflections by the author. That little space remains in this final report to do so is a manifestation of the quantity and quality of the work at this meeting – including a number of interventions from countries that don't usually take the floor. There is perhaps space for a couple of thoughts.

The two diseases most often referred to at the MX were H7N9 influenza and Middle East Respiratory Syndrome (MERS) – neither of which were known to humankind at the time of the Seventh BWC Review Conference. Not only do science and technology issues move forward at a rapid pace, the global dangers posed by infectious disease also change rapidly. The five-year gaps between Review Conferences mean that the inter-sessional meetings have an important role to play.

The conceptual debate on what compliance means could be a lasting legacy from this inter-sessional process. It is not clear where this debate will lead, but new common understandings on the subject would be a significant step forward.

*This is the sixth and final report from the Meeting of Experts for the Biological and Toxin Weapons Convention which was held from 12 to 16 August 2013 in Geneva. The reports were prepared by Richard Guthrie <richard@cbw-events.org.uk> on behalf of the BioWeapons Prevention Project (BWPP) and are available via the BWPP website at <<http://www.bwpp.org>>.*