

## IV. Biological weapon disarmament and non-proliferation

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The principal legal instrument against biological warfare is the 1972 Biological and Toxin Weapons Convention (BWC).<sup>1</sup> In 2019, the United Republic of Tanzania ratified the convention, becoming the 183rd state party.<sup>2</sup> A further 4 states have signed but not ratified the convention, and 10 states have neither signed nor ratified the convention.<sup>3</sup>

Key biological disarmament and non-proliferation activities in 2019 were carried out in connection with the second set of 2018–20 BWC intersessional Meetings of Experts (MXs), the First Committee of the United Nations General Assembly and the BWC Meeting of States Parties (MSP). One of the developing trends in the field is the rise of civil society as a major contributor to shaping global dialogues around biological threats and appropriate responses to them.

### The 2019 Meetings of Experts

The second set of the five 2018–20 BWC intersessional MXs took place from 29 July to 8 August 2019.<sup>4</sup> MX1 focused on cooperation and assistance; MX2 on science and technology; MX3 on national implementation; MX4 on assistance, response and preparedness; and MX5 on institutional strengthening—as agreed in 2017.<sup>5</sup> In advance of each MX, the BWC Implementation Support Unit (ISU) produced a general background document on the topic under consideration.<sup>6</sup> Since the 2018 chairs' papers providing reflections and proposals for possible outcomes after the 2018 MXs proved contentious, the MX chairs did not produce such papers for the 2019 meetings.

#### *Meeting of Experts 1*

MX1 met on 29–30 July 2019 and was chaired by Ambassador Victor Dolidze of Georgia. The purpose of the meeting was to discuss and promote common understanding and effective action on cooperation and assistance, with a particular focus on strengthening cooperation and assistance on peaceful

<sup>1</sup> For a summary and other details of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, see annex A, section I, in this volume.

<sup>2</sup> BWC, 'Report on universalization activities', BWC/MSP/2019/3, 8 Oct. 2019, para. 1.

<sup>3</sup> BWC, BWC/MSP/2019/3 (note 2), para. 1.

<sup>4</sup> For a discussion of the first set of meetings, see Lentzos, F., 'Biological weapon disarmament and non-proliferation', *SIPRI Yearbook 2019*, pp. 434–39.

<sup>5</sup> BWC, 'Report of the Meeting of States Parties', BWC/MSP/2017/6, 19 Dec. 2017, para. 19.

<sup>6</sup> For background documents, along with all working papers, technical briefing presentations, side event details and the joint NGO position paper, see BWC, '2019 Meetings of Experts (29 July–8 Aug. 2019)', Meetings and documents.

uses of the life sciences and associated technologies (Article X of the BWC).<sup>7</sup> States parties submitted six working papers (half the number submitted to the meeting in 2018). There was diverse input to the meeting, including two technical briefings presented by independent experts and a joint non-governmental organization (NGO) position paper submitted to all five MXs setting out a collective NGO view on key action points for the meetings. China and Russia hosted two side events.<sup>8</sup>

The meeting had seven substantive topics for discussion (agenda items 4–10).<sup>9</sup> Under the first, on consideration of national reports on Article X implementation, states parties emphasized the value of these reports, and discussed how to further encourage and facilitate voluntary reporting in order to raise the low number of reports submitted. Several states parties provided examples of their activities supporting the aims and objectives of Article X, and recipients of assistance reported on supported activities. Under the second topic, on the assistance and cooperation database established by the Seventh Review Conference and commonly known as the Article X database, states parties welcomed operational enhancements undertaken by the ISU and funded by Ireland, as well as the increased number of offers and requests listed, but highlighted that use of the database remains low. States parties discussed ways of mobilizing resources to support the database, along with measures to strengthen its operationalization.

States parties continued sharing views on challenges and obstacles to developing and deepening international cooperation between developed and developing countries (the third substantive topic). Under the fourth topic, they considered mobilizing resources, including financial resources, on a voluntary basis to address gaps and needs effectively, as well as the guidelines and procedures for that mobilization. Several states supported the idea of a potential voluntary trust fund to support cooperation and assistance activities. Some states also supported a new ISU post of Cooperation and Assistance Officer.

For the fifth topic, on education, training, exchange and twinning programmes, states parties considered existing international and regional platforms to support human resource development in the field of biological sciences. States parties also noted important leading events, and the numerous university-based programmes and technology exchanges involving scientists and academia among developing and developed states. States parties shared views, under the sixth topic, on promoting capacity building

<sup>7</sup> BWC, 'Report of the 2019 Meeting of Experts on cooperation and assistance, with a particular focus on strengthening cooperation and assistance under Article X', BWC/MSP/2019/MX.1/2, 26 Sep. 2019, para. 4.

<sup>8</sup> BWC, '2019 Meetings of Experts', [n.d.].

<sup>9</sup> BWC, BWC/MSP/2019/MX.1/2 (note 7), paras 16–24 and annex 1, paras 4–33.

through international cooperation and also considered best practices when implementing sustainable cooperation activities.

Under the final item, on collaboration with international organizations, states parties reiterated the merits of continued coordination and collaboration with international organizations and networks related to combating infectious disease, as a means of implementing Article X. The meeting also considered regional and subregional cooperation fora that can contribute to engaging international stakeholders on issues such as international preparedness or biosafety and biosecurity.

