

I asked our legal adviser in London if such an approach was valid in international law. He replied that it had not been done before but that was no reason why it could not be done. Arms Control and Disarmament department in the FCO decided they liked the idea, made sure the draft also included current Western group ideas on verification etc, and made the new draft one of the central themes of the annual speech to the CCD by the Minister for Disarmament, Lord Goronwy Roberts, in August 1976.

I have been fascinated to discover recently that the US draft CWC³, launched by then Vice President Bush in 1984 contains in its Annex III, 'Document regarding Action Prior to Entry into Force of the Convention', the proposal:

1. When signing the Convention, every State should declare whether chemical weapons stocks or chemical weapons production facilities are under its control anywhere or located within its territory.

Reviewing the text of the UK draft thirty years on it is fascinating how many of the features of the CWC, completed sixteen years later, are prefigured in the draft⁴:

- prohibitions based on a general purpose criterion;
- declaration of possession (or not) of chemical weapon stocks (including types and quantities);
- information on all production facilities capable of producing CW agents;
- information on types and quantities produced for "protective or other peaceful purposes";
- "which national organisation or authority is charged with collecting the information" supplied and with ensuring that public and private agencies comply with the convention;

- creation of a Consultative Committee to oversee the working of the Convention, including inspecting destruction, and routine inspection of relevant civil production facilities;
- non-transfer provisions;
- right to access to chemicals and technology for peaceful purposes; and
- a provision for "special investigation which may involve on-site inspection" if any State Party suspects that another is acting in breach of its obligations.

It is also clear that confidence building, through the US/USSR bilateral process, including public disclosure of possession and size of stockpiles, and public acceptance of the idea of verification, including intrusive inspection, was critical to ultimate success. I remain convinced that the UK draft, introduced that summer, was a factor in the renewal of the bilateral process as the two superpowers moved to regain the high ground in the debate on arms control and disarmament, with its vital impact on strategic stability in that troubled era.

Notes

- ¹ Japan, Conference of the Committee on Disarmament, CCD/420, 30 April 1974.
- ² Bulgaria, Czechoslovakia, Hungary, Mongolia, Poland, Romania, USSR, Conference of the Committee on Disarmament CCD/361, 28 March 1972.
- ³ United States of America, CCD/500, 18 April 1984.
- ⁴ United Kingdom, Conference of the Committee on Disarmament, CCD/512, 6 Aug. 1976.

Report from Geneva

Review no 25

The Preparatory Committee for the Sixth BWC Review Conference

As reported in *Bulletin 69+70* (September/December 2005), the Meeting of States Parties of the Biological and Toxin Weapons Convention (BWC) on 5 to 9 December 2005 had included in its Final Report (BWC/MSP/2005/3 dated 14 December 2005 – this and other official BWC documentation is available at <http://www.opbw.org>) a paragraph which addressed the arrangements for the Review Conference in 2006. This stated that the Meeting of States Parties noted the nomination by the Group of Non-Aligned and Other States of Ambassador Masood Khan of Pakistan to be President of the Sixth Review Conference and Chairman of the Preparatory Committee. It was further agreed that the Preparatory Committee for the Sixth Review Conference would be held in Geneva from 26 to 28 April 2006, and that the Sixth Review Conference would be held in Geneva within the period of 20 November to 8 December 2006, with the precise dates of the Conference to be decided by the Preparatory Committee. In addition, it was noted that the cost estimates for the Preparatory Committee and the Sixth Review Conference, as contained in document BWC/MSP/2005/INF.1, were approved.

Preparatory Committee Meeting, 26 to 28 April 2006: Opening Plenary Session

The Preparatory Committee Meeting was opened on Wednesday 26 April 2006 in plenary session by Mr T Caughley, Director of the Geneva Branch of the Department of Disarmament Affairs, who welcomed the representatives from the States Parties and said that it was important to comprehensively review the Biological and Toxin Weapons Convention.

78 States Parties participated in the Preparatory Committee Meeting of States Parties – Algeria, Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, the Holy See, Hungary, India, Indonesia, Iran, Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Lithuania, Malaysia, Malta, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Slovakia, Slovenia, South Africa,

Spain, Sri Lanka, Sudan, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Viet Nam and Yemen – ten more than at the Preparatory Committee in April 2001 for the Fifth Review Conference, as twenty states (Algeria, Azerbaijan, Belarus, Benin, Bhutan, Bosnia and Herzegovina, Estonia, Ethiopia, Ghana, Holy See, Kenya, Latvia, Lebanon, Lesotho, Morocco, Nigeria, Portugal, Qatar, Sudan, and Yemen) participated, whilst ten States (Albania, Bahrain, Bangladesh, Bolivia, Mongolia, Oman, Panama, Thailand, The Former Republic of Yugoslavia of Macedonia) did not.

Six Signatory States participated: Egypt, Madagascar, Myanmar, Nepal, Syrian Arab Republic and United Arab Emirates, four more than at the Preparatory Committee Meeting in April 2001, as five States participated (Madagascar, Myanmar, Nepal, Syrian Arab Republic and United Arab Emirates) and one then Signatory State did not (Morocco). One State neither Party nor Signatory (Israel) was granted Observer status; the same as in 2001 when the Former State of Yugoslavia participated as an observer. The Convention continues to have 155 States Parties and 16 Signatory States (see BWC/MSP/2005/MX/INF.5).

No intergovernmental organizations participated as observers, although UNDDA and UNIDIR did, as did also eleven NGOs (BWPP, CSIS, CESIM, Harvard Sussex Program, SIPRI, LSE, the Sunshine Project, the University of Bradford, the University of Hamburg, VERTIC, and the Women's International League for Peace and Freedom). Over 270 individuals from States Parties participated, of whom about 100 had come from capitals. No comparable information was provided in the report of the Preparatory Committee in April 2001 for the Fifth Review Convention (see BWC/CONF.V/PC/1 dated 1 May 2001).

