

Tuesday 6th August 2019

MX3 has more substance than time, and a look to MX4 assistance and response

The third of the Meetings of Experts (MXs), on the topic of ‘Strengthening National Implementation’, was convened on Monday in Room XX for a single day. It was opened with Lebogang Phihlela (South Africa) in the Chair after she had stepped in at short notice to replace the Chair-designate who was unavailable.

MX3 had two sessions of substantial and detailed discussions but this did not prove to be enough time to include all the matters of substance – a set of circumstances that led many states parties to make expressions of regret.

During the afternoon, MX3 heard from Anastasia Trataris-Rebisz, National Institute for Communicable Diseases, South Africa [as a Guest of the Meeting] on the pilot workshop of the Africa CDC Initiative to Strengthen Biosecurity and Biosafety. A short collective statement by some NGOs on MX3-related issues was read out. The statement, including the list of those who signed up to it, is on the BWC website.

Measures related to Article IV – The Implementation Support Unit (ISU) informed the MX it had updated data to its 2018 background paper [update available as document INF.2] and urged delegates to ensure the ‘point of contact’ details for their countries were up to date. The US introduced WP.1 on its National Biodefense Strategy and suggested that other countries with published policies or strategies share them through the BWC. Iran highlighted aspects of WP.3 that fell within this agenda item, but focused mainly on the balances between articles of the Convention. Technical presentations were given by Belgium on responses to an outbreak of African Swine Fever in wild boars in that country; by Mexico on its BWC implementation, including the role of the CANDESTI committee structure; and by the Organization for the Prohibition of Chemical Weapons (OPCW) on national implementation within the Chemical Weapons Convention. A statement on behalf of the 1540 Committee Group of Experts noted that the BWC and 1540 resolution were complementary and mutually reinforcing measures. These were followed by an active question and answer session and then by national statements; many of which provided updates to national implementation measures, with reference made to the utility of governments learning from each other’s experiences. National implementation aspects covered included biosafety, biosecurity, outbreak control and outreach activities.

Quality and quantity of Confidence-Building Measures (CBMs) submissions – The ISU indicated the nine states parties had now made submissions via the new electronic platform funded by Germany and the EU. A total of 75 submissions have been received so far in 2019, slightly down on recent years. Japan introduced WP.2 [co-sponsored by Australia, Germany, Malaysia and Republic of Korea], highlighting the benefits that derive from CBM participation, such as providing information on opportunities for cooperation and assistance. The UK spoke to WP.4 [co-sponsored by Sweden and Switzerland] which focused on challenges in national reporting of vaccine production facilities when there is increased cross-border outsourcing. In discussion, the limited number of submissions was highlighted [there are currently 182 states parties]. It was noted that Honduras had submitted for the first time in 2019.

End of interpretation and adoption of the report – The unprecedented number of interventions by delegations in discussion of the first two substantive agenda items meant it was not possible to complete the further three substantive items in the time during which interpretation was available. This is rare in international meetings as many sessions finish early when they run out of substance to discuss. In many ways this can be seen as a problem of success that the MXs are attracting more interest and interventions.

The difficulties of continuing substantive discussions without interpretation were clear. A number of delegations emphasised the significance of multilingualism within multilateral diplomacy. Others indicated that the items not reached were important to them and so they wished some consideration of the subject matter. The options available to MX3 were to discuss substantive items with the limitations and disadvantages of no interpretation; or to move straight to the adoption of the report in English as had been done on Friday for MX2. In either case this involved a move to Room XXVI. The latter path was chosen, but substantial time was taken in agreeing text for the procedural report to reflect that the agenda could not be completed. A compromise was reached that delegations were invited by the Chair to submit statements they would have made under the uncompleted agenda items so they could be reflected in an appropriate manner in the Chair's paper [often referred to as the 'Chair's summary'] that is appended to the report. Wording was inserted into the report to make clear that these circumstances should not be seen as setting a precedent. The report was finally adopted at 21.30.

Reflections and lessons for the next MX3 – The MX3 agenda contained a considerable amount of work for one day. It had been agreed upon at the 2017 Meeting of States Parties as part of a package that included the agendas and durations of all of the MXs. The practice within BWC inter-sessional meetings is for the Chair not to curtail speakers and to allow all those who wish to take the floor to do so. The Chair made a number of references during the day to the need to keep interventions short and to the point, but many went on for longer than the suggested times. Delegates had access to the draft programme of work and so were aware that the available time was challenging; yet some expressed surprise that there was no more time for discussion except without interpretation. Lebogang Phihlela proved to be a capable Chair in challenging circumstances. It is not clear to this observer of proceedings that there was any action that could have been taken to get through the uncompleted agenda items taking into account the number of presentations, statements and interactive interventions that states parties wanted to make. Clearly there will be a need to take steps in 2020 to try to reduce the workload in MX3. One possibility might be to identify where presentations and statements could be fitted into other MXs – for example, those dealing with outbreaks of disease might have been considered under MX4.

A look forward to MX4 – MX4 will be a two-day meeting on the topic of 'Assistance, Response and Preparedness'. This correlates closely to BWC Article VII but has some wider issues. A key aspect of Article VII is that it deals with the provision of 'assistance' by states parties if a state party is 'exposed to danger' because of a breach of the BWC. This means any use of biological weapons by a state not party to the BWC, or by a non-state entity, would legally not fall within the Article, although many would argue there was a strong moral case for considering it so in practical terms. As no government is likely to have ready all resources required to respond to a severe biological attack, the concept of receiving assistance applies to all. Arrangements by which any alleged use of biological weapons might be investigated have been the subject of some controversy.

Side Events – Two lunchtime side events were held on Monday: convened by Canada, the Netherlands, Malaysia and Uganda on 'Practical Tools to Enhance National Biosecurity'; and by France on 'Platform on voluntary transparency measures'.

This is the sixth report from the series of five Meetings of Experts for the BWC which are being held from 29 July to 8 August 2019 in Geneva. These reports are produced 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 <richard@cbw-events.org.uk>.