One commentator on MX1 noted that ‘there was improved interactive discussion over the year before, which itself had been a great improvement on previous practice in this regard.’<sup>10</sup>

### *Meeting of Experts 2*

MX2 met on 31 July and 2 August 2019 and was chaired by Yury Nikolaichik of Belarus. The purpose of the meeting was to discuss and promote common understanding and effective action on developments in the fields of science and technology related to the BWC.<sup>11</sup> States parties submitted seven working papers, compared with twelve in 2018. There were five technical briefings and eight side events—twice the number of side events in 2018.<sup>12</sup>

The meeting had four substantive topics for discussion (agenda items 4–7).<sup>13</sup> The first was a review of relevant science and technology developments. States parties highlighted rapid advances, particularly in synthetic biology, genome editing, gene drive techniques and metabolic engineering; considered examples of scientific research for possible dual-use application and technologies with the potential to reduce biological risks; and noted the growing ‘do-it-yourself bio’ community. States parties exchanged views on features of a systematic and structured science and technology review process; suggestions included incorporating a standing science and technology advisory function in the ISU and more regular sharing of information on relevant events and the work that international academics and states parties undertake.

Under the second topic, on biological risk assessment and management, states parties noted the difficulty of adequately anticipating future advances and assessing related risks and benefits; emphasized the need to further improve assessment methodologies; and discussed various approaches to risk assessment, with several states providing information about their existing

<sup>10</sup> Guthrie, R., ‘Conclusion of MX1 and a look forward to MX2: Science and technology’, MX Report no. 3, 31 July 2019, Daily Reports from BWC Meetings, BioWeapons Prevention Project, p. 1.

<sup>11</sup> BWC, ‘Report of the 2019 Meeting of Experts on review of developments in the field of science and technology related to the Convention’, BWC/MSP/2019/MX.2/2, 8 Oct. 2019, para. 4.

<sup>12</sup> BWC, ‘2019 Meetings of Experts’ (note 8).

<sup>13</sup> BWC, BWC/MSP/2019/MX.2/2 (note 11), paras 16–20 and annex 1, paras 4–24.

practices. Other points raised included the challenges of assessing benefits and of addressing intangible aspects of technology in risk–benefit assessments and convergence with other technologies. States parties ‘stressed the need for a holistic approach towards bio-risk assessment and management’ that cuts ‘across scientific disciplines and involve[s] stakeholders from a variety of backgrounds’.<sup>14</sup>

The development of a voluntary model code of conduct for biological scientists and all relevant personnel was the focus of the third topic. In the exchange of views, states parties noted that there was no code that could cover all contexts and that some states parties in favour of codes would prefer professional and learned societies to draft their own codes, rather than have the BWC impose a code. Several states parties and international organizations presented examples of codes of conduct and highlighted the benefits of these instruments. States parties also noted that they saw awareness-raising and education as complementary to codes and crucially important.

Under the last topic, on other science and technology developments of relevance, states parties noted in particular the convergence between cybertechnologies, artificial intelligence and biotechnologies, recognizing that ‘convergence’ can mean more than just overlap; for instance, some convergences between the biological and cyber spheres are ‘game changers’ that will impact upon the world both positively and negatively.<sup>15</sup> The states parties also noted the widespread availability and accessibility of new technologies and information, including intangible information, and stressed the need for closer collaboration among experts and between relevant international organizations.<sup>16</sup>

The MX2 discussion was generally interactive and detailed. At the start of the meeting the chair reordered the agenda items ‘so that delegations could receive the freshest information about events in other platforms and about the potential trends that could be discussed in the BWC’.<sup>17</sup> This move, one commentator noted, ‘was not without controversy’.<sup>18</sup> More substantively, MX2 demonstrated, ‘broad agreement and much common ground on a need for effective review of scientific and technological developments, but divergences on what might be the best method. Most delegations expressed an interest in some form of new meeting format or dedicated body; a notable exception was Iran which expressed scepticism in relation to anything new.’<sup>19</sup>

<sup>14</sup> BWC, BWC/MSP/2019/MX.2/2 (note 11), annex 1, para. 13.

<sup>15</sup> Guthrie, R., ‘MX2: Future developments, science advice and codes of conduct’, MX Report no. 4, 2 Aug. 2019, Daily Reports from BWC Meetings, BioWeapons Prevention Project, p. 1.

<sup>16</sup> BWC, BWC/MSP/2019/MX.2/2 (note 11), annex 1, paras 21–22.

<sup>17</sup> Guthrie, MX Report no. 4 (note 15), p. 2.

<sup>18</sup> Guthrie, MX Report no. 4 (note 15), p. 1.

<sup>19</sup> Guthrie, R., ‘The conclusion of MX2 and a look to MX3 on national implementation’, MX Report no. 5, 5 Aug. 2019, Daily Reports from BWC Meetings, BioWeapons Prevention Project, pp. 1–2.

Differences remain on the mandate, composition, chair, funding, name and relationship to other BWC meetings. Several delegations encouraged further work to develop a substantive proposal that might achieve consensus at the Ninth Review Conference.