In the opening formalities, in accordance with the provisional agenda (BWC/CONF.VI/PC/1) Mr T Caughley, Director of the Geneva Branch of the UNDDA, noted that item 2 was the election of the Chairman, and said that Ambassador Masood Khan of Pakistan had been nominated by the NAM Group as Chairman of the Preparatory Committee and went on to say that it was so decided. He then congratulated Ambassador Khan on his election and invited him to take the Chair.

Ambassador Khan then took the **Chair** and gave some introductory remarks in which he thanked States Parties for electing him. He then went on to say:

Let me assure you, that inspired by high ideals and guided by a spirit of cooperation, we shall succeed together. Leadership is a collective endeavour.

For more than 30 years, the Biological Weapons Convention has underpinned international efforts to prevent the development, production, stockpiling, proliferation and use of biological and toxin weapons, and to ensure that the extraordinary advances in biological and medical sciences over the past few decades will be used only for the benefit of humankind.

While perhaps nothing can compare with the sheer destructive potential of nuclear weapons, the thought of states or non-state actors using diseases as weapons – diseases that medicine has struggled to contain for centuries – is particularly sobering and indeed frightening.

As the Preamble to this Convention so forcefully states, such use would be “repugnant to the conscience of mankind.”

With so many countries of the world struggling to control natural diseases – those affecting animals and plants as well as those affecting humans – it has become ever more imperative that strong, coordinated action by the international community is taken to ensure that the deliberate use of disease does not become a living nightmare for mankind.

The rapid advances in the life sciences and the worldwide growth of the biotechnology industry only add to the urgency of this task.

This, then, is our challenge. We are today beginning a process that we all hope will bring us to a thorough, comprehensive and constructive review of the Biological Weapons Convention, and consequently to a strengthened defense against the threat posed by biological weapons.

... We must do our best to build on our past achievements, as well as to move past differences and setbacks. I think it is clear that we, as States Parties, share a common objective. It is my sense that the territory of convergence is much wider than we think. Where differences may emerge we will try to bridge them. Differences can be managed and resolved and converted to agreement and common action.

We are very much aware of the wide range of issues which the Sixth Review Conference will have to deal with. As Chairman of the Preparatory Committee, it is my task to ensure that all these ideas are discussed and dealt with fully at the Review Conference, to the satisfaction of all States Parties. That will require preparation, and it will require making the most efficient use of our time, both over the three days of the Preparatory Committee and over the few short months available to us between now and the Review Conference in November.

The key task before us in the next three days is to agree on a provisional agenda for recommendation to the Review Conference. We are approaching this task with confidence and in a spirit of cooperation and flexibility. The Preparatory Committee will not prejudge the outcome of the Review Conference, but it will take a step in the right direction by agreeing on an agenda, so that we have the necessary basis and a salutary setting for taking sound decisions. At the end of our work, we should have an agenda that will facilitate a comprehensive review at the Conference, and a substantive outcome that carries the value and weight for all States Parties and which reflects their common aspirations.

Effective prevention of biological weapons is in the interest of all States Parties, for reasons of national security, for reasons of public health, and for reasons of agriculture, economics and development. We shall keep this in mind as we search for ways to reach agreement.

... My consultations with all of you, spread over months, give me solid confidence that we are determined to keep our overarching goal of a peaceful and secure world uppermost in our minds as we steer this process.

The Chairman concluded his opening remarks by saying that he would like to move straight on with the election of the other officers of the Committee. The Preparatory Committee

then unanimously elected Ambassador Doru-Romulus Costea of Romania and Mr Knut Langeland of Norway as Vice-Chairmen of the Preparatory Committee. In addition, the Preparatory Committee authorized the Bureau to decide technical and other matters prior to the Review Conference.

The Preparatory Committee then moved on to consider its Agenda which followed the Agenda of the Preparatory Committee for the Fifth Review Conference in 2001. This was agreed, thus completing Agenda item 3.

The Chairman then said that if there were any Group statements on the procedural aspects, he would propose to take these between Agenda item 4 *Organization of work of the Preparatory Committee* and Agenda item 5 *Organization of the Review Conference*. If there were any statements by individual States Parties then it was proposed to take these prior to Agenda item 9.

The meeting went on to consider Agenda item 4 *Organization of work of the Preparatory Committee*, first agreeing that decision making would be, as traditionally, by consensus, then that the languages would be the six UN languages, and finally the participation of non-States Parties which agreed the participation of Signatory States and non-States Parties as recorded above. Consideration was then given to the participation of NGOs, which it was agreed should follow past practice: NGOs could attend public meetings and receive the documents, but not participate in discussion.

The Chairman then encouraged all delegations to register their participation. NGOs were asked to leave. However, during a short suspension, it became clear that Austria (on behalf of the EU) and Canada (on behalf of Australia, Canada and New Zealand) approached the Chair requesting that NGOs be permitted to be present during the Group statements. NGOs were subsequently invited back into the room. It later emerged that there was no indication in the records of the Preparatory Committee meeting in April 2001 as to when NGOs had been present and agreement had been reached that in April 2006, NGOs would be present for the first four Agenda items and then excluded until the penultimate Agenda item 8 *Report of the Preparatory Committee to the Review Committee*.

Statements

Statements were then made by Malaysia (on behalf of the NAM and Other States), Austria (on behalf of the European Union and associated states), Argentina (on behalf of Argentina, Brazil, Colombia, Costa Rica, Chile, Ecuador, Guatemala, Mexico, Peru and Uruguay), Canada (on behalf of Australia, Canada and New Zealand), Republic of Korea, Russian Federation, China and Ukraine. These statements are, where available, posted on <http://www.opbw.org>.

