

Monday 4th August 2014

## The 2014 Meeting of Experts: setting the scene

The 2014 Meeting of Experts (MX) marks the crossing of the halfway point in the series of meetings in the third inter-sessional process for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC). The MX is the third of four in this inter-sessional process and will be followed by a Meeting of States Parties (MSP) to be held 1-5 December. These meetings are established by the five-yearly BWC Review Conferences, in this case by a decision adopted at the Seventh Review Conference in 2011. The inter-sessional meetings are intended to be practical and focused on promoting ideas and learning from experiences in order to develop common understandings and effective actions. The 2014 meetings will be chaired by Ambassador Urs Schmid of Switzerland, with two Vice-Chairs – Ambassador Mazlan Muhammad of Malaysia and Judit Körömi of Hungary, Special Representative of the Foreign Minister for Arms Control, Disarmament and Non-Proliferation.

### **Topics under discussion during the 2014 meetings**

The three on-going topics, also known as the standing agenda items, of the third inter-sessional process are ‘Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X’, ‘Review of developments in the field of science and technology related to the Convention’, and ‘Strengthening national implementation’. This year the meetings will also discuss ‘How to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties’, a new topic that will also be discussed in 2015.

BWC Article X relates to access to the life sciences for peaceful purposes. The renunciation of biological weapons and the control of the hostile uses of the life sciences have to be implemented so as not to hinder the use of the life sciences for peaceful purposes. Article X also provides ‘the right to participate in, the fullest possible exchange’ of materials and technologies ‘for the use of bacteriological (biological) agents and toxins for peaceful purposes’. Cooperation and assistance goes further than Article X and includes other aspects such as capacity building. There are many divergences of opinion relating to Article X issues.

Rapid advances in the life sciences mean that the BWC operates within a rapidly changing science and technology (S&T) context. This leads to changes in the nature of risks and threats the BWC may need to counter as well as providing new opportunities for peaceful uses. Understanding this changing context and taking note of new developments is seen by many as critical in ensuring efforts to control biological weapons are kept relevant and effective. This year there is a particular focus on ‘advances in the understanding of pathogenicity, virulence, toxicology, immunology and related issues’.

Improved national implementation of the BWC is seen as an important way of enhancing effectiveness of the overall regime to control biological weapons. Effective implementation in ways that are appropriate to national contexts has long been regarded as a significant challenge.

BWC 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. No government is likely to have at its disposal the resources to respond to a severe biological attack and so the concept of receiving assistance applies to all countries. The 2006 Review Conference Final Document included language for the first time addressing one of the perceived weaknesses of the text of the Convention — that a relevant danger must come from a State Party to the Convention — by introducing language in referring to dangers from ‘anyone other than States Parties’, which would include non-states parties as well as non-state entities. The same language was included in 2011.

### **Implementation Support Unit staffing changes**

The Implementation Support Unit (ISU) is the body established by each of the last two BWC Review Conferences to support States Parties by carrying out a variety of functions such as administrative support for BWC meetings, national implementation support, and the exchange of Confidence-Building Measures (CBMs).

In February 2014, Richard Lennane, the Head of the ISU, announced he would be leaving the ISU to pursue other opportunities; he is now working with the Geneva Nuclear Disarmament Initiative (also known as ‘Wildfire’). In a note from the ISU on 15 May BWC States Parties were informed that Gabriele Kraatz-Wadsack, Principal Political Affairs Officer at the UN Office for Disarmament Affairs, would temporarily assume the functions of the ISU Head. This note also carried the news that Piers Millett, Political Affairs Officer, would be resigning. The appointments process is underway for these two positions but neither post will be filled before the MX. It was not possible for Piers Millett to apply for the post of ISU Head while an ISU employee and he will be attending the MX as an advisor to the Chair.