### *Meeting of Experts 3*

MX3 met on 5 August 2019 and was chaired by Lebogang Phihlela of South Africa. The purpose of the meeting was to discuss and promote common understanding and effective action on strengthening national implementation.<sup>20</sup> States parties submitted six working papers, compared to nine on this topic in 2018. The Organisation for the Prohibition of Chemical Weapons (OPCW) and one independent expert provided technical briefings to the meeting. Canada, Malaysia, the Netherlands and Uganda jointly hosted one side event and France hosted another.<sup>21</sup>

The meeting had five substantive topics for discussion (agenda items 4–8).<sup>22</sup> The first, on national measures to implement the BWC, included consideration of biosafety, biosecurity, outbreak control and outreach activities. States parties highlighted the value of a single, coordinated framework to address the range of biological threats (naturally occurring; accidental or deliberate; domestic or international; affecting humans, animals or plants); and also emphasized the value of sharing best practices and experiences, including challenges, and the importance of assistance and cooperation in capacity building.

Under the second topic, on confidence-building measures (CBMs), states parties emphasized the importance of strengthening CBMs in terms of quantity and quality. Some states continue to view the CBMs as voluntary, rather than politically binding. Although the CBMs are not derived directly from the text of the BWC, the Second Review Conference resulted in a consensus decision that states parties were ‘to implement [the CBMs] on the basis of mutual co-operation’.<sup>23</sup> This decision means that participation in the CBMs is a politically binding requirement for all BWC states parties. The states parties also discussed the new electronic CBM platform, which the ISU developed and Germany and the European Union funded, to simplify the compilation and submission of CBMs. The ISU indicated that nine states parties made submissions via the platform and that it had received a total

<sup>20</sup> BWC, ‘Report of the 2019 Meeting of Experts on strengthening national implementation’, BWC/MSP/2019/MX.3/2, 1 Nov. 2019, para. 4.

<sup>21</sup> BWC, ‘2019 Meetings of Experts’ (note 8).

<sup>22</sup> BWC, BWC/MSP/2019/MX.3/2 (note 20), paras 16–19 and annex 1, paras 4–28.

<sup>23</sup> BWC, ‘Second Review Conference of the Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (final document)’, BWC/CONF.II/13, 30 Sep. 1986, p. 6.

of 75 submissions so far in 2019.<sup>24</sup> States parties made further proposals to continue enhancing the utility and use of the CBMs, including a step-by-step approach to CBM submission and the establishment of cooperative networks of relevant domestic agencies.<sup>25</sup>

The ambitious meeting agenda combined with active state party interventions meant the one-day meeting ran out of time and states parties were unable to complete their consideration of the remaining three agenda items. Many states parties expressed regret that the meeting ran out of time, but the meeting decided to move straight to the adoption of the report in English rather than continuing to discuss substantive items with the limitations and disadvantages of having no interpretation.<sup>26</sup> One commentator noted that despite Phihlela's capable chairing, there was little that could be done to push through the uncompleted agenda items—not least because of the range and number of related activities that states parties were committed to pursuing (e.g. presentations, statements and interventions)—and that it is evident there needs to be a reduction in the MX3 workload.<sup>27</sup>

#### *Meeting of Experts 4*

MX4 met on 6–7 August 2019 and was chaired by Usman Iqbal Jadoon of Pakistan. The purpose of the meeting was to discuss and promote common understanding and effective action on assistance, response and preparedness.<sup>28</sup> States parties submitted seven working papers, compared with eleven in 2018. There were four technical briefings and six side events.<sup>29</sup>

The meeting had six substantive topics of discussion (agenda items 4–9).<sup>30</sup> The first focused on practical challenges and possible solutions for implementing Article VII, which obliges states parties to provide assistance to any state party that has been exposed to danger as a result of a violation of the BWC. The discussion focused particularly on the question of leadership and coordination in the international response to a deliberate biological event. Divergent views were evident among states parties, especially on the question of the focal point for preparations for Article VII responses: many Western states were of the view that this should be the United Nations secretary-general while other states, in particular Iran and Russia, held that this should

<sup>24</sup> Guthrie, R., 'MX3 has more substance than time, and a look to MX4 assistance and response', MX Report no. 6, 6 Aug. 2019, Daily Reports from BWC Meetings, BioWeapons Prevention Project, p. 1.

<sup>25</sup> BWC, BWC/MSP/2019/MX.3/2 (note 20), annex 1, para. 14.

<sup>26</sup> BWC, BWC/MSP/2019/MX.3/2 (note 20), annex 1, paras 3 and 19.

<sup>27</sup> Guthrie, MX Report no. 6 (note 24) p. 2.

<sup>28</sup> BWC, 'Report of the 2019 Meeting of Experts on assistance, response and preparedness', BWC/MSP/2019/MX.4/2, 8 Oct. 2019, para. 4.

<sup>29</sup> BWC, '2019 Meetings of Experts' (note 8).

<sup>30</sup> BWC, BWC/MSP/2019/MX.4/2 (note 28), paras 16–22 and annex 1, paras 4–25.

be BWC states parties and ultimately the UN Security Council.<sup>31</sup> Russia's position, as elaborated later to the UN General Assembly First Committee on 11 October 2019, was that it is 'unacceptable to create alternative BTWC verification mechanisms in contravention of the UNSC and the provisions of the Convention' and that 'any disarmament and arms control mechanisms should be discussed and adopted by states parties' consensus at specialized international fora, in this case, the BTWC'.<sup>32</sup> More positively, the meeting reaffirmed the importance of national preparedness, particularly by having access to new technologies and equipment for detection of and response to emerging biological threats against humans, animals and plants.<sup>33</sup>

