

BWC MX5 2021: Speaking Notes

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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

- We need to ensure that the Biological Weapons Convention remains relevant in a rapidly changing environment and in light of technological advances. Switzerland believes it is important to review the fundamental issue of BWC compliance and welcome the debates and initiatives of recent years that seek to strengthen the BWC.
- We would welcome reinforcing compliance and implementation mechanisms to strengthen the BWC and, in line with Swiss arms control policy and principles, are generally favourable to a multilateral legally binding compliance framework.
- In this context, we welcome the different proposals to move our discussions forward on this issue. This year, we have taken note with interest of WP3 from the Russian Federation and its proposal to establish an Open-ended working group with the aim of elaborating proposals to strengthen the Convention with a legally binding instrument. Likewise, we thank Kazakhstan for its proposal contained in WP4 on the creation of an International Agency for Biological Safety.
- Discussions in MX5 have consistently shown that States Parties are divided on how to strengthen the Convention institutionally – with some advocating for a comprehensive approach, while others favour a pragmatic step-by-step approach based on individual measures
- For our part, we remain flexible but take note of the fact that the conditions do not seem to be met at this stage to launch negotiations towards an additional protocol, and therefore believe that we should move forward pragmatically until then. Over time, such an approach could in fact ease the way towards a legally binding instrument.
- In this regard, we would like to note that such a pragmatic approach, which seeks to bridge the current divide, was identified in the 2019 MX5 chair's summary report. Namely, the report notes in paragraph 21 that our respective efforts could focus on elements that would be pertinent whatever approach we finally pursue – i.e. legally binding or not and step by step or comprehensive. In the same vein, the report also suggested that assessing specific elements of the 2001 Protocol in order to identify those that might still be valid and useful today could represent a way forward. Such an approach might also allow us to discuss how these elements could be best implemented, i.e. through a legally binding instrument only or other approaches as well.
- As States Parties continue to explore these options, there are several areas in which more immediate action could be taken by leveraging practical proposals that were made during this and past intersessional processes, with a view to agreeing on a balanced package of measures at the Ninth Review Conference.

- An obvious and promising route to strengthen the BWC consists of making improvements to the intersessional process. Having an effective intersessional process in place is essential to strengthening the Convention and its implementation. We remain convinced that such a process should provide for focused, expert-level work on a balanced array of key topics, leading to factual reports and recommendations for the consideration of States Parties. With a view to increase the effectiveness and utility of the intersessional process, assigning specific decision-making powers to the annual Meeting of States Parties is a crucial element, as recommended in WP1 submitted by the UK that we fully support.
- Furthermore, a balanced package to be agreed by the Review Conference should include elements such as improving the review of developments in science and technology; enhancing the role of the ISU, for instance with regard to Art. X and S&T review; strengthening the confidence-building measures and the implementation of Art. X; and taking action to operationalize Art. VII; etc. We support many proposals on these issues, and have already expressed our detailed considerations earlier this and last week.
- In this context, we thank the Russian Federation for WP5 on the international conference "Global biosecurity challenges: Problems and solutions" that took place in Sochi earlier this year. The event offered a useful platform for in-depth and open discussions on strengthening the BWC as well as on aspects related to the Covid-19 response.
- We also welcome WP6 submitted by Panama on enhancing gender equality and women's participation. It contains many useful considerations that we support and that should be taken forward at the 9RC. Switzerland shares the view that it is important to consider gender-specific aspects and to work towards equal participation of women.
- As regards the implementation of Article VI and the proposal of the Russian Federation in WP2 to establish a Group of Governmental Experts to agree on guidelines and procedures to initiate and conduct such investigations, we are not convinced that there is a need to establish such a capacity within the BWC. Based on a request from a State Party, the Security Council can either launch an investigation under Art. VI of the Convention in an ad-hoc manner, as it has done in the case of the OPCW-UN Joint Investigative Mechanism. In addition, the UN already has an investigative mechanism in the form of the UNSGM, which any member of the UN, including any State Party to the BWC, can activate and on which the Security Council can rely if it deems necessary.
- In addition, we reject the notion contained in Paragraph 1 of WP2 and in PP4 of its Annex that asserts that "the Security Council *only*" may initiate an investigation of alleged use, which contravenes the provisions of the BWC – the Convention is very clear in this regard and stipulates in Art. VI that a State Party "*may* lodge a complaint with the Security Council". States Parties to the BWC can just as well request the UN Secretary-General to launch an investigation under the UNSGM.
- Similarly, we note with concern Paragraph 1f in WP3 of the Russian Federation that unduly limits the scope and applicability of a request for an investigation under Art. VI. The notion contained in the parenthesis predetermines that Art. VI investigations can only be initiated by the affected State and need to be conducted on its territory, which is not what Art. VI says.

- To conclude, Mme Chair, I would like to note that Switzerland is concerned by the financial situation the Convention finds itself in and by the number of late and non-payments, some of them long-standing. In order to be efficient, activities and mechanisms under the BWC must be able to rely on a sound financial basis. We call on all those affected by late or non-payments to settle their dues without further delay. The upcoming Review Conference will constitute an appropriate moment to evaluate the situation, and determine whether additional measures may be necessary to ensure that the Convention is on an adequate financial footing.