### **Preparations for the MX**

Four background papers by the ISU and five Working Papers by States Parties had been issued as formal MX documents by the end of the week before the meeting. These, and a further three working papers, had been issued as ‘advance versions’ prior to being typeset as official documents. The advance release of papers allows for their contents to be considered before start of the MX. There is also a ‘non-paper’ from France. These papers can be found via the ISU website <<http://www.unog.ch/bwc>>; official documents can also be found via the UN documents server <<http://documents.un.org>>. Reference numbers for the official documents for this meeting all start BWC/MSP/2014/MX/, so the provisional agenda for the meeting is published as BWC/MSP/2014/MX/1 and the provisional programme of work as BWC/MSP/2014/MX/2. Additional papers are likely to be issued.

### **About these reports**

Starting from the Sixth Review Conference in 2006, the BioWeapons Prevention Project (BWPP) has produced daily reports from each of the BWC meetings. The reports were initially designed to help people who were not in Geneva to follow the proceedings but are now also widely circulated each morning amongst delegates. Six reports will be produced during this MX, starting with this setting the scene report. A report will be produced covering each day’s activities, the last of which will be circulated electronically after the MX has concluded. If you would like to be added to the mailing list please contact the author via the details given at the bottom of this page. The BWPP daily reports from the 2006 and 2011 Review Conferences, as well as those from the annual meetings in between and after, are available via the BWPP website at <<http://www.bwpp.org>>.

*This is the first report from the Meeting of Experts for the Biological and Toxin Weapons Convention which is being held from 4 to 8 August 2014 in Geneva.*

*The reports are prepared by Richard Guthrie on behalf of the BioWeapons Prevention Project (BWPP) who can be contacted during the Meeting of Experts relating to these reports on +41 76 507 1026 or <[richard@cbw-events.org.uk](mailto:richard@cbw-events.org.uk)>.*

Tuesday 5th August 2014

## The start of the Meeting of Experts: introductory statements and Article VII

The Meeting of Experts (MX) was opened on Monday morning by the Chair, Ambassador Urs Schmid (Switzerland). Making a short opening statement, he noted that the MX was on ‘familiar ground’ following the precedents of earlier meetings.

Procedural decisions, such as adoption of the agenda and the programme of work, were taken. Also decided was the admission of Israel and Mauritania as observer states; and of the European Union, the Food and Agricultural Organization, the International Committee of the Red Cross (ICRC), Interpol, the Organization for the Prohibition of Chemical Weapons (OPCW), the World Health Organization (WHO) and the World Organization for Animal Health (OIE) as international bodies. A number of specialized agencies of the United Nations are also in attendance.

The Chair noted that sponsorship from Australia, Germany and the USA, coordinated via the Implementation Support Unit (ISU), was supporting attendance at the meeting by Gabon and Laos (both States Parties), Haiti (a Signatory State) and Mauritania (a non-Signatory State). He noted there may also be other bilateral sponsorship arrangements.

### **Introductory statements**

Statements were made by Iran (on behalf of the non-aligned states), Pakistan, Indonesia, Brazil, Colombia, India, Kenya, Cuba, China, Russia, Malaysia, Algeria, France, USA and Mexico; followed by the European Union as an international organization. Where available, copies of statements will be posted on the ISU website <<http://www.unog.ch/bwc>>.

There were numerous calls for legally-binding measures to strengthen the Convention. Notably, Russia made a detailed statement on the subject and suggested that States Parties should ‘collectively reflect’ on how ‘appropriate conditions for resuming negotiations’ could be reached and noted that it had circulated a questionnaire on the subject to States Parties for which most of the 28 responses had been positive. The US noted it had not replied to this questionnaire as it saw this as a ‘return to past disagreements’ that would be ‘counterproductive’.

Iran, for the non-aligned, made reference to elements of the summit statement of the Non-Aligned Movement as reiterated by the NAM Ministerial Conference during May on the BWC and the outcome of the Seventh Review Conference. Pakistan raised concerns regarding commercial influences that may create towards carrying out controversial experiments, such as some dealing with H5N1 influenza. Pakistan also requested the ISU to prepare a background paper on the ‘complete procedure and mechanism’ that would come into play if Article VII were to be invoked. Brazil raised questions as to whether it was appropriate for the MX to discuss compulsory licensing of exports, as had been noted in the 2013 MX synthesis paper. Colombia noted that the preparation of its Confidence-Building Measures (CBMs) return had enhanced inter-agency cooperation and noted progress in

drafting new legal measures to strengthen national implementation of the Convention. India remarked that while there were useful complementary measures that the BWC benefited from through cooperation with other bodies such as the WHO, especially in relation to Article VII, this did not replace the lack of an institution within the BWC itself. Kenya highlighted progress in implementation of biosecurity measures within the country at both governmental and non-governmental levels. France provided an update to its work on a peer review mechanism.

