

**Joint NGO Statements to Biological Weapons Convention
Meetings of Experts
Geneva
29 July - 8 August 2019**

Mr Chair, Distinguished Representatives:

Thank you for providing the opportunity for the NGO community to make statements. We welcome your recognition that our voices, perspectives and experiences provide important contributions to BWC discussions.

The statements below set out the NGO community's collective views on key action points for the 2019 BWC Meetings of Experts. The action points listed in the [joint NGO Position Paper](#) produced at the start of the 2018-2020 intersessional cycle remain valid.

Cooperation and assistance (MX1)

Mr Chair

In her reflections on last year's MX1, the Chair, Ambassador Almojuela of the Philippines, suggested several concrete proposals for further consideration at today's meeting. These included:

- An action plan for Article X implementation;
- Guidelines on Article X reports;
- The creation of a BWC Cooperation and Assistance Officer position within the ISU; and
- An open-ended working group to monitor, coordinate and review activities of cooperation and assistance.

These are all proposals that the NGO community strongly endorses, and which were also set out in our Position Paper last year. Ambassador Almojuela also proposed to further collaboration with INTERPOL, OIE and WHO; we would also wish to draw attention to the importance of further collaboration with non-governmental entities. We would also urge States Parties to facilitate regional S&T dialogues that are focused on regional BWC-related interests and problems, and that draw in regional and international expertise to share information and stimulate collaboration and cooperation.

Ambassador Almojuela's reflections and proposals for possible outcomes (BWC/MSP/2018/CRP.2) was a helpful addition to the meeting documentation, and we encourage continuation of this initiative.

Science & Technology (MX2)

Mr Chair

Advances in science and technology (S&T) continue at an unprecedented pace, and the convergence of research and development across the sciences has led to exciting applications to improve the wellbeing of human, animal, and plant life and their interactions with the environment and each other. Despite their benefits, however, these powerful technologies could potentially be accidentally or deliberately misused, presenting risks to global health and security. Additionally, decreasing cost and widespread access continue to lower barriers to utilizing many of these technologies and associated pathogens. Indeed, the rapid development of S&T may be outpacing necessary ethical and regulatory practices, and governments and civil society are often struggling to anticipate emerging capabilities and to identify and implement appropriate oversight mechanisms.

We note that the Chair of MX2 in 2018 Pedro Luiz Dalcero (Brazil) stated:

Future discussions of the outcomes regarding further activities of the ISP should focus on issues that achieved greater commonality of approaches among delegations. In this regard, two areas could be explored: (i) **risk assessment and management**, and (ii) a **voluntary code of conduct** for biological scientists and relevant personnel” (BWC/MSP/2018/CRP.3).

In the 12 months since the 2018 Meetings of Experts, a wide range of activities sponsored and supported by NGOs and civil society have pursued these issues—in concert with States Parties, the BWC ISU, and the UN Office for Disarmament Affairs (UNODA). A number of conferences and related activities have effectively demonstrated the strong leadership role that the BWC community can and should play in analyzing and coordinating the response to the potential risks resulting from scientific advances. The capabilities of civil society are integral in facilitating engagement between States Parties, the scientific community, and the public on these critical issues, providing subject matter expertise on the broad scope of advancing biology and biotechnology, including the prevention of development of biological weapons.

Thus, the NGO community encourages States Parties to:

- Support the establishment of a **Scientific Advisory Board** to monitor global developments in S&T. Such an entity would be able to assist in identifying and forecasting S&T advances with potential relevance to the BWC and in facilitating engagement between scientific and technical experts and the diplomatic community to proactively address challenges to the BWC. This board would also be able to assist States Parties in dealing with dual-use challenges by supporting development of a voluntary code of ethical guidelines and the essential supporting programs for active biological security education for scientists. A substantial number of States Parties have proposed this type of advisory body in recent years, and we encourage further proposals and formal dialogue on this critical capability during this ISP.
- Establish a **Science Officer within the BWC ISU** with the mandate and associated resources to support a Scientific Advisory Board and facilitate BWC-related activities to support States Parties in promoting access to these capabilities and mitigating potential risks.

