

Thursday 25th November 2021

## Consideration of the remaining Meetings of Experts

Wednesday, the third day of the 2020 Meeting of States Parties (MSP) of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC), heard from the Chairs of the last three Meetings of Experts (MXs) and discussed their reports. The Chair of the MSP is Ambassador Cleopa Mailu (Kenya) who presided over most of the proceedings during the day, sharing these duties with Vice-Chair Robertas Rosinas (Lithuania).

At the end of the formal proceedings, the Chair circulated two documents – a non-paper (i.e., a document with no official status) containing a compilation of proposals made during the inter-sessional programme that is now drawing to a close and the first draft of the final report. Much of the text within the draft report is procedural (when the MSP was held, what was on the agenda, etc) and thus uncontroversial, but there are locations where substantive items will need to be inserted. Usually the penultimate day of an MSP would include some informal consultations in the evening to try to smooth progress towards adoption of the final report but these did not appear to happen this year. The draft report has been posted to the documents section of the official website for the MSP <<https://meetings.unoda.org/meeting/bwc-msp-2020/>>.

There was one virtual side event held on Wednesday, with three having been held on Tuesday and three on Monday. Details can be found via the MSP website.

The ‘setting the scene’ papers in the BWPP MX report series for this year, posted at the websites listed overleaf, provide background to issues discussed at the MXs.

### **MX2 – science and technology**

The morning began with interventions from four states parties regarding MX2 following on from Tuesday afternoon. One suggestion made was there should be a linkage between adoption of an S&T mechanism and creation of a cooperation committee.

### **MX3 – national implementation**

MX3 was a one-day meeting on the topic of ‘Strengthening National Implementation’ and was chaired by Arman Baissuanov (Kazakhstan) who introduced the report of the meeting including the annex he had prepared.

There were many references during the discussion to working papers submitted to the MSP, such as WP.1 submitted by Russia providing details of its proposal to include overseas biological laboratories within reporting under the system of Confidence-Building Measures (CBMs). France and other sponsors resubmitted the paper on an exchange platform with three additional sponsors [WP.4]. The Republic of Korea reported on Article IV and X implementation [WP.8]. The need for comprehensive legislation that was robust and appropriately enforced was highlighted. References were made to needs for ongoing assistance to enhance national implementation. The record number of Confidence-Building Measures (CBMs) returns was widely welcomed. The milestone of having half of states parties submit CBMs this year was highlighted as a success but also as a mark of work to be done to encourage the other half of the states parties to follow suit. Potential actions to enhance the quantity and quality of CBM returns, as well as to try to understand why some states parties did not submit at all, were suggested but mostly in

general terms. Proponents of voluntary measures, such as peer review, emphasised that these were not a replacement for negotiated multilateral compliance measures while others opposing such measures suggested that the only way to achieve confidence in compliance was through a legally binding verification arrangement.

#### **MX4 – assistance and response**

MX4 was on the topic of ‘Assistance, Response and Preparedness’ and was a two-day MX chaired by Elena Kuzmanovska Biondic (North Macedonia) who introduced, via video message, the report of the meeting including the annex she had prepared.

This topic is based on BWC Article VII which deals with the provision of ‘assistance’ by states parties if a state party is ‘exposed to danger’ because of a breach of the Convention. Many participants in the discussion noted that Article VII had never been invoked and there were reminders that humans, animals and plants are vulnerable to biological attack. Pandemic experiences, especially related to lessons learned that existing arrangements were not always agile enough to respond to a novel disease, were highlighted. France and India updated their proposal for an Article VII assistance database in a new working paper for the MSP [WP.3]. The database proposal received widespread support alongside concerns that it should avoid duplication with the Article X database. Synergies between Article VII and Article X were noted. The question of how a state exposed to danger should call upon assistance remains – should a request be sent directly to the Security Council, to the BWC or bilaterally to other states parties? The work of South Africa during this inter-sessional programme on guidelines for requests was highlighted. Questions were raised whether the Security Council was the appropriate body to send a request for assistance to as its procedures are subject to political influence. While mobile laboratories were identified as useful tools to deal with disease outbreaks and other incidents, the financial and administrative implications of laboratories operated centrally within the BWC raised concerns. Some interventions suggested mobile laboratories could be included within offers on an Article VII database. An issue was raised over whether mobile laboratories for use in support of an investigation under Article VI could appropriately be included in the proposed Article VII database. The role of the Secretary-General’s Mechanism to investigate allegations of use of biological weapons remains the subject of divergent views.

#### **MX5 – institutional strengthening**

MX5 was a one-day meeting on the topic of ‘Institutional Strengthening of the Convention’ and was chaired by Grisselle del Carmen Rodrigues Ramirez (Panama) who introduced the report of the meeting including the annex she had prepared.

During discussion, there were no suggestions that the current institutional arrangements were satisfactory. There is therefore clear agreement of the need for institutional strengthening but significant divergence of views on how this should be done. Many calls were made for a reopening of negotiations on a legally binding instrument to strengthen the Convention. Suggestions were made for expanding the work of the Implementation Support Unit (ISU). A number of interventions highlighted that institutional strengthening required a sustainable financial situation within the BWC. Russia resubmitted its earlier paper on an Article VI mechanism [WP.2]. Panama updated and expanded its MX paper on gender equality and women’s empowerment [WP.6]. Many interventions welcomed the work of UNIDIR in analysing and highlighting gender issues. The question of decision making in inter-sessional meetings was discussed with many expressions of support but others raising objections. The proposal by the President of Kazakhstan for the establishment of a new international agency was referred to as being worthy of further consideration.

*This is the fourth report from the 2020 BWC MSP being held from 22 to 25 November 2021 in Geneva. 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](mailto:richard@cbw-events.org.uk)>.*