### **NGO statements**

Non-governmental organizations addressed the meeting in an informal session, which bracketed the lunch break. Statements were given by: University of Bradford; University of London; International Network of Engineers and Scientists; Verification Research, Training and Information Centre; Pax Christi International; Scientists' Working Group on CBW; Biosecurity Working Group of the Inter-Academy Panel on International Issues; Landau Network Centro Volta and the Bradford Disarmament Research Centre; University of Bath; and University of Calgary iGEM team. These statements are to be posted on the ISU website.

### **BWC Article VII**

The afternoon session discussed the new biennial topic: 'How to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties'.

The ISU introduced two of their background papers: INF.2 on understandings reached at earlier BWC meetings on Article VII and INF.1 on international organizations with capacities relevant to provision of Article VII assistance. Representatives from OIE, WHO, OPCW, UN Office for Coordination of Humanitarian Affairs, ICRC, UN Office for Disarmament Affairs then gave presentations on their activities relevant to the discussion topic. This was followed by statements from: Germany, Iran (for the non-aligned), Haiti, South Africa, Australia, Canada, France, USA, UK, and India. The need for effective disease surveillance measures was highlighted, together with common elements of responses to naturally and deliberately occurring outbreaks of disease. References were made to the ongoing Ebola outbreak in West Africa and lessons learned from that situation. Distinctions were made between the provision of assistance to the victims of an attack on an humanitarian basis and assistance to the government of a country subject to an attack. Developments relating to the UN Secretary-General's investigation mechanism, including lessons learned from the investigation into use of chemical weapons in Syria were raised. The need for an inventory or survey of sources of possible assistance was emphasised. A number of national statements introduced Working Papers, some of which are yet to be circulated.

### **Side event and poster session**

A lunchtime event was held entitled 'Viral Gale', an interactive tabletop exercise relating to a smallpox outbreak scenario. The event was led by Bob Kadlec (East West Protection LLC) and JR Bhardwaj (former Director General Armed Forces Medical Service, India). It was sponsored by Bavarian Nordic, a manufacturer of smallpox vaccine.

At the end of the day, a poster session on subjects relevant to the topics under discussion at the MX was held with refreshments provided by members of the Global Partnership Biosecurity Working Group. Where available, electronic copies of the posters will be placed on the ISU website.

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Wednesday 6th August 2014

## The second day: cooperation and assistance

The Meeting of Experts (MX) continued on Tuesday with the day's formal proceedings discussing issues under the topic of 'Cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X'. Ambassador Urs Schmid (Switzerland) was in the Chair for most of the meeting, handing over for part of the afternoon to Vice-Chair Judit Körömi (Hungary).

### Overview

Of all the text within the BWC, Article X is probably the article upon which there is the greatest divergence of views. [Verification, the other great divider of views, does not appear in the treaty text.] Perceptions of Article X are closely related to how the BWC is seen overall. For those who see the BWC first and foremost as a disarmament and security treaty, the role of Article X is to ensure that the prohibitions to prevent the use of disease as a weapon do not unduly hinder peaceful activities. For those who see the BWC as having a broader remit see all the articles as carrying equal significance and therefore deserving of equal implementation effort. There are some who hold positions in between these two. Where on this continuum any particular delegate may sit depends on a number of political, geographic and economic influences.