- Support the development and sharing of **model approaches to national science policy** that will enable States Parties to raise awareness regarding the security dimensions of life science research, promote research integrity and the responsible use of science, and enhance accountability practices among practitioners while fostering environments to facilitate the development and transfer of, and access to, emerging capabilities for peaceful purposes.
- Support initiatives to develop an aspirational or model **voluntary code of conduct for life scientists**, similar in principle to The Hague Ethical Guidelines developed within the OPCW community. The purpose of this model code would be to encourage States Parties to support such a commitment among their respective domestic scientific communities and provide an example that can be adapted to function in the context of national systems and priorities. Importantly, any model code of conduct should support initiatives to develop active learning systems to engage life scientists at all levels of education and experience in support of the responsible use of science and conduct of research, reinforce the importance of proactive risk assessment and mitigation, and bolster the norms against biological weapons among the scientific community.
- Support the initiatives and efforts by the UN General Assembly First Committee to establish an **Emerging S&T Security Forum** focused on security challenges associated with advances in a broad scope of sciences, including the biological and life sciences.

National implementation (MX3)

Mr Chair,

Article IV of the Convention requires all States Parties to take any necessary measures to prohibit and prevent biological weapons in accordance with their constitutional processes. This article remains relevant to all States Parties. Those States that have been parties for a long time may still need to adopt the necessary legislation. If States have already adopted legislation, they may need to review their legislation to ensure its effectiveness. States Parties that have more recently joined the Convention will need to carefully analyse their existing national legislation to assess what legislative efforts are necessary to fully implement their new BWC obligations.

We welcome EU Decision 2019/97, adopted on 21 January 2019, for its support on the universalisation and implementation of the Convention. Assistance programmes such as these are crucial for effective implementation, for example by ensuring that legislative efforts are sustained in States Parties.

As part of their implementation efforts, we encourage States Parties to share information about the challenges that they have faced and the benefits that they have reaped from their implementation processes. This includes sharing their practical experiences, as well as the laws and regulations resulting from this process, and reporting these laws and regulations under the CBM mechanism. Similarly, States Parties could share their experiences in the wider implementation sense, including their efforts on the education of students, the professional conduct of life scientists, and biosafety and biosecurity measures in general.

In his reflections on last year's MX3, the chair, Ambassador Herráiz España of Spain, identified three areas ripe for further discussion at MX3 in 2019 and 2020:

- CBMs and their improvement,
- Other voluntary transparency initiatives, and
- Export controls.

We concur that these are important areas deserving of continued attention by States Parties.

Assistance, response and preparedness (MX4)

Mr Chair,

The 2014-2016 Ebola Virus Disease outbreak in West Africa demonstrated the lack of preparedness in the global health and humanitarian assistance systems to respond to large-scale disease outbreaks. The on-going Ebola outbreak in the Democratic Republic of Congo (DRC) highlights just how difficult disease response can be in an active armed conflict context. Collectively, these events send an alarming message about the potentially dramatic consequences that could result from the deliberate release of biological agents. Many of the risks and challenges experienced when responding to naturally occurring outbreaks are similar to those experienced while responding to a deliberate release of a biological agent, and the current situation in the DRC underscores how underlying security issues can complicate the deployment of an international response in such an environment. These examples highlight the varying scope and scale of Article VII assistance for preparedness and response.

In his reflections on last year's MX4, the chair, Mr Daniel Nord of Sweden noted that there is still no agreement on how to operationalize Article VII. However, we positively acknowledge the increasing degree of convergence and cross-regional support among States Parties for current Article VII related initiatives. We are encouraged by the discussions and progress made at the August 2018 MX4 Meeting, and by the important efforts undertaken by States Parties, NGOs, and the ISU to convene meetings, workshops and exercises aimed at:

- Better understanding the specific common challenges that hinder the emergency public health response in the context of a potential deliberate biological event;
- Clarifying the process to request assistance through Article VII; and
- Assessing factors that would influence the national decision-making process for triggering Article VII.

The NGO community will continue to provide research and recommendations to assist the BWC ISU and the States Parties in this complex process. For example, this year, civil society technical experts have played significant roles in analyzing and highlighting gaps in the international community's readiness to respond to a rapidly spreading, high-consequence, genetically engineered agent and the implications of such an event for the global community as a whole. We strongly encourage States Parties to build upon last year's discussions and achievements. In particular, we strongly encourage States Parties to continue to take meaningful concrete steps towards adopting a process for Requests for Assistance, including:

- Continuously sharing national experiences, challenges, and initiatives associated with assistance, response and preparedness efforts in order to develop an international repertoire of best practices;
- Strengthening coordination and cooperation between States Parties and with relevant international and regional organizations such as WHO, OIE, and FAO, as appropriate;
- Adopting procedures for requesting assistance under Article VII;
- Developing procedures, including additional resources for the maintenance of the assistance database, to improve the prompt and efficient response without preconditions to a request of assistance by a State Party under Article VII;
- Developing action and implementation plans to strengthen capacities for the early identification, response, and mitigation of disease outbreaks, whether natural, accidental or deliberate in origin;
- Encouraging the office of the UN Secretary-General to establish a permanent facilitator or unit devoted to coordinating the response to deliberate biological events; and
- Supporting a more robust and rapidly deployable investigative team through the UN Secretary-General's Mechanism for Investigation of Alleged Use of Chemical and Biological Weapons (UNSGM).

