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# 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

4 October 2019

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## 2019 Meeting

Geneva, 3-6 December 2019

## Meeting of Experts on Institutional Strengthening of the Convention

Geneva, 8 August 2019

Item 5 of the Agenda

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

# Report of the 2019 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.

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\* Any entry listed in this document does not imply the expression of any opinion regarding, and is without prejudice to, the legal status of any country or territory or of its authorities.



(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 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 [73/87](#), adopted without a vote on 5 December 2018, 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 conduct and 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 2019 Meeting of Experts on Institutional Strengthening of the Convention was convened at the Palais des Nations in Geneva on 8 August 2019, chaired by Mr. Laurent Masméjean of Switzerland.

5. On 8 August 2019, the Meeting of Experts adopted its agenda ([BWC/MSP/2019/MX.5/1](#)) as proposed by the Chair.
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. Ninety-six delegations participated in the Meeting of Experts as follows: Afghanistan; Algeria; Angola; Argentina; Armenia; Australia; Austria; Belarus; Belgium; Bolivia (Plurinational State of); Botswana; Brazil; Bulgaria; Burkina Faso; Canada; Chile; China; Colombia; Costa Rica; Côte d'Ivoire; Cuba; Cyprus; Czech Republic; Denmark; Dominican Republic; Ecuador; El Salvador; Estonia; Ethiopia; Finland; France; Georgia; Germany; Greece; Guatemala; Holy See; Honduras; Hungary; India; Indonesia; Iran (Islamic Republic of); Iraq; Ireland; Italy; Japan; Jordan; Kazakhstan; Kenya; Kyrgyzstan; Lao (People's Democratic Republic); Latvia; Lebanon; Libya; Malaysia; Mali; Mexico; Montenegro; Morocco; Mozambique; Myanmar; Nepal; Netherlands; Nigeria; North Macedonia; Pakistan; Peru; Philippines; Poland; Portugal; Qatar; Republic of Korea; Romania; Russian Federation; Saudi Arabia; Senegal; Serbia; Slovakia; South Africa; Spain; Sri Lanka; State of Palestine; Sweden; Switzerland; Tajikistan; Thailand; Trinidad and Tobago; Turkey; Uganda; Ukraine; United Arab Emirates; United Kingdom of Great Britain and Northern Ireland; United States of America; Uruguay; Venezuela (Bolivarian Republic of); Yemen; and Zimbabwe.
9. In addition, three 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: Egypt; Haiti; 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 Caribbean Community (CARICOM), the European Union (EU), the International Committee of the Red Cross (ICRC), 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. Thirty-one 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/2019/MX.5/INF.1](#).

### IV. Work of the Meeting of Experts

15. In accordance with the provisional agenda ([BWC/MSP/2019/MX.5/1](#)) and an annotated programme of work prepared by the Chair, the Meeting of Experts had substantive discussions on the issue 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”), the United Kingdom of Great Britain and Northern Ireland, the United States of America, the Russian Federation and the Bolivarian Republic of Venezuela on behalf of the Group of the Non-Aligned Movement and Other States Parties to the BWC<sup>1</sup> introduced working papers (BWC/MSP/2019/MX.5/WP.1, BWC/MSP/2019/MX.5/WP.2, BWC/MSP/2019/MX.5/WP.3 and BWC/MSP/2019/MX.5/WP.4 respectively). There were also technical presentations by the United Nations Institute for Disarmament Research (UNIDIR) and the Implementation Support Unit.<sup>2</sup> There then followed an interactive discussion on the agenda item in which the following States Parties participated: Algeria; Australia; Botswana; Brazil; Canada; Chile; China; Cuba; Czech Republic; Ecuador; Germany; India; Iran (Islamic Republic of); Ireland; Italy; Japan; Kenya; Mexico; Netherlands; Nigeria; Pakistan; Peru; Republic of Korea; Russian Federation; Switzerland; United Kingdom of Great Britain and Northern Ireland; United States of America; Venezuela (Bolivarian Republic of); Venezuela (Bolivarian Republic of) on behalf of the Group of the Non-Aligned Movement and Others 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 item 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 2019 and those in the remaining year of the intersessional programme and in the Meeting of Experts on Institutional Strengthening of the Convention in the intersessional programme in 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 8 August 2019, the Meeting of Experts adopted its report by consensus, as contained in document BWC/MSP/2019/MX.5/CRP.1 as orally amended, to be issued as document BWC/MSP/2019/MX.5/2.

