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

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Meeting of Experts on Institutional Strengthening of the Convention Geneva, 8 September 2021 Item 5 of the Agenda Adoption of the factual report reflecting the deliberations of the meeting, including possible outcomes

Report of the 2020 Meeting of Experts on institutional strengthening of the Convention¹

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

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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 by EEG (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.

	MSP	MX 1	MX 2	MX 3	MX 4	MX 5
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 75/88, adopted without a vote on 7 December 2020, 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, the 2017 Meeting of States Parties and the 2019 Meeting of States Parties, the Meeting of Experts on Institutional Strengthening of the Convention was originally scheduled to take place on 3 September 2020. However, the Meeting of Experts was postponed several times due to the COVID-19 pandemic and, according to the agreement by States Parties by written silence

procedure², it was instead convened at the Palais des Nations in Geneva on 8 September 2021, chaired by Ms. Grisselle del Carmen Rodriguez Ramirez of Panama.

5. On 8 September 2021, the Meeting of Experts adopted its agenda (BWC/MSP/2020/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

Ninety-six delegations participated in the Meeting of Experts as follows: Algeria; 8. Angola; Argentina; Armenia; Australia; Austria; Azerbaijan; Barbados; Belarus; Belgium; Bosnia and Herzegovina; Botswana; Brazil; Brunei Darussalam; Bulgaria; Canada; Chile; China; Colombia; Costa Rica; Cuba; Czech Republic; Democratic Republic of Congo; Dominican Republic; Ecuador; Estonia; Finland; France; Georgia; Germany; Ghana; Guyana; Holy See; Hungary; India; Indonesia; Iran (Islamic Republic of); Iraq; Ireland; Italy; Japan; Kazakhstan; Kenya; Kuwait; Lao People's Democratic Republic; Lebanon; Libya; Lithuania; Madagascar; Malaysia; Mauritius; Mexico; Montenegro; Morocco; Myanmar; Nepal; Netherlands; Nigeria; North Macedonia; Norway; Pakistan; Panama; Peru; Philippines; Poland; Portugal; Qatar; Republic of Korea; Romania; Russian Federation; Saudi Arabia; Senegal; Serbia; Sierra Leone; Slovakia; Slovenia; South Africa; Spain; Sri Lanka; State of Palestine; Sudan; Sweden; Switzerland; Thailand; Togo; Tunisia; Turkey; Ukraine; United Arab Emirates; United Kingdom of Great Britain and Northern Ireland; United States of America; Uruguay; Venezuela (Bolivarian Republic of); Yemen; Zambia; and Zimbabwe.

9. In addition, one State 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.

10. Two States, Chad and Israel, neither parties nor signatories to the Convention, participated in the Meeting of Experts as observers, 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), the United Nations Office for Disarmament Affairs (UNODA), the United Nations Office of Counter-Terrorism (UNOCT) and the United Nations Office on Drugs and Crime (UNODC) attended the Meeting of Experts in accordance with rule 44, paragraph 3.

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

13. Twelve 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/2020/MX.5/INF.1.

² See the letters from the Chair of the 2020 Meeting of States Parties dated 28 July 2020, 23 November 2020 and 9 February 2021.

IV. Work of the Meeting of Experts

15. In accordance with the provisional agenda (BWC/MSP/2020/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 (BWC/MSP/2020/MX.5/WP.1), the Russian Federation (BWC/MSP/2020/MX.5/WP.2, BWC/MSP/2020/MX.5/WP.3 and BWC/MSP/2020/MX.5/WP.5 and Corr.1), Kazakhstan (BWC/MSP/2020/MX.5/WP.4) and Panama (BWC/MSP/2020/MX.5/WP.6) introduced working papers. There then followed an interactive discussion on the agenda item in which the following States Parties participated: Australia; Azerbaijan on behalf of the Group of the Non-Aligned Movement and Other States Parties to the BWC; Brazil; Canada; China; Cuba; Dominican Republic; France; Germany; India; Iran (Islamic Republic of); Ireland; Italy; Japan; Kazakhstan; Kenya; Mexico; Netherlands; Pakistan; Philippines; Republic of Korea; Russian Federation; South Africa; Sudan; Sweden; Switzerland; Ukraine; United Kingdom of Great Britain and Northern Ireland; United States of America; Uruguay; and Venezuela (Bolivarian Republic of). The European Union 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 her 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 November 2021 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 https://meetings.unoda.org/section/bwc-mx-2020-mx5-documents/ 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 September 2021, the Meeting of Experts adopted its report by consensus, as contained in document BWC/MSP/2020/MX.5/CRP.1 as orally amended, to be issued as document BWC/MSP/2020/MX.5/2.

