

Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

8 November 2018

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2018 Meeting

Geneva, 4-7 December 2018

Meeting of Experts on Institutional Strengthening of the Convention

Geneva, 16 August 2018

Item 5 of the agenda

Adoption of the factual report reflecting the deliberations of the meeting, including possible outcomes

Report of the 2018 Meeting of Experts on institutional strengthening of the Convention

I. Introduction

1. At the Eighth Review Conference of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BWC/CONF.VIII/4), States Parties decided to hold annual meetings and that the first such meeting, in December 2017, would seek to make progress on issues of substance and process for the period before the next Review Conference, with a view to reaching consensus on an intersessional process.

2. At the Meeting of States Parties in December 2017, States Parties reached consensus on the following:

“(a) Reaffirming previous intersessional programmes from 2003-2015 and retaining the previous structures: annual Meetings of States Parties preceded by annual Meetings of Experts.

(b) The purpose of the intersessional programme is to discuss, and promote common understanding and effective action on those issues identified for inclusion in the intersessional programme.

(c) Recognising the need to balance an ambition to improve the intersessional programme within the constraints – both financial and human resources – facing States Parties, twelve days are allocated to the intersessional programme each year from 2018- 2020. The work in the intersessional period will be guided by the aim of strengthening the implementation of all articles of the Convention in order to better respond to current challenges. The Meetings of Experts for eight days will be held back to back and at least three months before the annual Meetings of States Parties of four days each. Maximum use would be made of the Sponsorship Programme funded by voluntary contributions in order to facilitate participation of developing States Parties in the meetings of the intersessional programme.

(d) The meetings of the MSP will be chaired by a representative of the EEG in 2018, a representative of the Western Group in 2019 and a representative of the Group of Non-Aligned Movement and Other States in 2020. The annual Chair will be supported by two annual vice-chairs, one from each of the other two regional

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groups. In addition to the reports of the Meetings of Experts, the Meetings of States Parties will consider the annual reports of the ISU and progress on universality. The Meetings of Experts will be chaired in 2018 by [the Group of the Non-Aligned Movement and Other States Parties to the BWC] (MX 1 and MX 2) and the Western Group (MX 3 and MX4), in 2019 by EEG (MX1 and MX 2) and NAM (MX 3 and MX 4), and in 2020 by Western Group (MX 1 and MX 2) and by EEG (MX 3 and MX 4); MX 5 will be chaired by the regional group chairing the MSP.

	<i>MSP</i>	<i>MX 1</i>	<i>MX 2</i>	<i>MX 3</i>	<i>MX 4</i>	<i>MX 5</i>
2018	EEG	NAM	NAM	WG	WG	EEG
2019	WG	EEG	EEG	NAM	NAM	WG
2020	NAM	WG	WG	EEG	EEG	NAM

All meetings will be subject *mutatis mutandis* to the rules of procedure of the Eighth Review Conference.

(e) The Meetings of Experts would be open-ended and will consider the following topics:

[...]

MX.5 (1 day): Institutional strengthening of the Convention:

Consideration of the full range of approaches and options to further strengthen the Convention and its functioning through possible additional legal measures or other measures in the framework of the Convention.

[...]

(f) Each Meeting of Experts will prepare for the consideration of the annual Meeting of States Parties a factual report reflecting its deliberations, including possible outcomes. All meetings, both of Experts and of States Parties will reach any conclusions or results by consensus. The Meeting of States Parties will be responsible for managing the intersessional programme, including taking necessary measures with respect to budgetary and financial matters by consensus with a view to ensuring the proper implementation of the intersessional programme. The Ninth Review Conference will consider the work and outcomes it receives from the Meetings of States Parties and the Meetings of Experts and decide by consensus on any inputs from the intersessional programme and on any further action.”

3. By resolution 72/71, adopted without a vote on 4 December 2017, the General Assembly, *inter alia*, requested the Secretary-General to continue to render the necessary assistance to the depositary Governments of the Convention and to continue to provide such services as may be required for the implementation of the decisions and recommendations of the review conferences.

II. Organization of the Meeting of Experts

4. In accordance with the decisions of the Eighth Review Conference and the 2017 Meeting of States Parties, the 2018 Meeting of Experts on Institutional Strengthening of the Convention was convened at the Palais des Nations in Geneva on 16 August 2018, chaired by Mr. Otakar Gorgol of Czechia.