### Statements

The morning session was arranged so that general remarks on the overall topic would be given first before moving on to the nominal sub-topics of: reports on implementation of Article X; challenges and obstacles; specific measures for the 'full and comprehensive implementation' of Article X; and targeting and mobilizing resources. Statements/interventions were made by: Iran (non-aligned), Ecuador, Georgia, Malaysia, Russia, Australia, Mexico, India, Ukraine, Cuba, Germany, China, Switzerland, USA, Netherlands, Pakistan, Iran (national), the ISU and Canada. The afternoon session started with presentations from 'Guests of the Meeting' and international bodies before moving on to the allocated sub-topics of: education and training; capacity-building; and coordination of cooperation. Statements/presentations were given by the Biotechnology Industry Organization and SIGA (a company); Interpol; and the Developing Countries Vaccine Manufacturing Network (DCVMN). During brief question and answer sessions after each of these, questions were asked by UK, India, Iran and Nigeria. Statements by Italy, Canada, India, UK and Iran (national) then followed.

### Themes

Numerous references were made to collaborative programmes that fell within the rubric of 'cooperation and assistance'. There was a clear sense that this is much more than just financial, with much assistance in the form of sharing knowledge or experience. A number of non-aligned states renewed calls made in earlier meetings for an Article X implementing

mechanism and reminded delegates of the NAM Working Papers on this subject presented to earlier meetings.

A key question behind many interventions was what were the circumstances in which transfer controls were legitimate activities. For example, Iran/NAM said ‘unjustified restrictions’ on trade inhibits Article X and are therefore not consistent with the Convention. On the question of where the balance lies between Article X and Article III obligations; at one end of the spectrum in discussion of this issue was a perspective that it is not correct to connect these two sets of obligations; at the other end was a perspective that effective national implementation of controls of relevant materials and technologies in an importing country gives confidence to an exporting country that exports will not be misused.

Some countries, for example, Australia and the USA, referred to their published reports on their Article X activities. Switzerland expressed regret that more States Parties were not producing Article X reports.

The database that matches offers of assistance with requests was seen as a useful, if underused, addition since 2011. The ISU reported that two States Parties had posted requests and five had posted offers. Iran/NAM said that the existence of the database should not be used as an excuse not to develop Article X implementation further. The UK said that the lack of database requests suggested the demands for Article X implementation were political rather than practical.

### **Particular points**

Ecuador noted that Article X was vital to strengthening capacities in enhancing biosecurity – one of many interventions to make connections between the agenda items under discussion at this MX. Australia noted that effective implementation of Article X provides incentives for countries to engage with the Convention and highlighted its funding for a manual being prepared by Interpol designed to assist with capacity building. Interpol later described a series of workshops it had held to strengthen capacities against criminal use of the life sciences. Cuba alleged that the US economic embargoes on it prevented trade in medicines and was thus a breach of Article X, an allegation denied by the USA which said such trade was not restricted. Germany highlighted the German Partnership Programme for Excellence in Biological and Health Security launched in 2013. DCVMN noted the cost barriers that vaccine producers have in getting their vaccines WHO approved. India noted the paradox that some vaccines were derived from medical samples supplied by developing countries, yet those countries were unable to afford the commercial costs of the resulting vaccines.

### **Side events**

There were three side events on Tuesday. A breakfast event on the Global Health Security Agenda <<http://www.globalhealth.gov>> was convened by the USA. The event was opened by Christopher Buck (USA) with presentations by Jyri Järviaho (Finland) and Ambassador Edi Yusup (Indonesia). The event was chaired by Matthew Lim (US Department of Health and Human Services). A lunchtime event was held on ‘International Cooperation in Ensuring Biosecurity: Utilising Mobile Units’ convened by Russia featuring the activities of the Federal Service for the Oversight of Consumer Protection, Rospotrebnadzor. Presentations were given by Yulia V Demina, Dmitriy V Efremenko and Valentin A Safronov (all Rospotrebnadzor) and Nikolai Ovsyanko (Belarus). The event was chaired by Vyacheslav Smolenskiy (Rospotrebnadzor). After the day’s formal proceedings, an event entitled ‘Strengthening the BWC through a legally binding instrument’ was convened by Russia. Discussion was led by Vladimir Ladanov (Russia).