Institutional strengthening (MX5)

Mr Chair,

The financial situation of the BWC remains critical. Many States Parties continue to be in arrears, some significantly more than others. All States Parties must pay their assessed contributions in full and on time, to ensure that the limited 'institutions' the BWC already has are reliably resourced. States Parties with the largest debts have an added responsibility to settle their accounts without delay.

We welcome the measures endorsed at the 2018 MSP to encourage timely payment, ensure liquidity and avoid deficit spending or accumulation of liabilities. We encourage you in your efforts to find further measures to incentivize payment in order to secure the financial predictability and sustainability of future BWC meetings and of the ISU.

In his reflections on last year's MX5 deliberations, the Chair, Mr Otakar Gorgol of the Czech Republic, noted that while there was a strong desire and willingness among delegations to strengthen the Convention, there were also significantly differing views on the ways and means to do so, particularly in terms of whether to pursue objectives through a new legally-binding agreement. We echo the Chair's encouragement to "take steps to strengthen the Convention in the near term through politically agreed measures that do not involve new legal mechanisms. Such measures could be agreed and implemented swiftly, while further discussions on the specifications of a legally-binding protocol could proceed." Such a modular or 'stepping-stone' approach, as some of us in the NGO community have termed it, is incremental, inclusive, practical and forward-looking.

In the remaining time to 2021, States Parties can lay the groundwork for more substantive plans for consideration at the Ninth Review Conference. That groundwork can be developed in five areas:

- Information-sharing under the Confidence-Building Measures;
- Peer review visits;
- Consultation and clarification procedures for a range of issues under Article V of the Convention;
- Responding to suspected use of biological weapons via an agreed investigation procedure; and
- Measures to enhance peaceful cooperation and capacity building among States Parties.

For progress in these areas, individual States, or groups of States, must take practical initiatives. We applaud the efforts of those interested States Parties who have convened workshops or hosted exercises outside the formal Convention framework but clearly connected to its objectives, in order to further international discussions and readiness in these areas. We encourage you to continue, and stand ready to support and work with you in partnership on continued endeavors.

Reflections on current working practices

Mr Chair,

In our view, the practice of the Chairs of the five MXs of providing their reflections and proposals for possible outcomes (as contained in the respective BWC/MSP/2018/CRP documents) was a helpful addition to the meeting documentation, and we encourage continuation of this initiative. This process was particularly valuable, alongside the report of the meeting, since no consensus could be reached at the MSP on any outcomes of the Meetings of Experts.

Mr Chair,

We find this lack of outcome highly regrettable. It is unreflective of the considerable preparations and substantial discussions that had gone into the 2018 BWC meetings by a range of actors, as well as the concerted efforts of the vast majority of States Parties negotiating the final report to get more of the substance reflected in the report. The minimal outcome exemplifies the frustration that often comes with consensus-driven processes and raises the larger question of whether current working practices are the best way of ensuring the object and purpose of the BWC—including to ensure that biological weapons are not developed.

Trying to establish consensus consumes a great deal of meeting time that could be better spent, for instance, discussing advances in science and technology, or compliance assessment and confidence-building. Consensus brings in political battles from other areas and shifts the

focus away from the core purpose of the treaty. In many ways, consensus has become less a tool for encouraging creative compromise, and more an instrument for demanding unanimity, usually resulting in lowest common denominator outcomes, as was clearly the case for the 2018 MSP report.

One small but still significant way to deal with consensus would be to develop a different kind of meeting report, in which consensus recommendations and proposals are prominently noted but those which do not achieve consensus are also clearly stated and acknowledged. We urge you to consider this option.

A final note, Mr Chair:

One of the characteristics of the BWC community is the commitment and dedication of its experts, and the strength of the personal relationships that build up over many years of working together. Earlier this year, we lost one of our number, when Rafael Pérez Mellado, known to most of us simply as Rafa, sadly passed away. We mourn this loss and extend our condolences to the Spanish delegation, and to his family.

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