The statement made by **Malaysia** (on behalf of the **NAM and Other States**) included the following points:

The Group would like to reiterate its deep concern at the potential use and/or threats of use of biological agents and toxins as an instrument of war and terror. In light of this development, the Group feels that there is a greater necessity and urgency for the States Parties of the BWC to work towards strengthening and improving the effectiveness and implementation of this Convention so that together we can fully address this concern.

...The high importance the Group attaches to an

effective and verifiable BWC, implemented in a comprehensive manner, cannot be overemphasized. The members of the Group have consistently addressed this particular issue as a crucial element for regional and global peace and security.

...The Group would like to reaffirm our conviction that the BWC is essential for the maintenance of international and regional peace and security. We reaffirm our continued determination, for the sake of humankind, that the possibility of any use of bacteriological (biological) agents and toxins as weapons should be completely excluded, and the conviction that such use would be repugnant to the conscience of humankind.

...The Group further recognises the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol to the Convention. We believe that the effective contribution of the Convention to international and regional peace and security would be enhanced through universal adherence to the Convention. The Group stresses the particular importance of all States Parties to pursue the objectives that were set forth by the Fourth Review Conference in 1996, as we strongly believe that the only sustainable method of strengthening the Convention is through multilateral negotiations aimed at concluding a non-discriminatory legally binding agreement, dealing with all the Articles of the Convention in a balanced and comprehensive manner.

The statement went on to say:

...The Group is of the view that the general thrust of the Review Conference should be based on the review of the operation and implementation of all the Articles of the Convention, including consideration of the work of the 3 intersessional Meetings of Experts and States Parties in 2003, 2004 and 2005. The Review Conference will also have the task to consider future measures to further strengthen the effectiveness and improve the implementation of the Convention.

...We reaffirm that the 2003 - 2005 annual Meeting of Experts and the Meeting of States Parties had provided States Parties with an opportunity to exchange views and promote common understanding, taking into account national experiences, on the respective issues under consideration.

...The Group further reiterates that given the limited nature of the decision that was taken during the resumed session of the Fifth Review Conference and in light of the challenges and risks posed by rapid developments in the field of biological science, it will be pertinent for the forthcoming Review Conference to consider and decide on future measures that could further strengthen the effectiveness and improve the implementation of the Convention in its entirety.

The statement made by **Austria** (on behalf of the **European Union** as well as **Bulgaria** and **Romania**, **Turkey**, **Croatia**, the former **Yugoslav Republic of Macedonia**, **Albania**, **Bosnia and Herzegovina**, **Serbia and Montenegro**, **Norway**, **Ukraine** and the **Republic of Moldova** – some 36 countries in all) included the following points:

The EU considers it of paramount importance that all

decisions will be taken by this session of the Preparatory Committee. This would allow maximum time for substantial preparations for the Review Conference.

...The EU attaches great importance to a thorough and full review of the operation of the BTWC in order to identify, discuss and agree on the measures to be taken to further strengthen the Convention. The EU continues to work towards identifying effective mechanisms to strengthen and verify compliance with the Convention in the longer term.

...As part of the review of the articles of the Convention States Parties should take account of the work undertaken in the intersessional programme from 2003-2005, as well as relevant international developments outside the BTWC. The agenda for the Review Conference should reflect the need for such a comprehensive approach.

...In order to facilitate such a full review process, the EU is of the opinion that sufficient time should be allowed for a thorough review. Therefore the Review Conference should have an appropriate and ample schedule of work. Finally, the EU favours decisions related to the other procedural matters to follow the custom developed over past Review Conferences.

The statement went on to say:

...As preparation to the 6th Review Conference of the Convention, the European Union has drawn up a Common Position outlining the areas of importance for the EU.

...On 27 February 2006 the European Union agreed on a Joint Action in respect of the BTWC with the objectives of promoting universality of the Convention and supporting implementation of the Convention by States Parties in order to ensure States Parties translate the international obligations of the Convention into their national legislation and administrative measures. And in parallel the European Union agreed an Action Plan in respect of the BTWC in which EU Member States undertook to submit Confidence Building Measure information to the United Nations and would like to set an example for other States Parties to follow.

...The EU intends to help building a consensus for a successful outcome to the 6th Review Conference, on the basis of the framework established by previous such Conferences, and will propose specific, practical and feasible proposals for the effective enhancement of the implementation of the Convention for the consideration of all States Parties.

...The BTWC is now 31 years old. It remains as relevant today as it was in the past. We believe that it is important that States Parties agree a substantive outcome at the Review Conference to strengthen the Convention and build a sound basis for future work. The EU looks forward to a successful Preparatory Committee this week so as to facilitate our Conference later this year. As to the EU's preparation to the Review Conference, there is work in progress to elaborate working papers on the basis of the Common Position and to submit them at the Review Conference.

The statement made by **Argentina** (on behalf of **Argentina, Brazil, Colombia, Costa Rica, Chile, Ecuador, Guatemala, Mexico, Peru and Uruguay**) included the

following points that these states would:

- Express their intention to examine measures that will reinforce the BWC in all its aspects, but in particular matters related to compliance, verification and the peaceful uses of biology for economic and technological development.

- Emphasize the importance of the universalization and the withdrawal of all reservations to the 1925 Geneva Protocol.

- Underline the importance of the universalization of the BWC and its full implementation. Both objectives require a constant effort.

- Share the view of the importance to provide the BWC with an adequate verification mechanism. In this regard, we are willing to develop with other delegations an incremental approach.