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Thursday 7th August 2014

## The third day: developments in science and technology

The Meeting of Experts (MX) continued on Wednesday with the day's formal proceedings discussing issues under the topic of 'Review of developments in the field of science and technology related to the Convention', with a particular focus on 'advances in the understanding of pathogenicity, virulence, toxicology, immunology and related issues'.

Before the start of the day's scheduled proceedings, a briefing on the ongoing Ebola situation in West Africa was given by Pierre Formenty from the World Health Organization in the plenary meeting room.

Mauritania, a non-Signatory State attending a BWC meeting for the first time, addressed the MX and noted that as the current holder of the Presidency of the African Union it is particularly concerned about the Ebola situation. The Chair, Ambassador Urs Schmid (Switzerland), expressed the hope that Mauritania might become a party to the BWC soon.

### Statements

Following the completion of the WHO briefing on Ebola, statements/presentations were given by the ISU, Iran (for the non-aligned), Sweden, Germany, Russia, UK, Mauritania, Switzerland, Netherlands, USA, Australia, India, Pakistan and Iran (national). The sub-topics highlighted to guide discussion in this session were: S&T developments with potential for uses contrary to the BWC; S&T developments with potential benefits; and strengthening national biological risk management.

The afternoon session started with presentations from 'Guests of the Meeting' and international bodies then delegations. Statements/presentations were given by Kenneth Oye of MIT, the World Organization for Animal Health (OIE), the Organization for the Prohibition of Chemical Weapons (OPCW), Canada, USA, India, UK and Cuba. The nominal sub-topics for the afternoon were: codes of conduct; education and awareness-raising; S&T-related developments relevant to the activities of multilateral organizations.

### Themes

There was widespread recognition of significant potential benefits as well as significant potential risks from advances in S&T. Many statements highlighted advances such as synthetic biology, but there were a range of other advances also identified as relevant such as CRISPR techniques and gene drives. The ISU, UK and USA introduced their background/working papers on S&T developments.

A number of statements highlighted a need for a more systematic review of S&T issues. Pakistan said that the S&T review should be driven by the States Parties. References were made to possible enhancements to review processes such as creation of an open-ended working group or an advisory board constituted in some form. Switzerland made an explicit call for new arrangements. Iran/NAM suggested there might be some form of S&T review

mechanism. Others noted that S&T review shouldn't simply be at an international level as States Parties need to maintain awareness of developments in S&T in order to ensure national arrangements, such as biosecurity standards, are kept up to date. Iran/NAM noted that there was no internationally agreed definition of biosafety and biosecurity and suggested it should be for States Parties to define levels required taking into account the relevant local context. Others noted that biosecurity enhancement was relevant for all countries, with concerns raised about recent lapses in laboratory practices such as the recent discovery of uncatalogued variola virus [smallpox] samples.

National research regulation efforts were highlighted. The USA introduced their working paper on control of dual-use research of concern (DURC) conducted with federal government funding. India emphasised a need to focus on dual-use research that is of relevance to the Convention and that work would need to be done to make identification of such relevant research easier in order to assist practical policy implementation. Particular types of experiments were highlighted by others as of significant, such as those for 'gain of function' which potentially carried greater risks. The Netherlands spoke of the lessons learned from experience of H5N1 influenza research there and aimed to give a presentation at the Meeting of States Parties in December on the new arrangements being introduced.

Convergence in S&T developments between the biological and chemical fields and the particular threat of toxins – poisonous chemical substances produced by living things – were highlighted. The OPCW presented the recently published report from its Scientific Advisory Board entitled 'Convergence of Chemistry and Biology'.

Education and awareness and the formulation of codes of conduct continued to be considered significant.

### **Particular points**

Sweden highlighted issues raised regarding botulinum toxin which has a spectrum of uses from biological weapons to medical treatments to cosmetic procedures. Germany spoke about the Establishment of Quality Assurance for the Detection of Biological Toxins of Potential Bioterrorism Risk (EQuATox) programme. The OIE spoke of the ongoing process of reducing global stocks of the virus that causes Rinderpest now that the disease has been eliminated in the wild. Canada spoke about the International Genetically Engineered Machine (iGEM) competition.

