

Thursday 4th December 2014

The third day: national implementation and Article VII

The 2014 Meeting of States Parties (MSP) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) continued on Wednesday with sessions devoted to ‘Strengthening national implementation’ and ‘How to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties’. The morning session was chaired by the incoming Vice-Chair Ambassador György Molnár of Hungary. The afternoon session was chaired by Ambassador Urs Schmid of Switzerland, the Chair of the MSP.

At the end of the day’s formal proceedings, an updated text relating to the standing agenda items of the draft report of the MSP was circulated to delegations. This text was also posted on the website of the Implementation Support Unit (ISU) <<http://www.unog.ch/bwc>>.

National implementation

The morning session was allocated to this standing agenda item. Statements/interventions were given by Iran (for the non-aligned), Spain, Chile, France, Pakistan, USA, Ecuador, Belgium, Mexico, Switzerland, Mongolia, Colombia, Thailand, Republic of Korea, Malaysia, Cuba, Russia, India, Australia, Canada, UK, Japan, Netherlands, Iran (national) and Algeria.

There were a number of reminders to the Meeting that there were diverse national situations and differing constitutional requirements, meaning that implementation had to be appropriate to each national context. There were many instances of improvements in national implementation that were reported in statements. Suggestions of ways to review implementation were aired. Positive benefits of effective national implementation were put forward. Malaysia, for example, noted that the ‘bioeconomy’ could be 5 per cent of its national GDP by 2020 and so there was a need for appropriate regulation that keeps biorisks to a minimum while allowing for prosperous economic activity. India suggested that strengthened implementation in relation to Article III [export controls] ‘would ensure that the cooperation envisaged under Article X is not abused’.

In broad terms, discussion within this session was consistent with discussions on this topic in earlier inter-sessional meetings.

Article VII

The afternoon was allocated to Article VII discussions, the first year that this topic has been before an MSP. This article deals with provision of ‘assistance’ if a State Party is ‘exposed to danger’ owing to a breach of the BWC. There were interventions from: Iran (non-aligned), UK, China, South Africa, Pakistan, France, Switzerland, USA, Belgium, Canada, Australia, Spain, Netherlands, Germany, Brazil, Japan, Russia, India, Cuba and Sweden.

A point of common agreement was that primary responsibility for protecting populations is that of the national government where those populations reside; this therefore means that basic protection and response arrangements need to be in place before any emergency. There were a number of calls for the establishment of a database that could list

forms of assistance that would be separate from the Article X database. No opposition was expressed to this and some comments were made about how it might operate.

A number of statements suggested the need for clear procedures to activate assistance to ensure a prompt and appropriate response. The need for timeliness and appropriateness of provision of assistance is a clear lesson from the Ebola outbreak in west Africa. There was some discussion of definitions of assistance, with most contributions focusing on primarily humanitarian aspects. It was suggested that effective command and control procedures would need to be established beforehand in order to ensure that relevant assistance would be deployed to areas it is needed.

There was a range of perspectives on whether assistance activities should be linked with investigation activities in any case of alleged use. Some considered these to be entirely separate activities. Others saw links, such as whether assistance should include assistance to investigative capabilities of national governments, including capacities for forensic analysis, for example. Assistance/investigation issues were also important in terms of timing of provision of assistance. Should assistance only be provided once the UN Security Council had made a determination on the issue? Or should assistance be provided as a humanitarian imperative regardless of any Security Council deliberations? Should an investigation of alleged use be carried out before or at the same time as assistance is provided? It was remarked upon that in the early stages of a disease outbreak there is likely to be great ambiguity of the exact cause – might it be naturally occurring, accidental or deliberate? [By definition, an outbreak is an unexpected event and is unpredictable.]

The lack of a central institution for the BWC was suggested by some to be a particular weakness in relation to this article. The use of the UN Secretary-General's investigation mechanism to investigate allegations of use of biological weapons was supported by a number of delegations, some of which indicated they had put forward experts for the roster. Some delegations suggested that this mechanism is no substitute for a legally-binding verification arrangement.

The proceedings on the Article VII topic illustrate that there is significant potential for improving such assistance arrangements. This topic will be discussed again in the 2015 inter-sessional meetings.

Side events

Three side events were held on Wednesday; one at breakfast and two in parallel at lunchtime. The breakfast event was a themed one on 'Innovative and Enabling Technologies: Embracing Developments in S&T to Benefit Treaty Implementation'. Introductory remarks were given by Ambassador Michael Biontino (Germany). Presentations were given by: Jonathan Forman (OPCW) on 'Enabling Biochemical Sampling and Analysis Across the Universe'; Gunnar Jeremias and Mirko Himmel (University of Hamburg Research Group for Biological Arms Control) on 'Open Source Data Analysis: Contributions to Enhancing Transparency in the BWC'; and James Revill (Harvard Sussex Program) on 'How Easy is "Easy": Tacit Knowledge, Biological Weapons and the BTWC'. One of the lunchtime events was convened by the Geneva Forum entitled 'Where Next for the Biological Weapons Convention?' Presentations were given by Ambassador Tibor Toth (former Chair of BWC meetings), Jo Husbands (US National Academies), and Richard Lennane (former Head BWC ISU) who also conveyed a presentation from Ambassador Masood Khan (chair, Seventh BWC Review Conference). The event was chaired by Silvia Cattaneo (Geneva Forum). The other was convened by Switzerland on 'Spiez Convergence 2014: Briefing on First Workshop'. Introductory remarks were given by Ambassador Urs Schmid (Switzerland). Presentations were given by Stefan Mogl and Cédric Invernizzi (Spiez Laboratory).

This is the fourth report from the Meeting of States Parties for the Biological Weapons Convention being held from 1 to 5 December 2014 in Geneva. The reports are prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP) and are available via the BWPP website at <<http://www.bwpp.org>>. The author can be contacted during the Meeting of States Parties on +41 76 507 1026 or <richard@cbw-events.org.uk>.