Under the second substantive topic, on guidelines and formats for assistance under Article VII, there appeared to be broad support for the guidelines outlined in the South African working paper submitted to MX4 in 2018 (and in 2014 in an earlier incarnation). Under the third topic, the meeting further discussed a database to facilitate assistance under the framework of Article VII, as supported by the Eighth Review Conference, as well as a proposal to establish a fund for assistance.<sup>34</sup> States parties considered, under the fourth topic, mobile biomedical units which Russia had promoted to BWC states parties for a number of years.<sup>35</sup> While delegates generally recognized that mobile labs would contribute to any response effort, opinions diverged widely on whether mobile labs should be a BWC activity with associated costs managed centrally, or whether they should be added to a roster of units offered by various countries to be deployed in relevant circumstances.<sup>36</sup>

The meeting explored strengthening international response capabilities for both natural and deliberate infectious disease outbreaks, under the fifth topic item. States parties shared national experiences of strengthening national health systems and national response capabilities, including by means of national response plans, specialized response units, and regular tabletop and field exercises.<sup>37</sup> They also highlighted the importance of 'a consistent and flexible communication strategy in an incident'; stressed the importance of 'well-equipped' national laboratories; and presented information on efforts to strengthen the roster of designated laboratories under the UN Secretary-

<sup>31</sup> BWC, BWC/MSP/2019/MX.4/2 (note 28), annex 1, paras 5–6; Guthrie, MX Report no. 6 (note 24), p. 2; and Guthrie, R., 'The first day of MX4: Challenges, guidelines and a database', MX Report no. 7, 7 Aug. 2019, Daily Reports from BWC Meetings, BioWeapons Prevention Project, p. 2.

<sup>32</sup> Yermakov, V., 'Statement by Mr Vladimir Yermakov, Head of Delegation of the Russian Federation to the First Committee of the 74th UNGA session, Director of the Department for Nonproliferation and Arms Control of the Ministry of Foreign Affairs of the Russian Federation, within the General Debate', United Nations, General Assembly First Committee, New York, 11 Oct. 2019, p. 6.

<sup>33</sup> BWC, BWC/MSP/2019/MX.4/2 (note 28), annex 1, para. 8.

<sup>34</sup> BWC, BWC/MSP/2019/MX.4/2 (note 28), annex 1, paras 9–15.

<sup>35</sup> BWC, BWC/MSP/2019/MX.4/2 (note 28), annex 1, paras 16–18.

<sup>36</sup> Guthrie, MX Report no. 7 (note 31), p. 2.

<sup>37</sup> BWC, BWC/MSP/2019/MX.4/2 (note 28), annex 1, para. 19.

General's Mechanism, including the conduct of a larger capstone field exercise in 2020.<sup>38</sup>

The final substantive item considered deliberate attacks against agriculture, livestock and the natural environment, and was discussed in more depth than in 2018. Suggestions for areas to focus on in future included practical measures such as sharing best practices for attack preparation and response, and developing procedures for facilitating preparation and response coordination.<sup>39</sup> The UN General Assembly has declared 2020 as the International Year of Plant Health, and some states parties proposed to devote particular focus to plant health issues at the 2020 MX4.<sup>40</sup>

In his summary report, the chair acknowledged the many challenges to implementing Article VII, but also highlighted the emergence of broad support in some areas.<sup>41</sup> In a workshop panel discussion on MX4 in November 2019, he indicated that these broad areas of convergence included establishing guidelines to submit assistance requests, developing an assistance database, compiling a roster of mobile biomedical units, the value of training and exercises, and overlaps and links between Articles VII and X.<sup>42</sup> In the same discussion he also noted that the stumbling block to consensus will likely be finding agreement on the roles of the UN secretary-general, the UN Security Council and individual states parties in any investigations of a deliberate biological event.

### *Meeting of Experts 5*

MX5 met on 8 August 2019 and was chaired by Laurent Masméjean of Switzerland. The purpose of the meeting was to discuss and promote common understanding and effective action on institutional strengthening of the BWC.<sup>43</sup> States parties submitted four working papers, the same number as in 2018. There were two technical briefings and one side event.<sup>44</sup>

The meeting had only one substantive agenda item: consideration of the full range of approaches and options to further strengthen the BWC and its functioning through possible additional legal measures or other measures in the framework of the convention. Divergent views within the BWC have historically been most pronounced when it comes to the best ways of

<sup>38</sup> BWC, BWC/MSP/2019/MX.4/2 (note 28), annex 1, paras 19 and 20.

<sup>39</sup> BWC, BWC/MSP/2019/MX.4/2 (note 28), annex 1, para. 22.

<sup>40</sup> BWC, BWC/MSP/2019/MX.4/2 (note 28), annex 1, para. 24.

<sup>41</sup> BWC, BWC/MSP/2019/MX.4/2 (note 28), annex 1, para. 3.

<sup>42</sup> Jadoon, U. I., Comments at a panel discussion on MX4 during a workshop jointly organized by the UN Office for Disarmament Affairs (UNODA), Japan and the Geneva Centre for Security Policy, 'Taking stock of deliberations on assistance, response and preparedness under the current intersessional programme', Geneva, 19 Nov. 2019.

<sup>43</sup> BWC, 'Report of the 2019 Meeting of Experts on institutional strengthening of the Convention', BWC/MSP/2019/MX.5/2, 4 Oct. 2019, para. 4.

<sup>44</sup> BWC, '2019 Meetings of Experts' (note 8).



strengthening the convention, the most significant point of disagreement being whether to pursue objectives through a new legally-binding agreement.<sup>45</sup> These differences in view were clear at the meeting.