### **Side events**

There were two side events on Wednesday. A breakfast event entitled 'Can We Learn from History? The Past and Future Implications of Scientific Developments for the BWC' was convened by a group of academics. Presentations were given by Brian Balmer (UCL), Malcolm Dando (University of Bradford), Sam Evans (University of California, Berkeley), Chandre Gould (Institute for Security Studies, South Africa), and Brian Rappert (University of Exeter). The event was chaired by Kathryn Nixdorff (University of Darmstadt).

At lunchtime, a side event on 'Developments in Science & Technology Relevant to the BWC'. Presentations were given by Frances Sharples (US National Academy of Sciences), John D Clements (Tulane University) and Alemka Markotic (Croatian Academy of Sciences and Art) on 'Science Needs for Microbial Forensics: Developing Initial International Research Priorities'; Nancy D Connell (New Jersey Medical School) on 'Understanding Pathogenicity'; and 'Synthetic Biology and Biosecurity: How Scared Should We Be?' by Claire Marris (King's College London). The event was moderated by Jo Husbands (Inter-Academy Panel).

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Friday 8th August 2014

## The fourth day: strengthening national implementation

The topic for discussion at the Meeting of Experts (MX) on Thursday was ‘Strengthening national implementation’.

At the opening of the day’s proceedings, the Chair, Ambassador Urs Schmid (Switzerland), outline the process for adoption of the report of the meeting. As in earlier years, the report would be in three parts: a procedural section, a list of documents submitted, and an annex containing the compilation of proposals and suggestions made during proceedings. The Chair circulated the first tranche of the annex containing proposals made on Monday and Tuesday allowing delegates to check their proposals have been reflected appropriately. A first draft of the procedural section was circulated in the afternoon.

### Statements

The nominal sub-topics for the morning were: measures for the full and comprehensive implementation of the Convention, especially Articles III and IV; ways and means to enhance national implementation, sharing best practices and experiences; and regional and sub-regional cooperation. Statements/presentations were given by Iran (for the non-aligned), Chile, Iraq, Japan, Mexico, Spain, USA, Canada, Malaysia, Thailand, Mongolia, Russia, France, Netherlands, Australia, Switzerland, Cuba, Pakistan, India and Iran.

The afternoon session started with presentations from ‘Guests of the Meeting’ and international bodies then delegations. Statements/presentations were given by: the coordinator of the group of experts that supports the committee established by UN Security Council resolution 1540, UN Office for Disarmament Affairs, Japan, Germany, Russia, USA, UK, China, Pakistan and Iran (national). The nominal sub-topics for the afternoon were: national, regional and international measures to improve laboratory biosafety and security of pathogens and toxins; and any potential further relevant measures.

Where available, copies of statements/presentations will be posted on the Implementation Support Unit (ISU) website <<http://www.unog.ch/bwc>>.

### Themes

There was a clear acceptance that there was an obligation for national implementation under Article IV. There was a divergence of views about Article III, especially whether it should be linked with Article X, along the lines of divergences expressed on Tuesday.

A number of Working Papers were referred to, such one on a tool for evaluating facilities with biological agents, (WP.6, Chile, Colombia, Mexico and Spain); one on export control systems, (WP.8, Australia, Canada, France, Germany, Japan, Netherlands, Spain and the USA); and on effective national implementation (WP.11, Australia, Japan, Malaysia, Republic of Korea and Thailand). The US also spoke to its response to the ‘We need to talk about compliance’ paper from 2012 (WP.10).

A number of delegations gave updates on national implementation status. Chile highlighted its efforts to promote dissemination of information relevant to the Convention within the country and that illustrated how the existing legislation was being reviewed such that specific legislation was being prepared for comprehensive implementation of the BWC. Iraq spoke of its committee arrangements to provide a comprehensive policy to deal with biological threats. Japan illustrated experiences from a recent inter-disciplinary meeting on biorisk management. Canada spoke about the Human Pathogens and Toxins Act. Malaysia informed the room that the Biological Weapons Bill that has been under consultation is now expected to be introduced to Parliament in 2015. Thailand said that a recent review of their Pathogens and Animal Toxins Act had led to a new draft being put to the Council of State this year. Australia noted its legal framework is outlined in its Confidence-Building Measures (CBMs) return. Germany noted its laws to implement the BWC are in the ISU's national implementation database.