- Stress the importance of the ample participation of civil society, the private sector, the scientific community and pertinent international organizations in the work of the BWC.

- Propose that States Parties establish, during the Sixth Review Conference, an intersessional mechanism with a new, comprehensive and thematically structured mandate that will lead to the elaboration of recommendations and the adoption of concrete decisions.

- Express their commitment to present concrete proposals to the consideration of States Parties to the Sixth Review Conference, to be held in Geneva at the end of the year.

The statement made by **Canada** (on behalf of **Australia, Canada and New Zealand**) included the following points:

...[T]here has not been a complete review of the Convention since the 4th Review Conference in 1996, and this alone makes our work in 2006 critical. But in addition to this, the treaty itself is faced with new challenges, such as those stemming from new scientific and technological developments, including in biotechnology and genetic engineering, and the threat of terrorist acquisition and use of biological agents for malicious purposes, and we as States Parties need to come together to deal with these. As we do not have a great deal of time scheduled to discuss these issues prior to the Review Conference, we wanted to take this opportunity to share some of our views during this PrepCom.

On balance, the Convention itself has held up well in the thirty-plus years since it was first opened for signature. But as the BTWC ages, it becomes increasingly clear that there are elements where additional work may be needed to ensure its full implementation, and to strengthen its effectiveness. Underpinning this, in our view, is the need for States Parties to become more accountable to one another in how they implement the provisions of the Convention.

To this end, we should look at pragmatic steps that can achieve practical results. There are several areas where such an approach could be useful: national implementation, confidence building measures, implementation support and annual meetings.

On national implementation, the BTWC contains an obligation for States Parties to enact national legislation. Unfortunately, many have not yet done so, and we should

strive to rectify this situation.... At the same time, encouraging states to report on progress they are making towards enacting legislation could also help maintain focus on this issue, and clarify priority areas for further work.

BTWC CBMs are another area where improvements could be considered. We should ensure that the right information is being solicited and provided on an annual basis. To do this we need to have CBMs that are both comprehensive and relevant; we could also consider whether existing CBMs are sufficient, or if new ones - such as those proposed at the Fifth Review Conference - could be of use. We could also extract more value from CBMs by looking at the way the information is collected and distributed, perhaps tasking DDA to provide a disaggregated table of returns and a summary of trends or gaps. An increased rate of participation in reporting is essential to provide greater transparency to all States Parties....

Implementation of such practical measures to strengthen the treaty will ultimately depend on the efforts of states parties. But these efforts would be assisted usefully by a strengthened institutional capacity, operating under an outcomes-focussed mandate, would be a natural means of facilitating implementation and follow-up of BTWC obligations. Strengthened capacity would facilitate greater coordination with States Parties on national implementation, CBM reporting, and promotion of universalization. It could also safeguard the institutional memory of the BTWC, coordinate with other organizations, and provide background documentation/summaries of developments between BTWC meetings.

Building on the intersessional process, a more formalized meeting structure, with annual meetings combining expert-level working groups and a Meeting of States Parties, would provide much-needed continuity between Review Conferences. These annual meetings could combine pre-defined topics with an opportunity to address the range of issues currently facing the Convention and, where necessary, to take appropriate decisions.

The statement made by the **Republic of Korea** included the following points:

.... The BWC now faces new opportunities to revitalize itself through an overall review at the upcoming 6th Review Conference. In this regard, I would like to share with you our expectation on the forthcoming Review conference as follows :

1. We prefer a comprehensive review of the operations of the BTWC
2. We should set moderate and practically achievable goals by building upon past achievements
3. We prefer measures discussed under New Process to be addressed as part of article by article review
4. We are interested in discussing other issues judged to be effective in strengthening the regime such as holding of yearly meetings during the inter-sessional periods, strengthened CBMs and universality
5. We think that considerations of measures which have been taken outside the BTWC but evaluated as useful against BW related threats should also be addressed

in the upcoming Review conference as part of our efforts to strengthen the effectiveness and objective of the BTWC.

The statement made by the **Russian Federation** included the recognition that over more than 30 years of its operation, the Convention has demonstrated its viability, thereby successfully fulfilling the role of an effective instrument for preventing the proliferation of biological weapons. The Russian Federation went on to say that the Review Conferences, as envisaged under Article 12 of the BTWC, are of the greatest importance for successfully ensuring the operation of the Convention over the course of such a long period, as well as for its adherence. The statement went on to say that most of all, Russia considers that for a successful carrying out of the Review Conference, it is necessary to follow the previously successfully approved practice of an Article by Article review, as this will provide the opportunity for detailed discussion on separate aspects of the operation of the BTWC. Therefore, Russia believes that such an approach should, without fail, be reflected in the agenda for the Review Conference.

Russia went on to say that the continued explosive development of biotechnology in recent years once again compels consideration of the danger of the use of scientific achievements for hostile purposes. Part of this problem was considered when considering questions on the possibility of developing codes of conduct for biological researchers. Russia believes that the question of the risk of the use of scientific achievements in violation of the BTWC should be examined at the Review Conference. In regard to the intersessional programme of meetings, Russia considered that these discussions were entirely useful. It demonstrated the interest of the majority of BTWC States Parties in the work of strengthening the Convention. Russia believes that the experience of the intersessional meetings, where BTWC questions are discussed, should be continued after the Sixth Review Conference. In this regard, it will be necessary to elaborate at the Review Conference a further programme of work for future intersessional meetings.

