

Thursday 30th November 2023

National implementation discussions and adoption of the WG2 report

The last two days (17 and 18 August, the ninth and tenth days) of the Second Session of the Working Group (WG) on the strengthening of the 1972 Biological and Toxin Weapons Convention (BWC/BTWC) were devoted to the subject of ‘Measures on national implementation of the Convention’ [topic (e) of those allocated to the WG] and to the adoption of the report of the Second Session.

The second day of these discussions coincided with activities to commemorate World Humanitarian Day which fell on the day after, Saturday 19 August. The Friday therefore started with a minute’s silence and at the end of the day some delegates participated in a memorial event in honour of UN workers who died on duty that was held outside of the room the WG was meeting in – Salle XIX – as that is the location of the memorial plaques in the Palais des Nations. A number of BWC WG participants had friends or colleagues who were commemorated in the memorial event.

The official webpage for the Second Session that hosts statements and documents can be found at <https://meetings.unoda.org/meeting/67451>. Official BWC documents are also available via <https://documents.un.org>.

Panel discussions and technical presentations

The proceedings on the national implementation topic started on Thursday with a panel discussion focused on the experiences of four states parties with presentations given by Melanie Reddiar (South Africa), Song Yajun (China), Peter Ahabwe Babigumira (Uganda) and Somsanouk Keobounsane (Lao PDR). Points raised during this panel included distinctions between creating a comprehensive policy framework, a legislative framework and a regulatory framework as all are needed for effective national implementation. The importance of addressing both traditional and non traditional security issues was highlighted. The need for coordinated action between government ministries, departments and agencies was emphasised, together with cooperation with regional partners. The need for capacity building efforts where particular skill sets were not immediately available was noted. There were many questions posed from delegations.

Thursday afternoon started with technical presentations from Jun Xing (World Health Organization) and Irina Albrecht (1540 committee panel of experts).

Substantive points

The Thursday morning panel session was followed by a briefing from the BWC Implementation Support Unit (ISU) on its work to support national implementation. A number of activities were highlighted, including publication of an implementation guide that was now available in all UN official languages, convening of regional workshops, and compilation of compliance reports based on submissions from states parties. Delegations were reminded of the value of national contact points (NCPs), that many states parties had not yet identified an NCP and that there were benefits of regular NCP workshops.

There was considerable discussion on national implementation issues with many points covering common ground. Perhaps the best way to summarize this is to paraphrase the reporting back to the plenary from the facilitators/Friends of the Chair

(FoCs). Grisselle Rodríguez (Panama), Athikarn Dilogwathana (Thailand), Reski Ilahi (Indonesia), Faith Bagamuhunda (Uganda) and Michelle Carr (Australia) are the appointed facilitators/FoC for this topic. On Friday afternoon, the facilitators/FoCs provided a verbal briefing on what they had taken from the formal discussions in the meeting room and from their informal consultations. The following paragraph draws heavily from the FoC briefing but adds in some points raised elsewhere in the discussions.

There is clearly significant common ground expressed by delegations that full and effective national implementation is critical to the success of the BWC. Nevertheless, national implementation can be challenging as biological agents and toxins exist in nature and can often be of a dual-use character. The BWC contains obligations for implementation under Article IV to prohibit and to prevent biological weapons. While creation of such a prohibition may be fairly straightforward, the prevention aspect is understood to be more complex and challenging to implement. Many interventions highlighted that national implementation requires a holistic multi-sectoral approach at the national level however this brings its own challenges. Adoption of national implementation legislation and the creation of a national coordinating authority are important parts of this but can only be partial solutions to effective national implementation. There had been a number of interventions by delegations identifying a need for regular review of national implementation measures and of this being a continuous process of improvement. There are clear links between national implementation and other topics on the WG agenda. The connection to international cooperation and assistance, particularly in capacity building, was highlighted. The institutional deficit within the BWC means there has been a lack of a central implementing agency analogous to the OPCW in the chemical field or the IAEA in the nuclear field which has meant that there is no central focal point within the BWC for international assistance and capacity building. While the ISU can fulfil some of this role it has very limited resources much of which is dependent on voluntary contributions. The connection between national implementation and compliance and verification issues was highlighted.

There were no concrete recommendations from the discussions on Thursday and Friday. The FoCs indicated that they would circulate an informal ‘food for thought’ at a future stage and that they would continue their facilitation role between the formal WG sessions.

Adoption of the report of the second session of the WG

The WG adopted a report that was entirely procedural and which made no comment on substantive issues. The aspect of the report that took the longest to conclude was how, or even whether, the ‘food for thought’ papers should be referred to as they had been circulated as ‘conference room papers’. A range of perspectives were put forward. One was that CRPs only have a life within the conference room. Others suggested that they needed to be preserved in order that they could be built upon. One question raised was that if these papers have no status, why was so much effort put into preparing them and presenting them in the plenary? In the end a paragraph was agreed for the report that reads: ‘Following a preliminary exchange of views and to facilitate further discussions, the respective Friends of the Chair circulated the informal papers listed in Annex I (BWC/WG/2/CRP.2 and BWC/WG/2/CRP.5). The preparation and submission of those papers is without prejudice to the positions of delegations on the issues under consideration in the Working Group and does not imply agreement on the scope or content of the papers.’ [Note: CRP.2 is the food for thought paper on a possible international cooperation and assistance/Article X mechanism and CRP.5 is the food for thought paper on a possible science and technology review mechanism.]

These reports have been produced for all BWC meetings with NGO registration since the Sixth Review Conference (2006). They are available from <https://www.bwpp.org/reports.html> and <https://www.cbw-events.org.uk/bwc-rep.html>. A subscription link is available on each page. Financial support for reporting from the WG Second Session has been gratefully received from Global Affairs Canada. The reports are written by Richard Guthrie, CBW Events, who is solely responsible for their contents <richard@cbw-events.org.uk>.