Some delegations emphasised the view that there should be a distinction between national implementation and compliance. Many delegations raised CBM issues. Some stressed the benefits of CBM-return preparation activities in helping governments bring together relevant agencies within a country to interact on BWC-relevant issues. Others were concerned that CBMs should not be used as a tool for compliance assessment of countries.

There were many calls for a legally binding verification instrument, with suggestions that this would provide the best benchmark by which national implementation could be considered. The Netherlands said it supported the idea of a verification instrument, but considered it not achievable in the current political circumstances. Switzerland proposed an idea of a 'legally binding compliance framework'. Cuba stressed that partial measures were no substitute for a comprehensive instrument. Russia reminded the MX of the details in its proposal for restarting negotiations on measures to strengthen the BWC through an additional instrument and stressed that these are just initial ideas.

### **Particular points**

The USA spoke about its programme to assess reliability of personnel who handle dangerous biological agents; this presentation also gave an update on recent pathogen handling incidents and steps taken to rectify the situation. Russia raised the issue of reservations to the 1925 Geneva Protocol, calling for those that remain reserving the right to use prohibited weapons to be withdrawn. France spoke about its recent Peer Review exercise. India, one of the countries taking part in the exercise, said it was yet to be convinced by the concept but was not opposed to further discussion of it. Germany referred to a German Ethics Council (Deutscher Ethikrat) study relating to biosecurity and indicated a hope to hold a side event in December on the resulting report.

### **Side events**

There was one side event on Thursday, at lunchtime, entitled 'Biosecurity Education: Towards an Integrated Approach' was convened by the University of Bradford, US National Academy of Sciences and Landau Network-Centro Volta. Presentations were given by Tatyana Novosiolova (Bradford), Alice Baldini (LNCV) [unable to attend, but presentation read out by another speaker], Jo Husbands (NAS), Roberta Ballabio (University of Insubria) and Maurizio Martellini (LNCV). The event was chaired by Judit Körömi (Hungary).

***NOTE: There will be an additional MX report covering the final day of the Meeting. This will be published early next week and will be posted at the web location given below.***

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Thursday 14th August 2014\*

## The final day: Article VII and adoption of the report

The 2014 Meeting of Experts (MX) completed its programme of work on Friday with a further discussion on 'How to strengthen implementation of Article VII, including consideration of detailed procedures and mechanisms for the provision of assistance and cooperation by States Parties' (following on from the discussions on Monday) and adoption of the report of the Meeting. There were no side events on Friday.

The report was adopted by consensus as it is uncontroversial, essentially saying that the meeting was convened, was presented with papers and a number of ideas and suggestions were made. The list of ideas and suggestions is a useful output of the MX. As there is no recommendation for adoption or further consideration of any particular suggestion, there is no need for debate about the contents of the report. As with earlier meetings, the Chair will prepare a 'synthesis paper' on his own authority for the Meeting of States Parties (MSP) which will convene during 1-5 December.

### Article VII

Statements were given by: India, Sweden, Pakistan, Nepal, UK, Netherlands, Russia, Mexico, USA, Switzerland, Australia, Japan and Cuba. Some took the floor more than once. Some working papers were introduced or referred to.

The Ebola outbreak in west Africa was cited a number of times by delegates and was clearly an influence in focusing minds. Some distinctions were made between activities that would need to take place to provide assistance and those that would run in parallel to carry out an investigation of alleged use of biological weapons. There was some uncertainty what processes and procedures should be followed, with a recognition that time delays could be harmful to victims, especially if they had to wait for the UN Security Council to make a decision. This emphasised the need for clear processes to make such a request. The need for effective coordination so that assistance reaches those who require it and that resources allocated are not inadvertently wasted was also highlighted.