States parties seeking to find middle ground between those pushing for a return to the failed negotiations of 2001 for a legally-binding agreement, and those arguing verification in the BWC context is impossible, counselled pursuing ‘a pragmatic, incremental approach’ of adopting individual measures to strengthen the convention’s existing provisions and suggested ‘a broad range of possible measures with a view to strengthening the BWC institutionally’.<sup>46</sup> These measures included strengthening the consultative provisions of Article V; improving and expanding the scope of the CBMs; analysing the content of CBM submissions to reinforce their utility; transparency initiatives such as voluntary peer review exercises and voluntary visits; bolstering capacities to investigate the alleged use of biological weapons; enhancing the operationalization of Article VII; and establishing a more structured approach to science and technology review.<sup>47</sup>

Many states parties also emphasized that the BWC needs a solid and sustainable financial foundation to ensure it, the ISU and the intersessional process function effectively. While delegates welcomed the Working Capital Fund (WCF) established at the 2018 MSP, several states parties reiterated that the WCF aims to ensure adequate cash flow, and that it is not a long-term solution and cannot resolve structural problems or late and non-payments, reminding all states parties of the need to abide by their financial obligations by paying in full and on time.<sup>48</sup>

### **The First Committee of the UN General Assembly**

Resolution A/C.1/74/L.44 on the BWC was adopted in the First Committee of the UN General Assembly on 4 November 2019 without a vote.<sup>49</sup> Unlike the First Committee resolution on the Chemical Weapons Convention (CWC), where several highly politicized elements have hampered consensus, the BWC resolution continues to achieve unanimous support, reflecting the international community’s undisputed norm against this particular kind of weapon.<sup>50</sup>

<sup>45</sup> Lentzos, F., *Compliance and Enforcement in the Biological Weapons Regime* (UNIDIR: Geneva, 2019).

<sup>46</sup> BWC, BWC/MSP/2019/MX.5/2 (note 43, annex 1, paras 11 and 12).

<sup>47</sup> BWC, BWC/MSP/2019/MX.5/2 (note 43), annex 1, paras 13–20.

<sup>48</sup> BWC, BWC/MSP/2019/MX.5/2, (note 43) annex 1, para 24.

<sup>49</sup> United Nations, General Assembly, First Committee, Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, A/RES/74/79, 12 Dec. 2019.

<sup>50</sup> United Nations, General Assembly, First Committee, ‘Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their

The resolution welcomed the increase in ratifications of, and accessions to, the BWC, while underscoring the continuing need to achieve universalization.<sup>51</sup>

The resolution reaffirmed the importance of national measures in implementing the BWC and called on all states parties to participate in the implementation of Review Conference recommendations, including the exchange of data under the CBMs.<sup>52</sup> It recognized the importance of ongoing efforts to enhance international cooperation and assistance, and encouraged states parties to submit requests for, and offers of, cooperation and assistance, as well as to provide information on their implementation of Article X of the BWC.<sup>53</sup>

The resolution reiterated decisions of the Eighth Review Conference, noted ongoing intersessional activities and encouraged preparations for the Ninth Review Conference in 2021. For the first time, the resolution introduced new language encouraging equitable participation of women and men in the framework of the BWC.<sup>54</sup>

The resolution gave considerable attention to the detrimental financial situation of the BWC, and called upon states parties to tackle its financial deficit as a matter of urgency.<sup>55</sup>

A call for action on the adverse financial situation also featured in a statement<sup>56</sup> delivered to the First Committee by the chair of the 2019 BWC MSP, Ambassador Yann Hwang of France, who gave the statement on behalf of the chairs of the four disarmament conventions hosted by the United Nations Office at Geneva.<sup>57</sup> He stressed how the serious financial difficulties experienced across the four conventions compromise the progress of work and the credibility of the disarmament conventions:

over the years, meetings approved by all states parties have been cut short due to lack of funds, and several unacceptable cost-cutting measures, including the sacrifice of

Destruction', A/RES/74/40, 19 Dec. 2019. For a summary and other details of the 1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, see annex A, section I, in this volume.

<sup>51</sup> United Nations, General Assembly, A/RES/74/79 (note 49), Preamble, p. 1.

<sup>52</sup> United Nations, General Assembly, A/RES/74/79 (note 49), Preamble, p. 2 and Article 4.

<sup>53</sup> United Nations, General Assembly, A/RES/74/79 (note 49), Preamble, p. 2 and Article 6.

<sup>54</sup> United Nations, General Assembly, A/RES/74/79 (note 49), Preamble, p. 2.

<sup>55</sup> United Nations, General Assembly, A/RES/74/79 (note 49), Articles 11 and 12.

<sup>56</sup> Hwang, Y., 'Intervention de M. Yann Hwang, Ambassadeur, Représentant permanent de la France auprès de la Conférence du Désarmement, Chef de la délégation française' [Statement by Mr Yann Hwang, Ambassador, Permanent representative of France to the Conference on Disarmament, Head of the French delegation], 74th UN General Assembly First Committee, 30 Oct. 2019. English translation: United Nations, 'First Committee, 19th meeting—General Assembly, 74th session', 30 Oct. 2019, UN Web TV.