5. On 16 August 2018, the Meeting of Experts adopted its agenda (BWC/MSP/2018/MX.5/1) as proposed by the Chair. The Chair also drew the attention of delegations to a background paper prepared by the Implementation Support Unit (BWC/MSP/2018/MX.5/2).

6. At the same meeting, following a suggestion by the Chair, the Meeting of Experts adopted as its rules of procedure, *mutatis mutandis*, the rules of procedure of the Eighth Review Conference, as contained in document BWC/CONF.VIII/2).

7. Mr. Daniel Feakes, Chief, Implementation Support Unit, Office for Disarmament Affairs, Geneva, served as Secretary of the Meeting of Experts. Mr. Hermann Lampalzer, Political Affairs Officer, Implementation Support Unit, served as Deputy Secretary and Ms. Ngoc Phuong van der Blij, Political Affairs Officer, also served in the secretariat.

III. Participation at the Meeting of Experts

8. 100 States Parties to the Convention participated in the Meeting of Experts as follows: Algeria, Angola, Argentina, Australia, Austria, Bahrain, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechia, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mexico, Montenegro, Morocco, Myanmar, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of), Yemen, and Zimbabwe.

9. In addition, two States that had signed the Convention but had not yet ratified it participated in the Meeting of Experts without taking part in the making of decisions, as provided for in rule 44, paragraph 1 of the rules of procedure: Haiti and the United Republic of Tanzania.

10. One State, Israel, neither a party nor a signatory to the Convention, participated in the Meeting of Experts as an observer, in accordance with rule 44, paragraph 2.

11. The United Nations, including the United Nations Institute for Disarmament Research (UNIDIR), the United Nations Interregional Crime and Justice Research Institute (UNICRI), and the United Nations Office for Disarmament Affairs (UNODA), attended the Meeting of Experts in accordance with rule 44, paragraph 3.

12. The European Union, the International Committee of the Red Cross (ICRC), the Organisation for the Prohibition of Chemical Weapons (OPCW), the World Health Organization (WHO) and the World Organisation for Animal Health (OIE) were granted observer status to participate in the Meeting of Experts in accordance with rule 44, paragraph 4.

13. Twenty-six non-governmental organizations and research institutes attended the Meeting of Experts under rule 44, paragraph 5.

14. A list of all participants in the Meeting of Experts is contained in document BWC/MSP/2018/MX.5/INF.1.

IV. Work of the Meeting of Experts

15. In accordance with the provisional agenda (BWC/MSP/2018/MX.5/1), the Meeting of Experts had substantive discussions on the issues allocated by the 2017 Meeting of States Parties.

16. Under agenda item 4 ("Consideration of the full range of approaches and options to further strengthen the Convention and its functioning through possible additional legal measures or other measures in the framework of the Convention"), Japan, Cuba and the United States of America introduced working papers BWC/MSP/2018/MX.5/WP.1,

BWC/MSP/2018/MX.5/WP.2 and BWC/MSP/2018/MX.5/WP.3 respectively. There then followed an interactive discussion in which the following States Parties participated: Australia, Belgium, Brazil, China, Cuba, Germany, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Japan, Jordan, Mexico, Niger, Nigeria, Pakistan, Russian Federation, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of), and Venezuela (Bolivarian Republic of) on behalf of the Group of the Non-Aligned Movement and Other States Parties to the BWC. The European Union also made a statement. Various views were expressed during the consideration of this agenda item.

17. In the course of its work, the Meeting of Experts was able to draw on a number of working papers submitted by States Parties, as well as on statements and presentations made by States Parties, which were circulated in the Meeting.

18. The Chair, under his own responsibility and initiative, has prepared a paper listing considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions on the agenda items under discussion at the Meeting. The Meeting of Experts noted that this paper had not been agreed and had no status. It was the Chair's view that the paper could assist delegations in their preparations for the Meeting of States Parties in December 2018 and those in the remaining years of the intersessional programme and in succeeding Meetings of Experts on Institutional Strengthening of the Convention in the intersessional programme in 2019 and 2020 and also in their consideration of how best to "discuss, and promote common understanding and effective action on" the topics in accordance with the consensus reached at the 2017 Meeting of States Parties. The paper prepared by the Chair, in consultation with States Parties, is attached as annex I to this report.

