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

2018 Meeting
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Item 7(c) of the provisional agenda
Consideration of the factual reports of the Meetings of Experts reflecting their deliberations, including possible outcomes
Meeting of Experts on Strengthening National Implementation

Meeting of Experts on Strengthening National Implementation: Reflections and proposals for possible outcomes

Submitted by the Chair of the Meeting of Experts on Strengthening National Implementation

1. This document is issued in my individual capacity as Chair of MX3 to assist the Meeting of States Parties in developing consensus outcomes on potential areas of agreement that received particular attention among the different matters discussed in August. The ideas for the rest of the intersessional programme proposed in this paper could result in a set of suggestions to achieve common understanding and effective action to be considered at the Ninth Review Conference in 2021.

2. The debates that took place during the MX3 and their interactive character allowed for a useful and focused general discussion that will continue in the next two years. Considering the very limited time available (only two working days) for this MX in the rest of the intersessional programme until 2021, and in order to be more effective and able to report to the Ninth Review Conference concrete and practical proposals, issues identified for further discussion are as follows:

I. CBMs and CBMs improvements

3. The availability of the new electronic facility announced by the Implementation Support Unit (ISU) will facilitate the Confidence-Building Measures (CBMs) preparation and submission by a greater number of countries.

4. At the same time, considering lessons learned from national compilations of CBM returns, delegations may continue discussions to further technical refinement, including possible changes and updates, to improve the quality of submissions, and taking developments in science and technology into account. The numerous suggestions made to improve the quality of the contents of the current CBM forms need to reach consensus and reconcile different views among States Parties.

5. Therefore, informal discussions and consultations open to all States Parties interested in improving CBMs are encouraged to take place during the next two years between Meetings of States Parties and Meetings of Experts, with a view to be able to present the set of modifications at the next Review Conference.
6. This could be done in parallel to the launch of the new electronic tool in order to analyse its performance and seek its improvement if deemed necessary by States Parties, thus possibly forming part of the mentioned set of CBM changes to be considered by the Ninth Review Conference.

7. Assistance from delegations able to do so and the ISU if necessary should be provided to others that may need it. It is clear that such offers are welcome, considering that several countries called for assistance with CBMs.

II. Other voluntary transparency initiatives

8. Several States Parties have engaged with others in different types of voluntary and non-intrusive transparency exercises to exchange views and ideas on how to improve national BWC implementation, while at the same time increasing transparency and confidence in compliance.

9. Activities in this area continued to receive considerable attention from BWC States Parties, and the number of States Parties participating in them is growing. These initiatives, that are neither intended nor perceived as substitutes for verification, were referred to in many statements at MX3 as valuable for the purpose of improving national implementation and increasing transparency about it.

10. At the same time, these activities are seen by several States Parties as particularly useful to better direct international assistance and cooperation among States Parties in areas identified as relevant during the transparency exercises.

11. Further initiatives of this kind could continue among States Parties and the information and lessons learned provided by these processes could foster more informative discussions in the next MX3 meetings in 2019 and 2020 about how best to maximize their value, so that their results could be reported to the next Review Conference in 2021.

III. Export controls

12. Different views were expressed in discussions as to how better implement Article III, becoming clear that a consensus agreement is not on the table yet, while some positions had been expressed in previous working papers. Some delegations have argued for the need of a new legal instrument, whereas a large group of delegations are opposed to that approach.

13. Therefore, it is necessary to dedicate more time for discussions to this particular issue during the two remaining MX3 meetings, in order to explore ways and means for reaching a common understanding to be presented to the Review Conference in 2021.

14. At the same time, while we have to acknowledge differences on export controls, it is important to work on the basis of what is already agreed on the topic. The Eighth Review Conference called for implementing Article III with export controls that ensure that direct and indirect transfers relevant to the Convention are authorized only when the intended use is for purposes not prohibited under the Convention, but that do not impose restrictions and/or limitations on transfers for purposes consistent with the Convention.

IV. Conclusions

15. Discussing the three main topics above will allow, at the same time, to properly address all the other Articles of the Convention covered under MX3.

16. Article IV calls on States Parties to adopt the necessary measures to fulfil the compromise acquired in Article I. Some, if not all, of these measures may pertain to strengthen the implementation at the national level on more than one Article of the Convention. Some of the work done under the MX3 was related to matters that were of general implementation (Biosafety and Biosecurity, i.a.).
17. The voluntary transparency initiatives will be able to explore almost anything under the BWC that could be considered in order to improve the implementation of the Convention at the national level, allowing at the same time for selecting specific assistance and cooperation on issues considered useful by the States Parties involved in the transparency exercises. These initiatives may facilitate a deeper and more precise knowledge of the needs of countries and promote a more efficient cooperation and assistance under Article X in support of strengthening of the BWC.

18. On the other hand, discussions related to the contents and ways and means of CBM submissions will no doubt be of direct application to improve the implementation of the Convention.

19. Therefore, allocating time to discuss the three main issues above will ensure, with the appropriate inclusion in the debates of particular measures, to cover most, if not all, the provisions related to Article X, and at the same time to review all aspects that may be needed to strengthen the BWC implementation at the national level.