Annex I

Summary report

Submitted by the Chairperson of the 2020 Meeting of Experts on Institutional Strengthening of the Convention

1. The Chairperson, under her 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 September 2021. 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 Meeting of States Parties in November 2021 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.

2. The Chairperson would like to express her 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 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. Four States Parties introduced six working papers. 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. One State Party introduced a working paper on enhancing gender equality and women's empowerment under the Convention. The document contained twelve concrete suggestions, ranging from the adoption of a new mandate to mainstream a gender perspective in all BWC machinery to strengthening the link with other gender equality agendas, such as the Sustainable Development Goals and the Women, Peace and Security agenda. Many States Parties commended the concrete proposals and emphasized the importance of promoting and supporting gender equality within the Convention. They also expressed their support for advancing discussions on the issue. Some States Parties indicated the need to further consider the proposal in more detail or requested clarification on some aspects, including on the adoption of a new mandate to mainstream a gender perspective, the inclusion of a standing agenda item on gender mainstreaming in the Meeting of States Parties and the Review Conference and the appointment of gender focal point(s). In this context, one State Party noted that there are differences of views on how to address these proposals. Several delegations also thanked the United Nations Institute for Disarmament Research (UNIDIR) for its research on the topic.

6. Discussions next centred on a proposal to delegate some decision-making authority from the Review Conference to the Meeting of States Parties. It was highlighted that past Review Conferences have, in fact, delegated decision-making powers to other meetings or groupings of States Parties. The proposal was supported by several States Parties arguing that this would represent a crucial step for making substantive progress on strengthening the Convention in the periods between Review Conferences, as well as maintaining its relevance

in the face of new threats and challenges in a post COVID-19 world. In the discussions it was also noted that considering this matter at the Review Conference could take considerable time and any decision on this issue would need to be concise and clear. Some States Parties expressed their opposition to the suggestion, noting that practice from more than four decades has demonstrated that States Parties are content with the current approach and that past examples of delegation of authority by the Review Conference were given only on a temporary basis. They highlighted the importance of safeguarding the Review Conference as the only decision-making body and also noted that small developing countries would not be able to send delegations regularly to each meeting to take decisions.

7. One State Party introduced a proposal to establish a Group of Governmental Experts from 2022 to 2026 to consider and agree on concrete guidelines and procedures to initiate and conduct investigations under Article VI of the Convention. It was noted that no specific procedures to initiate and conduct investigations under Article VI have been considered and adopted by States Parties. The document received much attention and was discussed at great length, with opinions differing as to its necessity. Some delegations opposed the development of an initiative which they considered could compete with or undermine the United Nations Secretary-General's Mechanism (SGM). Additionally, they also emphasized the importance of preserving the SGM's independence while recognizing that there was no consensus on the understanding of that Article. Other delegations supported the need for developing detailed procedures under Article VI. One State Party noted its preference to address the proposal as an integral component of negotiations on a legally-binding verification protocol. In the ensuing discussions, it was highlighted that the SGM is not enshrined in the Convention and that it only covers investigations of alleged use of biological weapons, not other violations of the Convention.

8. The same State Party also introduced two other working papers. One document proposed the establishment of an Open-ended Working Group (OEWG) to elaborate draft proposals for strengthening the Convention to be included, as appropriate, in a legallybinding instrument. A number of delegations commended the State Party for the proposal and expressed their support. Others noted their openness to further engage in discussions but were of the view that current circumstances do not seem to be conducive to establishing an OEWG. In this regard, it was also noted that the wide scope of the working paper might hamper progress. At the same time, the aspiration of the working paper - trying to overcome the widely differing positions among States Parties on how to best strengthen the Convention - was recognized.

9. The other working paper summarized the proceedings and outcomes of the third conference on "Global Biosecurity Challenges: Problems and Solutions". Various delegations expressed their appreciation for the organization of the Conference and noted its usefulness in, inter alia, exchanging experiences in fighting COVID-19 and on related international cooperation measures. The Conference also provided a valuable platform to explore measures aimed at strengthening the implementation of the Convention and consolidating positions in the run-up to the Ninth Review Conference.