<sup>57</sup> Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, APLC; BWC; Convention on Cluster Munitions, CCM; and Convention on Certain Conventional Weapons, CCW. For a summary and other details of these conventions, see annex A, section I, in this volume.

the interpretation of our meetings and the translation of official documents, have been taken. In addition, the precarious financial situation also threatens the very existence of certain support units for implementation, which are essential for the implementation and strengthening of the conventions it serves.<sup>58</sup>

The joint statement appealed to the respective states parties to consider additional measures to tackle non-payment beyond those already introduced.<sup>59</sup>

While there was unanimous support for the BWC resolution, clear differences in views were apparent from statements made to the First Committee. The United States, for instance, firmly pushed back on the ‘small number of States Parties repeatedly blocking action’ to strengthen the BWC by ‘insisting’ the only way forward is resuming multilateral negotiations on a non-discriminatory legally binding Protocol.<sup>60</sup>

### **The 2019 Meeting of States Parties**

The 2019 MSP was convened from 3 to 6 December 2019, chaired by Ambassador Yann Hwang of France, with Ambassador Adrian Vierita of Romania and Ambassador Andreano Erwin of Indonesia serving as vice-chairs. The MSPs are responsible for managing the intersessional programme, through consideration of MX reports, and for taking the necessary measures with respect to budgetary and financial matters. The chair of the 2019 MSP produced a report on universalization activities in advance of the meeting.<sup>61</sup> Upon request from the 2018 MSP, the chair also produced, for the 2019 MSP to consider, a report on the financial situation of the BWC and the implementation of the financial measures adopted in 2018.<sup>62</sup> The ISU produced an annual report on its activities.<sup>63</sup> States parties submitted 5 working papers, considerably less than the 11 produced for the 2018 MSP. In the general debate, 63 states parties made statements (one fewer than in 2018).<sup>64</sup> There were 15 side events, notably up on the 9 side events of the 2018 MSP.<sup>65</sup>

<sup>58</sup> Hwang (note 56), p. 1.

<sup>59</sup> Hwang (note 56), p. 2.

<sup>60</sup> Wood, R., ‘Statement by HE Ambassador Robert Wood, Permanent Representative of the United States to the Conference on Disarmament’, 74th United Nations, General Assembly First Committee, 23 Oct. 2019, p. 2.

<sup>61</sup> BWC, BWC/MSP/2019/3 (note 2).

<sup>62</sup> BWC, ‘Report on the overall financial situation of the Biological Weapons Convention’, BWC/MSP/2019/5, 28 Nov. 2019.

<sup>63</sup> BWC, ‘Annual report of the Implementation Support Unit’, BWC/MSP/2019/4, 8 Oct. 2019.

<sup>64</sup> BWC, ‘Report of the 2019 Meeting of States Parties’, BWC/MSP/2019/7, 11 Dec. 2019, para. 15; and BWC, ‘Report of the 2018 Meeting of States Parties’, BWC/MSP/2018/6, 11 Dec. 2018, para. 15.

<sup>65</sup> BWC, ‘2019 Meeting of States Parties’, [n.d.].

*The financial situation of the Convention*

Reviewing the financial situation of the BWC formed a central focus for the meeting. The chair's financial report informed states parties that as of 27 November 2019, the WCF had received a total of \$276 855.04 in voluntary contributions from China, France, Germany, Russia and the United Kingdom.<sup>66</sup> The report stated that no withdrawals had at that time been made from the WCF, but noted that because WCF funds were available at the time that ISU staff contracts were due for renewal, the ISU could extend the contracts for a longer period than would otherwise have been possible. The WCF acted as a guarantee covering the contract extensions, but the ISU did not use the funds in the end because it received additional contributions in time to cover the payroll charges.<sup>67</sup>

The financial report noted that while the measures adopted by the 2018 MSP 'effectively addressed liquidity issues and structural problems', the problem of outstanding contributions from activities prior to 2018 remained; these amounted to almost \$76 000 as of 31 October 2019.<sup>68</sup> During the discussion, none of the countries significantly in arrears took the floor.<sup>69</sup> The report concluded that although it was too soon to assess the full impact of the financial measures adopted at the 2018 MSP, the initial impact was positive, 'providing much-needed predictability and stability for the intersessional programme and also preventing the continued accumulation of financial liabilities by the United Nations'.<sup>70</sup> States parties requested the chair of the 2020 MSP to provide a similar report to review the financial situation in a year's time.<sup>71</sup>

*Issues considered*

In addition to the financial deliberations, the meeting considered universalization, the annual report of the ISU, and arrangements for the 2020 meetings, as well as initial arrangements for the 2021 Review Conference and its Preparatory Committee. The meeting approved the Non-Aligned Movement (NAM) nomination of Ambassador Aliyar Lebbe Azeez of Sri Lanka as chair of the 2020 MSP. The 2020 MXs are scheduled for 25 August to 3 September, and the 2020 MSP for 8–11 December 2020. The Ninth Review Conference will be held in November 2021, with exact dates to be decided at the 2020 MSP.<sup>72</sup>

<sup>66</sup> BWC, BWC/MSP/2019/5 (note 62), para. 10.

<sup>67</sup> BWC, BWC/MSP/2019/5 (note 62), para. 11.

<sup>68</sup> BWC, BWC/MSP/2019/5 (note 62), para. 16.

<sup>69</sup> Guthrie, R., 'Three MXs, preparations for the Review Conference and annual reports', MSP Report no. 4, 6 Dec. 2019, Daily Reports from BWC Meetings, BioWeapons Prevention Project, p. 2.

