

Monday 6th September 2021

MX3 on national implementation: a summary of the proceedings

The third of the 2020 Meetings of Experts (MXs) to the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) was held in Geneva on Friday with Arman Baissuanov (Kazakhstan) as Chair. It is the first of the one-day MXs and is on the topic of ‘Strengthening National Implementation’. Report 3 of this series provides some background to this MX. MX3 materials, including documents, presentations and statements are posted by the BWC Implementation Support Unit (ISU) to <<https://meetings.unoda.org/section/bwc-mx-2020-mx3/>>.

As with the earlier MXs, many delegates viewed the meeting remotely through the public UN WebTV <<https://media.un.org/en/webtv/>>, either live or via the recordings. Some interventions were made remotely, either through a video link or by being pre-recorded. In addition to the pandemic restrictions (both on travel and attendance) reducing numbers in the room, the MXs this week have been in competition with meetings of the Arms Trade Treaty and the Conference on Disarmament that were held in Geneva at the same time. This effect was amplified as the week progressed as both of the other gatherings were finalizing their reports on Friday. Parallel meetings are especially challenging for smaller delegations.

During the afternoon a short collective statement by some non-governmental organizations was given on MX3 issues. As part of efforts to promote language diversity, this was presented in Russian.

On opening the meeting, the Chair noted that as MX3 was for only a single day there was a need to keep to time. He noted that in 2019 the available time had not allowed for three agenda items to be reached.

Of the 6 available working hours during Friday, a little under 5 were used for the substantive discussions with under half an hour used for opening formalities and adoption of the report.

Thematic discussion

As the formal reports of each MX lists the speakers under each agenda item, these will not be listed here. The themes chosen for reporting here are based on the agenda items of the meeting, but may include points relevant to a theme raised under another agenda item.

Article IV measures – This session started with an update from the ISU on national contact points which the Sixth Review Conference (2006) had decided that each state party should designate. The latest tally is that 134 states parties had designated contact points and informed the ISU. The ISU noted that some information has not been updated by states parties as contact details changed. The breakdown of host ministries for national contact points was given as foreign affairs 59%, defence 14%, education / science / technology 11%, and health 7%. Iraq presented WP.3 on the National Biorisk Management Committee established in that country in 2012, led by the Ministry of Health and including representatives from across government. Cuba spoke to WP.5, noting that it had established a National Biosecurity Commission in 1984, before the widespread use of biotechnology. Technical presentations were given by France, VERTIC (as a Guest of the Meeting) and the Organization of American States (OAS). France introduced the

workings of its regulations to control micro-organisms and toxins which it abbreviated to MOTs. VERTIC described its project on National Implementation Measures and the support it has given BWC states parties to enhance their national implementation. The OAS described its work on strengthening biosafety and biosecurity in Latin American states in line with resolution 1540 through the Inter-American Committee against Terrorism. Other statements and discussion that followed included information on national efforts to enhance implementation. For example, Sudan noted that it had completed the VERTIC survey on its legislative measures, had identified gaps and was now looking forward to a workshop to prepare a new law to implement the BWC. Pakistan outlined its legal structure for BWC implementation and the internal advice arrangements through an inter-agency working group that includes members from the public and private sectors. India noted an update to its handbook for institutional biosafety committees in 2020. Interpol observed that lack of appropriate legislation can hinder law enforcement activities.

Confidence-Building Measures (CBMs) – The ISU noted that there had been a record submission of 86 CBM returns in 2021 with the possibility that more might be submitted by the end of the year. Nevertheless, this represents less than half of the number of BWC states parties. Maldives had submitted a CBM return for the first time in 2020 with Afghanistan, Guatemala and Mozambique submitting for the first time during 2021. Cuba suggested there should be no change to the forms as any additional information requirements could be burdensome. The UK flagged the potential reporting gap previously identified [WP.4, MX3 2019] on overseas vaccine production facilities which might be diminished if close attention is paid. Russia proposed to change the forms to include research labs with a military presence in foreign territories. The USA responded that the requirements do not define where any laboratory or research facility is located in order to be reported so long as it meets the required characteristics.

Ways to promote transparency – France introduced WP.4 (co-sponsored by Belgium, Canada, Czech Republic, Georgia, Germany, Luxembourg, Netherlands and Spain) on a platform to exchange information on voluntary transparency measures, noting that 15 states parties had hosted at least one voluntary transparency activity and 35 states parties had been involved in total. A few states parties that had previously expressed opposition to national voluntary transparency measures disagreed with this proposal. One argument presented was that voluntary measures would undermine potential future multilateral verification, although precisely how was not elaborated. A counter argument to this put forward was that voluntary measures were a way to test ideas that might help develop future multilateral activities.

International cooperation and assistance to strengthen implementation – Japan introduced WP.1 which outlines its online training for BWC national contact points in Southeast Asia that it held in association with the ISU and suggested this method of working could be used in other regions. The USA spoke to WP.2 which proposes the creation of a database by that country of national implementation measures by BWC states parties which could be used to identify where assistance might be most beneficial in enhancing national implementation.

Article III issues, including in relation to Article X – Article III obliges states parties to ensure that direct and indirect transfers relevant to the Convention, to any recipient whatsoever, are authorized only when the intended use is for purposes not prohibited under the Convention while Article X obliges states parties to allow access for peaceful purposes and so transfers should not be inhibited for peaceful purposes. India and the USA noted their joint working paper [WP.1 of Eighth Review Conference in 2016 and updated as WP.1 of the 2018 Meeting of States Parties] that proposes language to promote implementation of Article III in a balanced manner with Article X.

This is the eighth in a series of reports for the Meetings of Experts for the BWC which are scheduled to be held from 30 August to 8 September 2021 in Geneva. These reports have been produced for all BWC meetings since the Sixth Review Conference in 2006 by the BioWeapons Prevention Project (BWPP). They are posted to <<http://www.bwpp.org/reports.html>> and <<http://www.cbw-events.org.uk/bwc-rep.html>>. An email subscription link is available on each page. The reports are prepared by Richard Guthrie, CBW Events, who is solely responsible for their content. He can be contacted via <richard@cbw-events.org.uk>.