10. Discussions then turned to a proposal for establishing an International Agency for Biological Safety. In its introduction of the initiative, the State Party noted that valuable feedback has already been received from other delegations on its concept note and it reiterated its readiness to engage in further bilateral discussions. The State Party also noted that discussions on the proposal should be pursued in Geneva in a constructive, inclusive and transparent manner. It also informed about its plans to hold a scientific conference in the first half of 2022 to further discuss the proposal in more detail. It expressed its hope to present a revised proposal for consideration at the Ninth Review Conference. Several States Parties thanked the country for the initiative. In the ensuing discussions, some States Parties noted that any initiative must be aimed at strengthening the Convention. Several States Parties requested further clarifications on certain aspects in the concept note, including on the underlying meaning of the proposed organization's accountability to the Security Council, its relationship with the Implementation Support Unit (ISU), and potential overlaps with existing bodies. In response to the questions, the State Party expressed its willingness to further improve the concept note and make adjustments to its proposal.

11. The Meeting also saw an exchange of views on how to best strengthen the Convention and a number of States Parties indicated their priorities for the upcoming Ninth Review Conference, scheduled to take place in August 2022. In this regard, it was suggested to conduct a detailed mapping exercise of all existing proposals. Additionally, reference was made to conceptual tools and methodological lessons captured in a document entitled 'Consideration by the Chair of the 2019 Meeting of States Parties on methodological issues in view of the Ninth Review Conference'. Many States Parties highlighted that, although it is possible to consider certain aspects separately, it is critical to deal with all of the issues interrelated to this Convention in a balanced and comprehensive manner.

12. A number of delegations noted that the Convention is institutionally weak unlike similar disarmament instruments such as the Chemical Weapons Convention. Many States Parties therefore strongly supported and emphasized the importance of resuming negotiations as soon as possible on a legally-binding instrument, which in their view represents the only way to strengthen all articles of the Convention in a balanced and comprehensive manner. They noted the valuable work done in this regard by the Ad Hoc Group. Other States Parties supported the long-term objective of a legally-binding instrument and noted that the absence of a formal verification and enforcement system has arguably diluted the efficacy of the Convention, but recognized the lack of consensus to pursue such an approach. However, they stressed that this ought not hinder efforts to strengthen the Convention and called for a pragmatic approach to explore both legal and voluntary measures in greater depth. States Parties with concerns about legally-binding measures said that they do not oppose further discussion on the topic, but one State Party said that they would oppose any new calls that fail to address the technical and political challenges that precluded agreement on a verification protocol in 2001. The same State Party stated that many of those issues still exist today and many may have gotten worse.

13. A number of States Parties noted the benefits of the intersessional programme and called for intermediate measures to strengthen the Convention. Similarly, other delegations called for further reflection concerning ways to streamline the basic structure of the intersessional programme with a view to enhancing its functioning and effectiveness. Additionally, some States Parties noted the value of cooperation with relevant international organizations and called for enhancing efforts in an institutionalized manner. Some States Parties also noted the importance of further universalization efforts in support of enhancing the effectiveness of the Convention.

14. Different views were expressed regarding proposals on export control issues made in the context of Article III. Some States Parties expressed support for the establishment of a non-proliferation export control and international cooperation regime under the framework of the Convention. However, other States Parties expressed the view that existing multilateral export control regimes support the implementation of Article III.

15. Many States Parties underlined the importance of establishing a science and technology review mechanism under the Convention. Additionally, many States Parties expressed their support for the "Tianjin Biosecurity Guidelines for Codes of Conduct for Scientists" including their endorsement at the Ninth Review Conference and agreement on a mandate from the Review Conference to promote the Guidelines. Additionally, some States Parties welcomed a proposal by a State Party concerning a draft General Assembly Resolution entitled 'Promote international cooperation on peaceful uses in the context of international security'.

16. Some States Parties expressed support for measures to strengthen Article V of the Convention and suggested to make greater use of them. Various delegations also noted the usefulness of the Confidence-Building Measures (CBMs) and encouraged all States Parties to take part and submit their annual reports in a timely manner. Some delegations also made concrete proposals for amending the existing declaration forms. A number of States Parties underlined the benefits of peer reviews and similar voluntary transparency initiatives as measures that can facilitate the implementation of the Convention. Other States Parties reiterated that such proposals should not distract attention away from strengthening the Convention in all its aspects, including the need for a verification mechanism, and that effective international action against biological threats needs to be universal, legally binding, and non-discriminatory.