<sup>70</sup> BWC, BWC/MSP/2019/5 (note 62), para. 17.

<sup>71</sup> BWC, BWC/MSP/2019/7 (note 64), para. 23.

<sup>72</sup> BWC, BWC/MSP/2019/7 (note 64), paras 28–32.

More substantively, the meeting considered the reports of each MX. Regrettably, as in 2018, the outcome was minimal. Unlike the 2018 MSP report, the 2019 MSP report did express gratitude to the MX chairs, acknowledging the reports of the MXs and noting the value of both the work and the discussions of the MXs.<sup>73</sup> However, in terms of real substance, the report simply contained the same one-line sentence on the MXs as the 2018 MSP report: ‘No consensus was reached on the deliberations including any possible outcomes of the Meetings of Experts.’<sup>74</sup> This was despite several states parties having expressed regret at the lack of a substantive MSP outcome document in 2018, at the MXs, in the First Committee of the UN General Assembly, and at the MSP itself. Russia, for instance, had announced in the First Committee that it would pursue the adoption of a ‘meaningful’ final MSP document.<sup>75</sup> Following through on its announcement, on the second day of the MSP Russia circulated draft text for the MSP report that included proposed paragraphs relating to each of the MXs. One commentator noted:

This was interpreted by many in the room as an attempt to get substantive issues reflected in the final report, which has in the past been opposed by Iran. There were suggestions from some delegations that Russia should circulate the text as an MSP working paper as there was little remaining time in the MSP for discussion. The US delegation stated that there would be nothing they could agree to that could come out of discussion of the Russian text.<sup>76</sup>

A novel initiative by the 2019 MSP chair provides an opportunity to circumvent the reporting impasse on substantive issues. At the MSP, the chair circulated a paper outlining a proposed process for feeding the substantive work of the MXs into the MSPs and the 2021 Review Conference.<sup>77</sup> Noting that ‘the financial cost and environmental footprint . . . would be outrageous if the MSP was to prove unproductive in substance’,<sup>78</sup> he suggested the MX chairs and the MSP chair produce an overview of proposals expressed by experts at the MXs in an *aide memoire* that could then be updated following the 2020 meetings and be made available for the Ninth Review Conference.<sup>79</sup> He also suggested that the outgoing MSP chair transmit a letter to the incoming MSP chair, copied to all states parties, reporting on work undertaken and highlighting key proposals most likely to garner consensus.<sup>80</sup> The paper

<sup>73</sup> BWC, BWC/MSP/2019/7 (note 64) para. 26.

<sup>74</sup> BWC, BWC/MSP/2019/7 (note 64), para. 25.

<sup>75</sup> Yermakov (note 32), p. 6.

<sup>76</sup> Guthrie, R., ‘The closing day of the Meeting of States Parties and some reflections’, MSP Report no. 5, 31 Dec. 2019, Daily Reports from BWC Meetings, BioWeapons Prevention Project, p. 2.

<sup>77</sup> BWC, Communications from the MSP Chair at the 2019 MSP, ‘Consideration by the Chair of the 2019 Meeting of States Parties on methodological issues in view of the Ninth Review Conference’, 4 Dec. 2019.

<sup>78</sup> BWC, Communications from the MSP Chair (note 77), para. 1, fourth item.

<sup>79</sup> BWC, Communications from the MSP Chair (note 77), para. 2, first item.

<sup>80</sup> BWC Communications from the MSP Chair (note 77), para. 2, third item.

encouraged states parties to establish continuity between the work of the three intersessional years, to synthesize the work and identify areas of convergence, and to avoid a confrontational approach.<sup>81</sup>

### *Disagreements between the United States and Russia*

While a full-blown confrontation is not yet apparent, a frosty relationship between the two major BWC states parties, Russia and the USA, certainly is, which often has adverse consequences for the entire BWC community. In response to the US dismissal of the Russian draft text for the MSP report, Russia objected to a paragraph in the final version referencing the *aide memoire* circulated by the MSP chair, with the result that all such references were deleted from the report. One commentator noted: ‘No objection to the paragraph had been made while the Russian proposal for new text was up for discussion.’<sup>82</sup>

Disputes between the two states parties seem set to continue. At an early 2020 press conference reflecting on Russian diplomacy in 2019, Russian Acting Foreign Minister Sergey Lavrov characterized the USA as blocking inclusive dialogue that could enable a consensus in the BWC, by taking international security issues into its own hands. Referring to multilateral negotiations on a legally binding Protocol to the BWC, Lavrov said, ‘The Americans basically unilaterally block this solution and seek to promote their own interests through secretariats of various international organizations, including the UN Secretariat, through their non-transparent, murky, back-door bilateral contacts that push their agendas.’<sup>83</sup>

Lavrov also reiterated Russia’s key BWC-related allegation from 2018, that the USA is setting up biological laboratories in post-Soviet territories.<sup>84</sup>

### *Areas of agreement*

While significant differences remain among states parties on how best to strengthen the BWC, some areas engendering broad agreement are becoming apparent (even if there are different views on the details). The Article X database is generally seen as valuable, even though it is widely recognized that there is some room for improvement. Establishing an analogous database on Article VII issues seems generally supported, as do guidelines to help a country request humanitarian assistance within the framework of Article VII. There is cross-regional support for a cooperation officer post

<sup>81</sup> BWC, Communications from the MSP Chair (note 77), para. 1, first, second and third items.