The statement went on to say that Russia considered that it is extremely important that the Conference succeeds in agreeing a consensus final document that reflects, among other things, a general understanding of the States Parties understanding of the situation in which the BTWC currently finds itself. The programme for further work on strengthening the BTWC should be reflected in this document. Furthermore, Russia said that they believe, as do the European Union, the Non-Aligned Movement and others who have made statements, that questions on ensuring BTWC compliance should be addressed at the Review Conference.

The statement made by **China** included:

Since its establishment, the Biological Weapons Convention has unparalleled significance in eliminating the threat of and preventing proliferation of biological weapons. In face of the new challenges of the non-traditional security factors and the rapid development of biotechnology, the majorities of the international community calls on formulating concrete measures to further promote the universality and comprehensive and effective implementation of the Convention through multi-lateral framework.

Since the 5th Review Conference, the States Parties make use of the intersessional Meetings of Experts and States Parties to discuss the five issues to explore positively the measures to strengthen the effectiveness of the Convention. Under the current situation, it is a valuable attempt to maintain the multilateral process.

Establishing a good agenda is essential for the 6th Review Conference to achieve positive result. A good agenda should be balanced, pertinent, and practicable. China believes that reviewing the implementation of the Convention article by article, discussing the outcome of the Meetings of Experts and States Parties, establishing the future agenda of the multilateral process and measures to strengthen biological international cooperation should be the focus of the 6th Review Conference.

As for the other proposals for the agenda, China will join the discussion with an open, positive and constructive manner as long as they are helpful to promote multilateral process and strengthen the effectiveness of the Convention.

The statement made by **Ukraine** included:

The Sixth Review Conference provides the States Parties with a real and more than acute opportunity to strengthen and increase the effectiveness of the BTWC regime. We will have an important task to sum up the past five-year period of operation of the Convention, with a view to ensure the world community in the steadfast implementation of all BTWC provisions.

Canada's proposals with respect to the Review Conference deserve particular attention. In this regard let me touch upon some matters of substance.

Universality of the Convention has always been one of the key prerequisites for its comprehensive implementation. Adherence to the BTWC makes an important contribution to international peace and security as well as global anti- terrorism efforts. In this regard we welcome the work by the EU on the Joint Action Plan to enhance the universality of the Convention through outreach activities and to help States Parties improve their national implementation by providing necessary assistance.

We consider this document as an important step forward and we believe that it should be approved at the Sixth Review Conference. Holding, within the Action Plan, regional and sub-regional conferences and seminars with participation of countries of Eastern and Central Africa, Middle East, Pacific region and South America that for the time being are not parties to the Convention should increase its membership.

Against the background of growing terrorist activities in various part of the world, the threat of 'biological terrorism' should not be underestimated. Therefore not only broader BTWC membership is essential, but its stricter national implementation is also crucially important in the international endeavours for a safer world.

The intersessional work programme had been very successful, filled with productive discussions aimed at joint search of concrete ways for improvement of the Convention's regime, taking into account new challenges and threats.

We share the view that further intersessional work

programme could comprise new topics, for example:

- *strengthening of the effectiveness of the Confidence Building Measures;*
- *development of adequate measures for control over the BTWC compliance;*
- *introduction of national implementing legislation;*
- *new challenges and threats for the BTWC stemming from the latest scientific and technological developments in the spheres of biology and biotechnology;*
- *countering bio-terrorism.*

Ukraine proceeds from the advisability to establish the international institutional mechanisms for more effective BTWC implementation. At the same time we are fully aware of the difficulties of the achieving the consensus over the ways for this idea practical realization.

The meeting then went on to consider Agenda item 5 "Organization of the Review Conference" at which point the Secretariat advised NGOs that they should leave the room.

Lunchtime Presentations

Lunchtime presentations were made on two days:

Wednesday 26 April 2006 Seminar arranged by Department of Peace Studies, University of Bradford and the Quaker United Nations Office Geneva entitled *Successful Outcomes for the Review Conference*. Nicholas A Sims (LSE) and Graham S Pearson (Bradford) presented Bradford Review Conference Paper No 16, *Successful Outcomes for the BTWC Sixth Review Conference*, and this was followed by short statements by the representatives of three States parties which had already prepared non-papers for the Review Conference: Ambassador Paul Meyer (Canada), Ambassador François Rivasseau (France) and Ambassador Yoshiki Mine (Japan).

Thursday 27 April 2006 Seminar arranged by the BioWeapons Prevention Project entitled *Civil Society Support for the BWC* in which three presentations were made: Daniel Feakes (Harvard Sussex Program) *Practical steps to accelerate BWC universality*; Angela Woodward (VERTIC) *Strengthening national implementation of the BWC*; and Nicholas Isla (The Hamburg Centre for Biological Arms Control) *Building transparency by improving the Confidence Building Measures*.

Outcome of the Preparatory Committee Meeting

The Preparatory Committee Meeting held two public meetings – the first on the morning of the Wednesday 26 April 2006 and the second on the late morning of Friday 28 April 2006 – at which consideration was given to the agenda item 8 "Report of the Preparatory Committee to the Review Conference."

There was one working paper submitted by a State Party: that submitted by Canada (WP.1) *Towards the Sixth BTWC Review Conference: An Accountability Framework*.