17. A number of States Parties highlighted the need for enhancing capacities to investigate the alleged use of biological weapons. Various delegations called for further efforts on strengthening assistance, response and preparedness capacities and stressed the importance of operationalizing Article VII. In this regard, they supported the establishment of an assistance database and noted the need for the development of a detailed procedure and mechanism for a timely, effective and adequate response. Many States Parties noted that the lack of a comprehensive protocol to strengthen implementation of all aspects of the Convention has created a gap in the provision of prompt and effective assistance under Article VII.

18. A number of States Parties also emphasized the need for enhancing, without restrictions, international cooperation and assistance and exchanges in equipment and technology for peaceful purposes without any discrimination, in conformity with the Convention. Furthermore, the proposal for a cooperation committee in the framework of Article X of the Convention was made.

19. Various States Parties also expressed their appreciation to the ISU for its work and recognized its value. A number of delegations recognized the increasing demands on the Unit and suggested exploring an extension of the Unit's mandate at the Review Conference. For example, some States Parties suggested the establishment within the ISU of a cooperation and assistance function or a standing science and technology advisory and liaison function.

20. 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 intersessional programme. Several States Parties stressed that all States Parties need to abide by their financial obligations by paying in full and on time. In this regard, it was noted that there are currently insufficient funds for holding the Meeting of States Parties and for the Review Conference. A few States Parties noted their opposition to any punitive measures for States Parties with financial arrears. Some States Parties welcomed the decision taken at the 2018 Meeting of States Parties and referred positively to the establishment of the Working Capital Fund. At the same time, it was suggested to make use of assessed contributions instead of voluntary contributions for the Fund.

Annex II

Symbol	Title		
BWC/MSP/2020/MX.5/1	Provisional Agenda for the 2020 Meeting of Experts on Institutional Strengthening of the Convention – Submitted by the Chairperson		
BWC/MSP/2020/MX.5/2	Report of the 2020 Meeting of Experts on Institutional Strengthening of the Convention		
BWC/MSP/2020/MX.5/CRP.1 English only	Draft Report of the 2020 Meeting of Experts on Institutional Strengthening of the Convention – Submitted by the Chairperson		
BWC/MSP/2020/MX.5/MISC.1 English/French/Spanish only	Provisional list of participants		
BWC/MSP/2020/MX.5/INF.1 English/French/Spanish only	List of participants		
BWC/MSP/2020/MX.5/INF.1/Rev.1 English/French/Spanish only	Revised list of participants		
BWC/MSP/2020/MX.5/WP.1 English only	Review Conferences, Decision Making and Future Institutional Strengthening of the Convention – Submitted by the United Kingdom of Great Britain and Northern Ireland		
BWC/MSP/2020/MX.5/WP.2 English and Russian only	Draft text to include in Part III entitled Decisions and Recommendations of the Ninth Review Conference of the States Parties to the BWC (2022): Article VI Implementation Mechanism – Submitted by the Russian Federation		
BWC/MSP/2020/MX.5/WP.3 English and Russian only	Proposal for inclusion in the final document of the Ninth Review Conference of the Biological Weapons Convention – Submitted by the Russian Federation		
BWC/MSP/2020/MX.5/WP.4 English only	Concept note on the creation of an International Agency for Biological Safety (IABS) – Submitted by Kazakhstan		
BWC/MSP/2020/MX.5/WP.5 English and Russian only	III International research and practical Conference: "Global Biosecurity Challenges. Problems and Solutions", Sochi, 24- 25 June 2021 – Submitted by the Russian Federation		
BWC/MSP/2020/MX.5/WP.5/Corr.1 Russian only	III International research and practical Conference: "Global Biosecurity Challenges. Problems and Solutions", Sochi, 24-25 June 2021 – Submitted by the Russian Federation		
BWC/MSP/2020/MX.5/WP.6 English only	Enhancing Gender Equality and Women's Empowerment as an Integral Part of the Institutional Strengthening of the Biological Weapons Convention (BWC) – Submitted by Panama		

List of documents of the 2020 Meeting of Experts on Institutional Strengthening of the Convention