<sup>82</sup> Guthrie, MSP Report no. 5 (note 76), p. 1.

<sup>83</sup> TASS, ‘Lavrov castigated US for reluctance to speak openly about bioweapons with other nations’, 17 Jan. 2020.

<sup>84</sup> Lentzos, F., ‘The Russian disinformation attack that poses a biological danger’, *Bulletin of the Atomic Scientists*, 19 Nov. 2018; and Lentzos, F., ‘Biological weapon disarmament and non-proliferation’, *SIPRI Yearbook 2019*, pp. 444–45.

within the ISU, potentially with an equivalent science and technology officer post. There is broad agreement on the need for some form of science and technology review. Codes of conduct are broadly recognized as valuable. The need to review the CBM modalities is widely acknowledged, and there is wide support for a CBM assistance network.

### *Gender and disarmament*

A new development in 2019 was the growing recognition of the topic of 'gender and disarmament' within the BWC community. In 2018, no states parties referred to gender and disarmament. At the 2019 MXs, three delegations raised the issue, and at the 2019 MSP twelve delegates spoke to the topic.<sup>85</sup> The statements called for greater gender diversity, better analysis of the gendered impacts of biological weapons and respective policy processes, and broader inclusion of gender perspectives in BWC processes. The 2019 MXs featured the first-ever side event on gender in the BWC context, discussing possible differences in effects of biological weapons on women and men and the significance for assistance, response and preparedness.<sup>86</sup> Shortly thereafter, the United Nations Institute for Disarmament Affairs (UNIDIR) published a study emphasizing that sex- and gender-disaggregated data, as well as knowledge of gender perspectives, can contribute to state preparedness and enhance the effectiveness of assistance under the BWC.<sup>87</sup>

### **Dialogues beyond Geneva and New York**

The high volume of BWC-related workshops in 2018 continued in 2019.<sup>88</sup> The EU funded two regional universalization workshops, both organized by the ISU and the UN Office for Disarmament Affairs (UNODA), one in Ethiopia for African states not party to the BWC and the other in New Zealand for Pacific non-party states.<sup>89</sup> Australia funded a second ISU/UNODA-organized universalization workshop in Fiji for Pacific non-party states.<sup>90</sup> Japan funded three ISU/UNODA-organized workshops in Thailand, Kyrgyzstan and Malaysia on regional capacity building in Central and South East Asia.<sup>91</sup>

<sup>85</sup> Reaching Critical Will (RCW), '2019 Biological Weapons Convention Meeting of States Parties', Latest news from RCW, 11 Dec. 2019.

<sup>86</sup> United Nations Institute for Disarmament Research (UNIDIR) and Norway, 'Gender-responsive BWC? Understanding gender-related impacts of biological weapons and implications for assistance, response and preparedness', Interactive meeting on the margins of the 2019 BWC MX4, Palais des Nations, Geneva, 7 Aug. 2019.

<sup>87</sup> Dalaqua, R. H. et al., *Missing Links: Understanding Sex- and Gender-related Impacts of Chemical and Biological Weapons* (UNIDIR: Geneva, 2019).

<sup>88</sup> Lentzos, 'Biological weapon disarmament and non-proliferation' (note 84), p. 443.

<sup>89</sup> BWC, BWC/MSP/2019/3 (note 2), para. 2.

<sup>90</sup> BWC, BWC/MSP/2019/3 (note 2), para. 2.

<sup>91</sup> BWC, BWC/MSP/2019/4 (note 63), para. 7.

France funded an ISU/UNODA-organized tabletop exercise on Article VII held in Togo for Francophone states parties in West Africa.<sup>92</sup>

One of the major trends becoming apparent in the biological disarmament field is the rise of civil society as a significant contributor to shaping dialogues around biological threats and appropriate responses to these threats. This is reflected in greater numbers of NGO participants attending BWC meetings and organizing side events, but also in civil society organizations convening global initiatives, workshops and events related to biosecurity.<sup>93</sup> Traditionally, civil society engagement with the BWC has been mostly expert-based and highly technical, marked by quiet lobbying and supportive partnerships with national delegations on a variety of issues. The individuals involved have tended to have long-term personal commitments to the BWC and long histories of BWC engagement (and often also CWC engagement). Contemporary civil society engagement is becoming much more diverse. Significant new actors have come in, with different backgrounds, affiliations, agendas and strategies. By these measures, BWC civil society is becoming more heterogeneous. Yet, by other measures, BWC civil society remains fairly homogeneous. The vast majority of representatives are white, Western and from the global north. Many are now also funded through the same funder, the Open Philanthropy Project (Open Phil), which focuses on a very particular aspect of biosecurity risk: global catastrophic biological risks.<sup>94</sup> This could have significant implications for the direction of the biological disarmament and non-proliferation field in the years to come.<sup>95</sup>

<sup>92</sup> BWC, BWC/MSP/2019/4 (note 63), para. 7.

<sup>93</sup> See e.g. the initiatives and events convened by NTI | bio, the Johns Hopkins Center for Health Security, and the Center for Global Health Science and Security at Georgetown University.

<sup>94</sup> Lentzos, F., 'Will splashy philanthropy cause the biosecurity field to focus on the wrong risks?', *Bulletin of the Atomic Scientists*, 25 Apr. 2019.

<sup>95</sup> See Lentzos (note 94).