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<sup>1</sup> Notes sent by Colombia, Ecuador, Guatemala and Peru on the statements delivered by the NAM Chair.

<sup>2</sup> Technical presentations posted on the webpage of the Meeting of Experts, with the consent of the presenter.

## Annex I

### Summary report of the 2019 Meeting of Experts on Institutional Strengthening of the Convention

#### Submitted by the Chairperson

1. The Chairperson, 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 item under discussion at the Meeting held on 8 August 2019. The Meeting of Experts noted that this paper had not been agreed and had no status. It was the Chairperson's view, however, that this paper could assist delegations in their preparations for the Meetings of States Parties in December 2019 and 2020 and also in the succeeding Meeting of Experts on Institutional Strengthening of the Convention in the intersessional programme in 2020.
2. The Chairperson 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, as well as the presentations made by the United Nations Institute for Disarmament Research (UNIDIR) and the Implementation Support Unit (ISU), have served as the basis for this summary report. The procedural 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.

#### **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. Three States Parties and one State Party on behalf of a regional group presented working papers. Furthermore, two presentations were made under this agenda item with a view to informing discussions. Numerous interventions were made, either in the form of national or group statements or in response to the aforementioned documents and presentations. Overall, States Parties underlined the importance of the Convention and stressed the need to further strengthen it institutionally.
5. It was noted that the Convention faces a number of challenges, notably that it operates in a highly dynamic environment and involves a range of stakeholders including States, industry, academia and civil society. Challenges also relate to the implications of the rapid advances in life sciences and other relevant disciplines for the Convention. In this context, the potential misuse of advances in science and technology was underlined by several States Parties. Similarly, concern was expressed regarding the use or threat of use of biological agents and toxins as instruments of war or terror.
6. The importance of further universalization efforts in support of enhancing the effectiveness of the Convention was stressed. In this regard, the intensification of outreach and universalization activities was encouraged. States Parties also urged those States remaining outside the Convention to join without delay.
7. The benefits and challenges of two types of approaches to further strengthen the Convention were discussed, namely a comprehensive approach and one relying on incremental steps based on the adoption of individual measures.
8. Several States Parties stressed the urgency of resuming multilateral negotiations aimed at concluding a non-discriminatory, legally-binding instrument dealing with all articles of the Convention, in a balanced and comprehensive manner, including verification

measures. These States Parties considered that this was the only sustainable method of strengthening the Convention. They underlined the continued relevance of the draft Protocol resulting from the efforts of the Ad Hoc Group as a basis for future negotiations.

9. Many of the States Parties supporting this comprehensive approach stressed the centrality of verification for the effective functioning of the Convention. They pointed out that the lack of a verification regime poses challenges to the full and effective implementation of the Convention. Reference was made to the work of the Ad Hoc Group of Governmental Experts to Identify and Examine Potential Verification Measures from a Scientific and Technical Perspective (VEREX), which met in the early 1990s.

10. In contrast, some States Parties did not support the negotiation of a protocol to the BWC. Others expressed support in principle for the conclusion of a legally-binding instrument as a possible long-term objective but stressed that it is currently neither realistic nor practicable to return to negotiations. Some noted that the composite text prepared by the Chairperson of the Ad Hoc Group in 2001 fell far short of representing a consensus text. Regarding verification, they notably underlined the significant technical challenges in monitoring and verifying compliance which, some States Parties contended, is likely to be more difficult today.

11. They therefore suggested pursuing at this stage a pragmatic, incremental approach, namely by adopting individual measures to strengthen the Convention's existing provisions. It was also underlined that such an approach should not be seen as excluding the eventual negotiation of a legally-binding instrument.

