

Tuesday 14th August 2018

A day of national implementation in MX3, a look toward to MX4

The third in the series of 2018 Meetings of Experts (MXs) under the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) took place on Monday on the topic of ‘Strengthening National Implementation’. It was the first one-day meeting of this series. The Chair of MX3, Ambassador Julio Herráiz España (Spain), opened the day’s proceedings noting that, with five substantive sub-topics on the agenda, the clock was ticking. Indeed, MX3 took all the available time for discussion and continued beyond the closure of interpretation, having started promptly for both morning and afternoon sessions. The adoption of the report took longer than for either of the two previous meetings, with approval for the formal report being gavelled at 18.40. At almost exactly 18.00, a short time had been allowed for the action points from the NGO joint position paper relating to MX3 to be communicated to the meeting.

Owing to space constraints, reflections on MX3 will be reported later.

Measures related to Article IV – Spain introduced its working paper (WP.1/Rev.1, co-sponsored by Chile, Colombia and Panama) suggesting arrangements for safer transport of biological materials. The UK spoke to WP.4 on its new ‘Biological Security Strategy’ which relates to deliberate as well as natural disease. Morocco spoke to WP.5 which outlined the work of a conference in Rabat in May which reviewed that country’s BWC national implementation and made some recommendations. France gave a technical presentation on the review of its national implementation, highlighting some changes being made following the review. Other delegations taking the floor were Iran (which made some points from WP.7 which it presented later), USA, Germany, Venezuela/NAM, Australia, India, Brazil, Russia, Poland, Colombia, Italy, China, Iraq, United Arab Emirates and Mexico. At the end of the interactive discussion the 1540 experts and the EU gave statements. Germany gave some details of a prosecution against an individual alleged to be isolating ricin to use as a weapon. This highlighted that national implementation is more than legislation/regulations and needs enforcement to be meaningful.

Confidence Building Measures (CBMs) – This sub-topic started with an introduction from the Implementation Support Unit (ISU) on CBMs. The number of CBM returns peaked at 82 in 2016 and dropped back to 76 in 2017, although this is the second highest figure of all time. A large number of states parties have never submitted a CBM return. The ISU outlined the new electronic system <<https://bwc-ecbm.unog.ch/>> for CBMs which has been developed using a voluntary financial contribution from Germany. The USA introduced its WP.3 proposals to improve the CBM system, including a recommendation to convene an informal working group on the subject. Japan spoke to its proposal in WP.6 (co-sponsored by Australia, Germany, Malaysia, Republic of Korea and Switzerland) for allowing states parties to submit a CBM in stages in a ‘step-by-step approach’ which had been developed further since it had originally been put forward in 2013. Russia spoke to its earlier paper (WP.9, Eighth Review Conference [8RC]) that had proposed a new form to submit information in cases where one country operated a ‘military biomedical activity’ in another.

UK, Germany, Switzerland, China, Iran, Brazil, Venezuela/NAM and Spain also intervened. After the interactive discussion the EU made a statement. Numerous delegations encouraged greater participation and noted there was a need to know why countries do not submit CBMs as this would allow assistance to overcome obstacles.

Promoting transparency and confidence building – Georgia spoke to WP.2 (co-sponsored by Germany). Germany, Colombia, Russia, Switzerland, Netherlands, France, USA, Venezuela/NAM, Spain, Brazil and Iran also took the floor. At the end of the interactive discussion the EU made a statement. The transparency activity highlighted most commonly was peer review. Peer review activities are informal arrangements by which states parties allow others to examine their national implementation. Proponents of peer review argue that it identifies where improvements can be made and provides confidence in processes and procedures for national compliance, while opponents argue that it distracts from, and cannot substitute for, efforts towards multilateral verification.

Role of international cooperation and assistance in support of implementation – Iran spoke to WP.7; while it has Article IV in the title, much of it is about the balance between articles of the BWC, especially Article X. Japan, Nepal, Malaysia, Venezuela/NAM, Germany, Colombia, UAE, USA, Kenya and Sweden also took the floor. Examples of assistance offers included support from Japan for a forthcoming Asia-Pacific workshop for national points of contact. Examples of how assistance has helped included Kenya outlining the development of its new legal framework to manage biological activities. Sweden spoke as co-chair of the Global Partnership Biosecurity Sub-Working Group

Article III / export controls – While no new working papers were submitted for this sub-topic, China gave a presentation in relation to an earlier proposal for a multilateral export control system (WP.31, 8RC, co-sponsored by Pakistan) developing the proposal further, suggesting a working group on the subject. Venezuela/NAM, Brazil, Iran, USA, UK, India and Australia also took the floor. The USA and India both highlighted points from their earlier working paper (WP.1, 8RC) with the USA suggesting that there were key essential elements to effective export control systems, as listed in the paper.

Preparations for MX4 – MX4 will be a two-day meeting on Tuesday and Wednesday, for which the overarching topic is ‘Assistance, Response and Preparedness’. Response to use of biological weapons relates mostly to BWC Article VII but has some issues that go wider than this. Article VII deals with the provision of ‘assistance’ by states parties if a state party is ‘exposed to danger’ because of a breach of the Convention. As no government is likely to have ready all of the resources required to respond to a severe biological attack, the concept of receiving assistance applies to all. The means by which any alleged use of biological weapons might be investigated has been the subject of some controversy. At the time of writing, ten MX4 working papers were available as official documents. There is also an ISU background information document.

Side events – There were three side events on Monday. A breakfast one, entitled ‘Overcoming BTWC implementation challenges’, was convened by the Centre for Biosecurity and Biopreparedness (CBB), Denmark and Kenya. Two were held at lunchtime, convened by the EU on ‘EU Legislative Assistance in BTWC implementation’ and by the USA on ‘Different Perspectives on Strengthening National Implementation’.

This is the sixth report from the series of five BWC Meetings of Experts which are being held from 7 to 16 August 2018 in Geneva. Reports are posted to <<http://www.cbw-events.org.uk/bwc-rep.html>> and <<http://www.bwpp.org/reports.html>>. An email subscription link is available on each page.

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