At the final public plenary session on Friday 28 April 2006, the Preparatory Committee adopted its report as contained in BWC/CONF.VI/PC/2, as orally amended, to be issued as BWC/CONF.VI/2. This sets out in regard to the organization

of the Review Conference that the Preparatory Committee agreed to recommend to the Sixth Review Conference that Ambassador Masood Khan (Pakistan) preside over the Conference. The Preparatory Committee also agreed to recommend to the Sixth Review Conference the following distribution of posts of Vice-presidents of the Conference, and Chairmen and Vice-Chairmen of the subsidiary bodies, among the various Regional Groups:

Vice-presidents:

Ten from the Group of Non-Aligned and other States:
Six from the Western Group
Four from the Group of Eastern European States

Committee of the Whole:

Chairman: Group of Eastern European States
Vice-Chairman: Group of Non-Aligned and other States
Vice-Chairman: Western Group

Drafting Committee:

Chairman: Western Group
Vice-Chairman: Group of Eastern European States
Vice-Chairman: Group of Non-Aligned and other States

Credentials Committee:

Chairman: Group of Non-Aligned and other States
Vice-Chairman: Western Group

In regard to date and duration, it was decided that the Sixth Review Conference would be held in Geneva from 20 November to 6 December 2006. The draft rules of procedure of the Fifth Review Conference (BWC/CONF.VI/PC/L.1) were agreed to be recommended to the Sixth Review Conference. In this connection, the Chairman noted that there was a matter relating to Rule 44 on participation. He went on to reiterate the standard understanding about the participation of NGOs, noting that, since the Fourth Review Conference, States Parties have agreed to an informal arrangement whereby the Conference is suspended for a short period, but delegates remain in their seats, and NGO representatives are given the opportunity to address States Parties. This arrangement has been used at the Fourth and Fifth Review Conferences, and also at Meetings of Experts and Meetings of States Parties over the past three years. The Chairman then asked if States Parties are content to continue with this informal arrangement and it was so decided. It was finally noted that this is an informal oral understanding, and as such would not be recorded in the formal report of the Preparatory Committee.

In regard to publicity, it was decided that the Secretariat should be asked to issue press releases for the meetings of the Review Conference. In regard to the final document(s) of the Review Conference it was decided to include an appropriate item in the provisional agenda of the Conference. On the appointment of a provisional Secretary-General for the Conference, it was decided to invite the Secretary-General of the United Nations to nominate an official to act as provisional Secretary-General of the Review Conference.

On the financial arrangements, it was noted that the estimated costs in BWC/MSP/2005/INF.1 had been approved by the Meeting of States Parties on 9 December 2005. The Preparatory Committee encouraged States Parties to pay their

assessed contributions without delay.

The provisional agenda took rather more time to be agreed. The States Parties were provided with a copy of the Provisional Agenda for the Fifth Review Conference (BWC/CONF.V/1 dated 31 October 2001) which had been adopted by the Fifth Review Conference as a starting point:

PROVISIONAL AGENDA FOR THE FIFTH REVIEW CONFERENCE

1. *Opening of the Conference by the Chairman of the Preparatory Committee*
2. *Election of the President*
3. *Adoption of the agenda*
4. *Submission of the final report of the Preparatory Committee*
5. *Adoption of the Rules of Procedure*
6. *Election of the Vice-Presidents of the Conference and Chairmen and Vice-Chairmen of the Committee of the Whole, the Drafting Committee and the Credentials Committee*
7. *Credentials of representatives to the Conference*
 - (a) *Appointment of the Credentials Committee*
 - (b) *Report of the Credentials Committee*
8. *Confirmation of the nomination of the Secretary-General*
9. *Programme of work*
10. *Review of the operation of the Convention as provided for in its Article XII*
 - (a) *General debate*
 - (b) *Articles I-XV*
 - (c) *Preambular paragraphs and purposes of the Convention*
11. *Consideration of issues identified in the review of Article XII contained in the Final Declaration of the Fourth Review Conference, and possible follow-up action*
12. *Work done to strengthen the Convention in accordance with the decision of the 1994 Special Conference*
13. *Other matters, including the question of future review of the Convention*
14. *Report of the Committee of the Whole*
15. *Report of the Drafting Committee*
16. *Preparation and adoption of the final document(s)*

There was quick agreement to agenda items 1 to 10 and also of items 13 to 16. As might be expected, agenda items 11 and 12 required further consideration. There were two points of divergence; the first related to how best to include the further consideration of the intersessional topics considered in 2003 to 2005 in the Article by Article review of the Convention and the second related to how best might reference back to the decisions of the Fourth Review Conference and previous Agenda item 12 be addressed. As the intersessional topics all relate to one or more Articles of the Convention, these topics can be addressed in the Article by Article review. The second point of divergence was more difficult to resolve. The Chairman circulated a draft proposal on the morning of Thursday 27 April 2006 in which he proposed the following replacement item for agenda items 11 and 12:

11. *Consideration of issues identified pursuant to Article*

XII to strengthen the Convention and improve its implementation in accordance with the decisions of the previous Conferences, especially the Fourth and Fifth Review Conferences, and possible follow-up action.

There were consultations throughout Thursday 27 April 2006 which led to a further draft proposal from the Chairman circulated to delegations late in the afternoon reading as follows:

11. Consideration of issues identified in the review of the operation of the Convention as provided for in its Article XII and any possible consensus follow up action.

It was understood that the States Parties which had most difficulties with the proposed Agenda item 11 were Iran and the USA, and that they were urged to accept the compromise proposed late on Thursday afternoon. It became clear on the Friday morning that the compromise was acceptable.

The agreement on background documentation also took a little time. The Secretariat had circulated a note to States Parties on Thursday 27 April 2006 in which the language agreed by the Preparatory Committee to the Fifth Review Conference was reproduced from BWC/CONF.V/PC/1:

21. The Preparatory Committee decided to request the United Nations Secretary-General to prepare a background information document providing, in summary tabular form, data on the participation of States Parties in the agreed confidence-building measures since the last Review Conference.

22. The Preparatory Committee decided to request the Secretariat to compile a background information document on compliance by States Parties with all their obligations under the Convention. For the purpose of compiling this document, the Secretariat would request States Parties to provide information regarding compliance with all the provisions of the Convention. The Preparatory Committee also decided to invite States Parties that wished to do so, including the Depositary Governments, to submit to the Secretariat information on new scientific and technological developments relevant to the Convention. This information should cover the applications being made of such developments and their relevance to various aspects of the Convention.