V. Documentation

19. A list of official documents of the Meeting of Experts, including the working papers submitted by States Parties, is contained in annex II to this report. All documents on this list are available on the BWC website at <http://www.unog.ch/bwc> and through the United Nations Official Document System (ODS), at <http://documents.un.org>.

VI. Conclusion of the Meeting of Experts

20. At its closing meeting on 16 August 2018, the Meeting of Experts adopted its report by consensus, as contained in document BWC/MSP/2018/MX.5/CRP.1 as orally amended, to be issued as document BWC/MSP/2018/MX.5/3.

Annex I

Summary report

Submitted by the Chair

1. The Chairman, under his own responsibility and initiative, has prepared this paper which lists considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions on the agenda items under discussion at the Meeting. The Meeting of Experts noted that this paper had not been agreed and had no status. It was the Chair's view that the paper could assist delegations in their preparations for the Meeting of States Parties in December 2018 and those in the remaining years of the intersessional programme and also in succeeding Meetings of Experts on Institutional Strengthening of the Convention in the intersessional programme in 2019 and 2020.
2. The Chairman would like to express his gratitude to delegations for their active participation in the Meeting, particularly for the various working papers that were submitted and which, together with oral statements and the constructive debate, have served as the basis for this summary report. The report of the Meeting details which delegations spoke and which delegations introduced working papers, so such information will not be repeated in this summary report.
3. The following paragraphs summarize and synthesize substantive discussions under agenda item 4.

Consideration of the full range of approaches and options to further strengthen the Convention and its functioning through possible additional legal measures or other measures in the framework of the Convention

4. Under this agenda item, many States Parties expressed strong support for strengthening the BWC and in making progress in the framework of the Meeting of Experts. They welcomed the fact that the 2017 Meeting of States Parties was able to reach consensus on the intersessional programme from 2018 to 2020, including this Meeting of Experts on Institutional Strengthening of the Convention. The view was expressed that the BWC is the only fora in which the threats posed by biological weapons can be addressed in a holistic manner. States Parties also noted that the effectiveness of the BWC is linked to its universalization, and therefore encouraged further efforts in this regard.
5. States Parties made reference to a number of challenges facing the Convention, for example rapidly evolving developments in science and technology, proliferation, pandemics, together with the threat of use of biological agents or toxins for terrorist purposes, which underline the urgency of strengthening the Convention. There were concerns about the potential for misuse of advances in science and technology and about the implications that such advances may have for the Convention, including that they could increase the difficulty of verifying compliance with the Convention. States Parties also pointed to the increased threats posed by the acquisition and use of biological weapons by non-state actors and also by the changing nature of contemporary conflicts in which biological weapons may be seen as being of increased utility. States Parties expressed the view that such developments in science and technology and the nature of armed conflict should be kept under review.
6. A range of views were expressed on the issue of additional legal measures in the framework of the Convention. A number of States Parties referred to the objective of strengthening the BWC through the negotiation of a comprehensive and balanced legally-binding instrument, including verification, seeing this as the only way to ensure the long-term sustainability of the BWC. Many States Parties raised the mandate and output of the Ad-Hoc Group which had worked to negotiate a protocol to the Convention. Some States Parties also noted the need for a non-proliferation export control and international cooperation regime under the framework of the BWC, as well as internationally-agreed

procedures for the exchange of biological equipment, materials and information for peaceful purposes. Others, some of whom supported a legally-binding instrument as an ultimate objective, noted that its negotiation could be politically and technically challenging. They referred to immediate challenges which need to be addressed, and which cannot wait for the negotiation of a legally-binding instrument. They therefore also noted that incremental steps could be agreed in the meantime, not as a substitute for a legally-binding instrument, but as ways in which to ensure that current challenges are addressed.