The creation of a database relating to Article VII was suggested, with discussion about whether this should be best implemented in conjunction with, or separate to, the Article X database run by the ISU. Further suggestions included compilation of a list of Article VII contact points (as these might be different from those provided for general BWC purposes) and the establishment of a voluntary trust fund. Some comments were made that this would all be easier if there was a comprehensive mechanism to strengthen the Convention. There were a number of interactions between India and the UK about the definition of assistance which were seen as useful in clarifying what was meant. This may result in a common understanding being developed during the MSP.

The UN Secretary-General's investigation mechanism was referred to. Sweden gave details of a training course it had convened for potential investigators. Pakistan requested a background paper from the ISU outlining the details of this mechanism.

## Reflections

A conscious effort is taken in writing these daily summaries to report the facts and not give opinion. However, there are many times that the author is asked – ‘so what do you think about what happened?’ The following are some personal reflections that do not necessarily represent anyone’s views other than the author’s own.

Perhaps the event this week most worthy of comment was the Russian delegation introducing their ideas for informal discussions to take place on creating the conditions to be able to carry out negotiations on an instrument to strengthen the Convention. As was noted at their side event, what was proposed was simply a set of initial thoughts. It is clear that Russia has identified a problem – there are certainly many countries that want to examine the possibilities of such an instrument but there is no ongoing forum in which to discuss such an examination – although it is not yet clear whether what has been put forward is a workable solution. The proposed outline instrument would create an Organization for the Prohibition of Biological Weapons (OPBW) but without verification activities. For many governments, the key element of strengthening the Convention is verification. For the USA in particular, verification is not up for discussion. The verification issue is at the core of the divergences of views on strengthening the BWC, hence the significance of the ongoing ‘We need to talk about compliance’ discussion prompted by Australia in 2012. Financial issues would have to be overcome. The inability of getting a decision to expand the ISU from three staff to five in 2011 does not bode well for a discussions toward creating an OPBW unless the new body is seen as adding something significant to strengthening the Convention.

Cynics may look at the timing of the Russian proposal and connect it with the global political situation. Others may say informal discussions on strengthening the Convention are long overdue and the Russians are performing a service by raising this. From either perspective, it is worth examining what might happen if the informal discussions were to gain some momentum. One element of the Russian proposal is that consensus would not necessarily be needed to start negotiations on a new instrument. This is a tactic that has worked well in other areas such as the Arms Trade Treaty. The non-aligned countries have repeatedly wanted to ensure all decision-making within the BWC is carried out by consensus, yet the agreement of the non-aligned would be vital for any negotiations to be started. The nuclear-weapon states have concerns that new legal instruments would be negotiated by like-minded states to prohibit the use of nuclear weapons and a decision by like-minded states to negotiate an instrument within the BWC context could energize the possibilities of nuclear talks. This means that both the non-aligned and the states possessing nuclear weapons could find themselves in uncomfortable or paradoxical positions if a proposal for talks amongst like-minded states were put forward.

The impact of this proposal on the Eighth BWC Review Conference needs to be considered. The Russians have clearly expressed a hope that this informal discussion process will be helpful. The geographical rotations mean that a delegate from the Eastern European Group, of which Russia is a key member, will sit in the President’s seat at the Review Conference. The Conference will suffer from an issue of timing – the US Presidential election will be held on 8 November 2016, just a few weeks before the Review Conference starts and the winner will be sworn in just a few weeks after it finishes. Much as it is distasteful for multilateral processes to be held up by national situations of just one country, the reality is that Eighth Review Conference may be hampered by a lack of engagement by US authorities. This will be more pronounced if there is a highly controversial item on the agenda.

In short, the Russian proposal may create a useful forum for an exchange of ideas, but care must be taken to ensure the benefits outweigh the significant potential costs.

*This is the sixth and final report from the Meeting of Experts for the Biological and Toxin Weapons Convention which was held from 4 to 8 August 2014 in Geneva. The reports were prepared by Richard Guthrie <richard@cbw-events.org.uk> on behalf of the BioWeapons Prevention Project (BWPP). Copies of the reports are available via the BWPP website at <<http://www.bwpp.org>>.*