23. The Preparatory Committee also decided that all background documentation should be circulated not later than four weeks before the opening of the Conference.

and suggestions made for the Sixth Review Conference as follows:

The Preparatory Committee decided to request the Secretariat to prepare five background information documents as follows:

(a) A background information document on the history and operation of the confidence-building measures agreed at the Second Review Conference and revised

at the Third Review Conference. The document should include a summary of the development of the confidence-building measures, an overview of the role of the United Nations Department for Disarmament Affairs in administering the measures, and data in summary tabular form on the participation of States Parties in the measures since the last Review Conference;

(b) A background information document on compliance by States Parties with all their obligations under the Convention. For the purpose of compiling this document the Secretariat would request States Parties to provide information regarding compliance with all the provisions of the Convention, including any actions taken following the Meetings of Experts and Meetings of States Parties held from 2003-2005;

(c) A background information document on new scientific and technological developments relevant to the Convention, to be compiled from information submitted by States Parties as well as from information provided by relevant international organisations and research carried out by the Secretariat;

(d) A background information document on developments since the last Review Conference in other international forums which may be relevant to the Convention, including the revised International Health Regulations of the World Health Organization, and Security Council Resolution 1540.

(e) A background information document showing the additional understandings and agreements reached by previous Review Conferences relating to each article of the Convention, extracted from the respective Final Declarations of these conferences.

The Preparatory Committee also decided that all background documentation should be circulated not later than four weeks before the opening of the Conference.

These proposals were amended as follows:

(a) A background information document on the history and operation of the confidence-building measures agreed at the Second Review Conference and revised at the Third Review Conference. The document should include data in summary tabular form on the participation of States Parties in the measures since the last Review Conference;

The agreed version omitted the words originally proposed to include “a summary of the development of the confidence-building measures, an overview of the role of the United Nations Department for Disarmament Affairs in administering the measures.”

(b) A background information document on compliance by States Parties with all their obligations under the Convention. For the purpose of compiling this document, the Secretariat would request States Parties to provide information regarding compliance with all the provisions of the Convention;

The agreed version omitted the words originally proposed to

include “any actions taken following the Meetings of Experts and Meetings of States Parties held from 2003-2005”.

(c) A background information document on new scientific and technological developments relevant to the Convention, to be compiled from information submitted by States Parties as well as from information provided by relevant international organizations;

The agreed version omitted the words originally proposed to include information from “research carried out by the Secretariat”.

(d) A background information document on developments since the last Review Conference in other international organizations which may be relevant to the Convention.

The agreed version changed the word “forums” to “organizations” and omitted the words originally proposed “including the revised International Health Regulations of the World Health Organization, and Security Council Resolution 1540”.

(e) A background information document showing the additional understandings and agreements reached by previous Review Conferences relating to each article of the Convention, extracted from the respective Final Declarations of these conferences;

This was agreed as proposed.

(f) A background information document on the status of universalization of the Convention.

This is for an additional background document.

This agreement that the Secretariat should prepare six background documents was a significant step forward and should help to ensure that the States Parties are better prepared at the Sixth Review Conference. Although the agreed versions deleted some words, these are unlikely to harm the background documents. For example, the omission of the specific reference in background document (b) to actions taken following the intersessional meetings in 2003 to 2005 is unlikely to actually change the information provided by States Parties for this background document, as many States Parties have agreed to report on actions they have taken to the Review Conference. In a second example, the omission of the specific reference in background document (d) to the revised International Health Regulations and to SCR 1540 will still be included as both the WHO and the United Nations are “international organizations”. Likewise the omission in background document (c) to research carried out by the Secretariat will have little effect, as the Secretariat has to carry out research to prepare the background documents.

The final plenary session on Friday 28 April 2006 saw consideration of the draft report, BWC/CONF.VI/PC/CRP.1, which had been circulated to all delegations. The Chairman pointed out that this followed the form and format of previous Preparatory Committee reports. He then went through the draft report paragraph by paragraph, noting that in paragraph

19 two additional paragraphs, 19bis and 19ter had been added in regard to rules of procedure: these two added paragraphs were identical to those in the Preparatory Committee report in May 2001. Replacement paragraphs 20 and 21 were added in regard to the background documents. Whilst there were queries raised by a few States Parties, there were no substantive changes to the draft. There would be three Annexes: the *Provisional Agenda for the Sixth Review Conference*, the *Draft Rules of Procedure* and a *List of Documents of the Preparatory Committee*. The draft report was agreed.

Ambassador Don Mahley of the United States then asked for the floor. He said that it had been a very successful Preparatory Committee meeting and he wished everyone the best of luck in the carrying out of the Sixth Review Conference. Ambassador Mahley said that he had asked for the floor on his own behalf rather than on behalf of the United States as this would be the last meeting he would attend as Head of the US Delegation. He had been engaged in these meetings in Geneva over the past 15 years and considered it was important to continue doing this very important work to make the world more secure. He considered that a strong Convention and a strong norm had now reached the point where civilization (let alone the norm and the legal obligations) would result in a massive reaction if any State or non-State actor were to use biological weapons. He wished all his colleagues well in their future meetings.

The Chairman responded saying that he was sorry that Ambassador Mahley would no longer be Head of the US Delegation as he appreciated his professionalism and the forthright candid approach that is the hallmark of Ambassador Mahley.