7. A range of views were also expressed on the issue of verification. Several States Parties expressed the view that verification is a key element of many international agreements and that it can help to reassure all States Parties that the provisions of the BWC are being realized. It was pointed out that verification is possible in other fields, for example in relation to chemical weapons, so it should also be possible in relation to biological weapons. Many States Parties noted that an internationally agreed verification mechanism would be the only way to effectively monitor compliance with the BWC. It was however also noted that verification in the biological field would be very challenging and could not be compared directly to verification in other fields. Some States Parties referred to the conclusions reached by the VEREX group in the early 1990s, although some also pointed out that much had changed from a scientific and technical standpoint since then. It was also stated that verification should be undertaken within the framework of the Convention; it should not be done by other international organizations as it could lead to the “securitization” of their activities.

8. A number of States Parties emphasized the need to strengthen and further develop existing provisions of the Convention, and stated that such an approach should not necessarily be seen as an alternative to the eventual negotiation of a legally-binding instrument. Some States Parties raised concepts such as peer review and voluntary visits as possible approaches for improving the implementation of the Convention on a voluntary basis, while also noting that such ideas were not intended as substitutes for verification. Other States Parties noted that such voluntary approaches would not be as comprehensive as a negotiated legally-binding instrument. Existing provisions of the Convention that were raised during the discussions included Articles V, VI, VII and X and related agreements from previous Review Conferences. With respect to Article V, some States Parties called for further elaboration of the mechanisms for addressing compliance concerns, for example the formal consultative meeting. Some States Parties also raised the need to further improve the system of confidence-building measures (CBMs), particularly in terms of the number of reports submitted, although several States Parties noted that CBMs are a tool for promoting transparency, not for assessing or verifying compliance with the Convention. On Article VI, States Parties discussed the possible further elaboration of its provisions and the need for a mechanism within the framework of the Convention, although the existence of the investigative mechanism of the UN Secretary-General was also raised. With regard to Article VII, several States Parties referred to the need to enhance its operationalization, for example through a database and agreed procedures, and the need for capacity-building at the national level to assist developing countries in improving their preparedness was also raised. Finally, on Article X, States Parties referred to the need for improvements in the way in which assistance requests and offers are matched, for more assistance for developing countries and for States Parties to ensure that the exchange of biological equipment, materials and information is not hampered.

9. States Parties also referred positively to the establishment of the 2018-2020 intersessional programme and many States Parties expressed their satisfaction with the intense substantive discussions that had taken place during the Meetings of Experts. States Parties noted that these discussions set a good foundation for the 2018 Meeting of States Parties and for subsequent meetings in the intersessional programme until 2020. States Parties also noted the important work conducted by the Implementation Support Unit (ISU), with some stating that further reinforcing the ISU would be worthy of consideration, if additional tasks were assigned to it. However, a number of States Parties also referred to the financial situation of the Convention and the need to improve its stability and sustainability. They noted that the current intersessional programme could be endangered by non-payment of assessed contributions and also that the financial structures of the Convention need to be improved.

Annex II

List of documents

<i>Symbol.</i>	Title
BWC/MSP/2018/MX.5/1	Provisional agenda for the Meeting of Experts on Institutional strengthening of the Convention - Submitted by the Chair
BWC/MSP/2018/MX.5/2	Background information document submitted by the Implementation Support Unit
BWC/MSP/2018/MX.5/3	Report of the Meeting of Experts on institutional strengthening of the Convention
BWC/MSP/2018/MX.5/CRP.1 English only	Draft Report of the 2018 Meeting of Experts on institutional strengthening of the Convention - Submitted by the Chair
BWC/MSP/2018/MX.5/MISC.1 English/French/Spanish only	Provisional list of participants
BWC/MSP/2018/MX.5/INF.1 English/French/Spanish only	List of participants
BWC/MSP/2018/MX.5/WP.1 English only	Investigation framework to strengthen the Biological Weapons Convention - Submitted by Japan
BWC/MSP/2018/MX.5/WP.2 English only	Further strengthen the Convention and its functioning - Submitted by Cuba
BWC/MSP/2018/MX.5/WP.3 English only	Institutional Strengthening of the BWC - Submitted by the United States of America
BWC/MSP/2018/MX.5/WP.4 English only	Institutional Strengthening of the Convention - Submitted by the Bolivarian Republic of Venezuela on behalf of the Non-Aligned Movement and other States Parties to the Biological and Toxin Weapons Convention