

Friday 16th August 2019

MX5 on institutional strengthening and reflections on the series of meetings

MX5 was the fifth, and final, meeting in the 2019 series of Meetings of Experts (MXs) for the 1972 Biological and Toxin Weapons Convention (BWC/BTWC). It was a one-day meeting on the topic of 'Institutional Strengthening of the Convention', held on Thursday 8 August with Laurent Masméjan (Switzerland) in the Chair. Of all of the MXs, MX5 included the subject matter for which the divergence of views have been historically most pronounced. A short collective statement on MX5-related issues by some NGOs and other representatives of civil society was read out during the afternoon. The statement, including the list of those who signed up to it, is on the BWC website.

MX5 proceedings – The bulk of the proceedings for MX5 were on a single substantive agenda item. The UK introduced WP.1 which contains reflections on the protocol negotiations. The USA spoke to WP.2 which focuses on the development of existing tools to strengthen the Convention. Russia introduced WP.3 which summarizes details of the conference held in Sochi in June. Venezuela (on behalf of the non-aligned) spoke to WP.4 which calls for negotiations on a legally-binding instrument. There were two technical presentations. The first was from James Revill of the UN Institute for Disarmament Research (UNIDIR) providing an overview of the protocol negotiations [as UNIDIR does not take a position on the negotiations, the views expressed were those of the presenter.] The second was from Daniel Feakes of the BWC Implementation Support Unit (ISU) on the history and development of the inter-sessional work programmes. The protocol negotiations had been carried out in a forum called the Ad Hoc Group convened by a Special Conference held in 1994. The negotiations came to a halt in 2001. The first inter-sessional work programme was established by the Fifth Review Conference which was resumed in 2002 having been unable to come to a conclusion the year before.

In discussion, a number of delegations suggested that there was currently no prospect of reconciling views on protocol-related issues and noted that the Convention was a product of its time. It was noted that with each year that passes, there are fewer people in the BWC meetings with direct experience of the protocol negotiations. A number of delegations suggested that if the BWC wasn't the forum in which progress could be made then progress would be made in other forums. Others warned of duplication of activities if other forums were used. There were discussions on specific aspects of strengthening the processes of the Convention, such as creation of some form of arrangement for reviewing scientific and technological developments, with some delegations using the opportunity to stress the issues they would like to see progress on in preparation for the Ninth Review Conference, to be held in 2021. On finances, some delegations urged prompt payments of all assessed contributions; some delegations, including Canada and Russia, indicated they were providing voluntary contributions to the Working Capital Fund.

Side Event – One event was convened at lunchtime on 8 August by the Johns Hopkins Center for Health Security, the Nuclear Threat Initiative and the Future of Humanity Institute on 'Powerful actor, high impact biotreats: report from an expert meeting'.

Reflections – A conscious effort is taken in writing these daily summaries to report objectively and not give opinion. However, there are times that this style of reporting does not convey some of the atmosphere of meetings. The following are some personal reflections that do not necessarily represent anyone's views other than the author's own. This chapeau applies to all of the 'reflections' sections of this series of daily reports.

During the MXs, an overwhelming majority of delegates taking the floor would mention in at least one intervention that there were improvements to be made in the activities that fall within the rubric of controls against biological weapons, but there was no common perspective on the optimum way to move forward. There were varying perspectives expressed during the MXs on which was better – to have an overarching additional legal instrument such as the protocol that might take some time to negotiate [and which certainly there could not be consensus on now] or is it better to go for intermediate steps that provide for reinforcement of the BWC and related activities? Views expressed by those who favour a new instrument suggest that intermediate steps would reduce pressure for an overall solution. Others believe that intermediate steps indicate support for the BWC and its reinforcement as well as being of practical benefit.

How strong are the desires of those who want new protocol negotiations? For most states, the only evidence available is the words they express. Words are easy – it is a very simple task to make a strong statement in favour of a particular position. One of the great challenges of observing multilateral interactions is to distinguish whether words said in support of a particular position are being said for ideological reasons, for short-term political benefits, for promoting a strongly-held evidence-based policy, or for other reasons – sometimes it is impossible to tell. One possibility is to examine actions. Some delegations making the loudest calls for new negotiations are those substantially in arrears with payments to the BWC. This is significant – not only would new negotiations be far more costly than the current meetings, it is inevitable that any adoption of an agreed instrument would cost many times more than the current annual budget. The credibility of calls for a new negotiations would be enhanced if this situation were to change.

There is a practical issue for 2020 – the final year of this inter-sessional process. There needs to be some action on the handling of subject matter as MX3 (a one day meeting) ran significantly into the evening while MX1 and MX4 (both two-day meetings) finished at lunchtime on their respective second days. There are many issues that overlap between the different MX topics and so the smooth running of the whole series of meetings might be aided in 2020 if delegations could consider carefully which MX they would present information to.

There are also practical issues for 2021 – the scheduled year for the Ninth BWC Review Conference. Key decisions on the duration of the Conference will need to be taken at the Meeting of States Parties (MSP) this year so budgets can be set. As the next Review Conference is likely to be challenging, there may be benefit in identifying an early nominee to be President of the Conference. Normally this would be decided at the preceding MSP. From the perspective of this author, one of the factors for success of the Sixth Review Conference in 2006 was the early identification of the President. If decisions relating to duration and budget for the Ninth Review Conference are to be taken in 2019, consideration might be given to nominating a President-elect at the same time.

The MXs in 2018 and 2019 have shown themselves to be of significant practical benefit with real world impact. This is not only through the exchange of information and ideas, but also as gatherings through which other practical steps can be facilitated, such as capacity building via the Global Partnership programmes. However, the lack of consensus on a way forward means that the BWC as a political entity is lagging behind where it could be. While the question of whether the MSP can take forward any of the suggestions from the MXs will be important, more significant would be progress toward the Ninth Review Conference. Any package of measures that might be agreed upon in 2021 will have to be finely balanced between competing perspectives.

This is the ninth (and final) report from the BWC Meetings of Experts for 2019. 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 <richard@cbw-events.org.uk>.