The Chairman then went on to make a closing statement. He noted that with the adoption of the report the work of the Preparatory Committee had been concluded. It had been a productive three days that would provide a smooth start for the Sixth Review Conference. All States Parties could take pride in that achievement and look back with some satisfaction. It would be important to take the best foot forward and States Parties must now begin to construct on the foundation that has been made, working hard to build consensus and convert divergences to convergences. The Chairman pointed out the success of the Review Conference depends on the efforts of the States Parties and he felt that, through their efforts to reach compromise and understanding, he could be optimistic of a successful outcome to the Review Conference. Whilst there are challenges to be overcome, these could be achieved through a spirit of cooperation. There was every reason to expect success. The Chairman went on to say that he would be writing to all States Parties to set out his plans. He intended to consult widely with regional groups and individual delegations.

Reflections

The atmosphere at the Preparatory Committee Meeting in preparation for the Sixth Review Conference was positive. Many of the group statements and individual statements by States parties emphasized the importance of successfully carrying out a comprehensive article by article review of the Convention at the Sixth Review Conference. There was ready agreement on a three-week duration for the Review

Conference from 20 November to 8 December 2006. Although there were divergences between Iran and the USA on the wording of draft Agenda item 11 – which replaced Agenda items 11 and 12 in the Agenda adopted by the Fifth Review Conference – a successful compromise was found. There was a significant step forward in the agreement to request six background documents. The new background document showing the additional understandings and agreements reached by previous Review Conferences is particularly welcome, as it will be up to the Sixth Review Conference to consider how to further extend these understandings and agreements, thereby strengthening the

Convention. Equally welcome was another new background document on developments since the last Review Conference in other international organizations, as it has become increasingly clear during the past few years that there are initiatives being taken by other international organizations that are relevant to the Convention, and that the Sixth Review Conference needs to take stock of these developments.

This review was written by Graham S Pearson, HSP Advisory Board.

News Chronology

November 2005 through January 2006

What follows is taken from issue 71 of the Harvard Sussex Program CBW Chronicle, which provides a fuller coverage of events during the period under report here, and also identifies the sources of information used for each record. All such sources are held in the Sussex Harvard Information Bank, which is open to visitors by prior arrangement. For access to the Chronicle, or to the electronic CBW Events Database compiled from it, please apply to Julian Perry Robinson.

November From the USA, *Military Medicine* publishes the results of a study that show there to be “no statistically significant differences with respect to bed days, activity limitations, clinic visits, or hospital visits” between 1991 Gulf War veterans notified of potential exposure to chemical warfare agents at Khamisiyah and those not notified [see also 25 Jul]. The purpose of the study was to examine the association of notification of potential exposure to chemical warfare agents with subsequent self-reported morbidity. The study sample included 1,056 deployed Army Gulf War veterans who responded to a 1995 National Health Survey of 1991 Gulf War veterans and who were surveyed again in 2000. Only half of the subjects had been notified of potential exposure to chemical warfare agents. Among 71 self-reported medical conditions and symptoms, there were five statistically significant differences, four of which were for lower rates of illness among notified subjects. The team of four researchers from the Institute of Medicine and the Department of Veterans Affairs say that the findings contradict the prevailing notion that perceived exposure to chemical warfare agents should be considered an important cause of morbidity among Gulf War veterans.

1 November In Washington, DC, Senator Richard Lugar and Senator Barack Obama speak on non-proliferation activities in Russia and the Ukraine at a Council on Foreign Relations session on *Challenges Ahead for Cooperative Threat Reduction*. Amongst other things, Lugar and Obama review their joint visit to Russia, Ukraine and Azerbaijan made three months previously [see 29 Aug].

1-2 November In Moscow, there is a national dialogue forum on *Russian Implementation of the Chemical Weapons Convention (CWC): Status and Perspectives as of Year-End 2005*, organized by Green Cross Russia. Discussions focus on assessing the status of Russian chemdemil efforts, including the issues of funding, technological solutions, public support of the programme, as well as its ecological and safety aspects. There are over a hundred participants, including governmental officials, representatives of international organizations and non-governmental organizations and academics.

2 November From Japan, a team of researchers report that a comparison of the components of “yellow shells” with mustard gas shells recovered in both Japan and China have shown a difference in the impurities between the chemical warfare agents produced by the Japanese Imperial Navy and the Imperial Army. Using an external calibration method they performed a quantitative analysis to show that both mustard and lewisite remained as the major components of the shells, the former amounting to 43 per cent, the latter to 55 per cent. The viscous material recovered is, however, mostly an oligomer of mustard. Yellow shells, which were only employed by Japan during the Second World War and also produced in the Soviet Union during that time, generally contained a 1:1 mixture of mustard and lewisite (known as Yellow agents). The team says that its research, published in the *Journal of Chromatography*, will help to unearth and recover the shells and detoxify the contents safely.

2 November In Washington, DC, in a presentation made at the Center for Strategic and International Security, Director of Department of Homeland Security (DHS) Office of Research and Development Maureen McCarthy says that the highest bioterrorism priority of the DHS is developing defences against longer-term threats that could cause “national scale” devastation even though such attacks would be “generally really hard [for terrorists] to do.” She continues: “We cannot be beguiled by the risks of events that have happened in the past... But we have to be concentrating our efforts on understanding new and emerging threats, things that may be threats to this nation in the future, not just six months from now, or two years from now, but out five, 10, 20 years in the future. That’s a driving factor of what sets up our programs.”

3 November Russian Deputy Federal Industry Agency Chairman Viktor Kholstov says: “[I]n 2009 all seven [chemdemil] sites needed in Russia to destroy chemical weapons within the relevant international convention will start to operate... The [Kambarka] facility will be put into operation before the end of the year... [I]n 2007, within the framework of the second stage of implementing the convention, Russia