12. A broad range of possible measures was suggested with a view to strengthening the BWC institutionally.

13. Some States Parties noted that the provisions of Article V remain underutilized and expressed support for strengthening the consultative arrangements adopted at previous Review Conferences. In addition, suggestions regarding the operationalization of procedures for bilateral and multilateral consultations were made and States Parties referred to earlier working papers on the subject matter.

14. Various States Parties emphasized the importance of confidence-building measures (CBMs) for enhancing mutual trust and transparency under the Convention. Some States Parties expressed regret about the low level of participation, encouraged other States Parties to submit CBMs and recalled that the Second BWC Review Conference agreed that these measures should be implemented "in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions, and in order to improve international cooperation in the field of peaceful bacteriological (biological) activities". Furthermore, a number of concrete suggestions was made regarding improving and expanding the scope of CBMs and analysing the content of the submissions to reinforce their utility. Other States Parties expressed the view that CBMs are of a voluntary nature, that the format of CBM forms should remain unchanged or that they are not a tool for assessing compliance with the Convention.

15. A number of States Parties highlighted the benefit of other potential means to foster transparency, cooperation and national implementation such as voluntary peer review exercises, voluntary visits or other transparency initiatives. Other States Parties underlined that peer reviews are not formal mechanisms within the Convention, cautioned about the utility of peer review exercises and noted that such initiatives would in their view not strengthen the Convention.

16. Regarding Article VI, several States Parties highlighted the need for enhancing capacities to investigate the alleged use of biological weapons. Some expressed support for strengthening the capabilities of the United Nations Secretary-General's Mechanism, considering that it is the only existing international mechanism to independently investigate alleged uses of biological weapons. In contrast, other States Parties noted the need for a self-standing, separate and multilateral investigative mechanism under the Convention itself. A concrete proposal was reiterated regarding the establishment of mobile biomedical teams as a tool to operationalize Articles V, VI and VII.

17. Some States Parties stressed the importance of enhancing the operationalization of Article VII. They noted the various proposals made such as a set of guidelines concerning a

request for assistance under Article VII, the establishment of an assistance database and the use of mobile biomedical units. States Parties also shared experiences regarding different types of exercises they had conducted and noted the benefit of these activities to strengthen coordination at the national and international levels. The linkage between Article VII and Article X was also underlined by some States Parties.

18. States Parties also exchanged views concerning the implementation of Article X and several proposals were made in this area. Some States Parties expressed support for establishing an Article X cooperation committee within the framework of the Convention. Some also expressed support for elaborating an Article X action plan. Creating the function of a cooperation and assistance officer was also proposed by several States Parties, some considering that such an officer should come under the oversight of the aforementioned cooperation committee and others underlining that these two aspects were not related.

19. Some States Parties expressed support for the establishment of a non-proliferation export control and international cooperation regime under the framework of the Convention, as well as internationally-agreed procedures for the exchange of biological equipment, materials and information for peaceful purposes. They emphasized that the provisions of Article III should not be used to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials under Article X. However, other States Parties expressed the view that existing multilateral export control regimes support the implementation of Article III and stated that very few transfer requests are actually denied. In this context, different views were expressed regarding proposals made in the context of Article III with regard to export control, some supporting them and other indicating that they see no need for such initiatives.

20. Noting the implications of the rapid advances in science and technology, many States Parties expressed support for establishing a more structured approach under the Convention to the review of such developments. Reference was made to concrete proposals to this effect introduced by States Parties, to the areas where they overlap (notably the overall functions of such a new structure) and where unresolved issues remained (which concern in particular its organisational aspects). It was also suggested that the ISU should prepare a cost estimate for the implementation of such proposals. Additionally, broad support was expressed towards a voluntary model code of conduct for scientists based on a concrete proposal developed by two States Parties. With regard to this proposal, some stressed the key role of the scientific community in the development of a new code and recalled that many national codes already exist.

21. Given the difference in views on approaches to strengthen the Convention, a number of proposals were made regarding aspects that States Parties may want to study further or possible steps to bridge the existing gap. It was suggested that a closer look be taken at specific aspects of the draft Protocol negotiated within the Ad Hoc Group, including verification measures, in the light of scientific and technological developments. It was also suggested that efforts could focus on elements that would be pertinent whatever the approach finally adopted (comprehensive or based on individual measures), further clarity being required regarding what these specific elements are. Additionally, it was suggested by some States Parties that, pending the negotiation of a Protocol, States Parties might seek to negotiate a balanced package of measures at the Ninth Review Conference in 2021.

22. Regarding the intersessional work programme (ISP), some States Parties underlined their concern about the limited progress achieved under the ISP and expressed the concern that this may lead to a loss of relevance and the increasing utilization of mechanisms outside the Convention. Others underlined their firm conviction concerning the usefulness of the intersessional work programmes. It was also noted that reflection is warranted on the structure of the intersessional work programme with a view to enhancing its functioning and effectiveness, notably in the perspective of the upcoming Review Conference. The importance of taking this discussion forward at the Meeting of Experts on Institutional Strengthening of the Convention in 2020 was underlined.

23. In this context, some States Parties underlined the need for the ISP to focus on specific agenda items during each of the Meetings of Experts in order to promote more in-depth

discussions and avoid repetitions, as well as the need to strengthen the authority of the Meeting of States Parties. In contrast, other States Parties emphasized that the Review Conference constitutes the only forum to make substantive decisions. In the course of the discussions, suggestions regarding strengthened collaboration with relevant international organizations as well as academic institutions, research centres and NGOs were made. Furthermore, the importance of considering further gender aspects in the framework of the Convention, including their implications for the implementation of the BWC, was stressed.

24. Many States Parties also stressed the need for a solid and sustainable financial foundation for the Convention in order to ensure its effective functioning, including that of the ISU and the ISP. Various States Parties welcomed the decision taken at the 2018 Meeting of States Parties and referred positively to the establishment of the Working Capital Fund. One State Party announced a contribution to the Fund. At the same time, a number of States Parties emphasized that the Working Capital Fund aims at ensuring adequate cash flow, but does not represent a long-term solution and cannot resolve problems of a structural nature and late or non-payments. Several States Parties stressed that all States Parties need to abide by their financial obligations by paying in full and on time.

25. States Parties expressed their appreciation to the Implementation Support Unit for its work with some supporting strengthening it, including enhancing its role and mandate. Suggestions were made regarding a standing science and technology advisory and liaison function, a cooperation and assistance function, the coordination of universalization activities, support to national contact points in compiling and submitting CBM reports as well as better support for the implementation of all articles of the Convention and the ISP. Other States Parties referred to the clear mandate of the ISU in line with the decisions of previous Review Conferences and cautioned against comparing the ISU and its functions with international organizations.

26. Several States Parties expressed appreciation for a recent international conference that addressed global biosecurity challenges. They noted its usefulness for facilitating in-depth and open discussions among officials, academia and non-governmental organizations (NGOs) on many important aspects of safeguarding global biosecurity and implementing the Convention. It was announced that a similar conference would be organized in 2021 to contribute towards preparations for the Ninth Review Conference.

## Annex II

### List of documents

<i>Symbol.</i>	Title
BWC/MSP/2019/MX.5/1	Provisional agenda for the 2019 Meeting of Experts on Institutional strengthening of the Convention
BWC/MSP/2019/MX.5/2	Report of the 2019 Meeting of Experts on Institutional Strengthening of the Convention
BWC/MSP/2019/MX.5/CRP.1 English only	Draft report of the 2019 Meeting of Experts on Institutional strengthening of the Convention
BWC/MSP/2019/MX.5/INF.1 English/French/Spanish only	List of participants
BWC/MSP/2019/MX.5/WP.1 English only	Institutional strengthening of the Convention: Reflections on the 2001 Protocol and the verification challenge - Submitted by the United Kingdom of Great Britain and Northern Ireland
BWC/MSP/2019/MX.5/WP.2 English only	Utilizing the Convention's Tools to Strengthen its Institutional Functions - Submitted by the United States of America
BWC/MSP/2019/MX.5/WP.3 Russian only	International conference "Global biosecurity challenges. Problems and solutions", Sochi, 20-21 June 2019 - Submitted by the Russian Federation
BWC/MSP/2019/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 BWC