

The Biological Weapons Convention Meeting of States Parties, December 2008

As reported in the *Bulletin* 80 (September 2008), the Meeting of Experts of the States Parties to the Biological and Toxin Weapons Convention (BWC) was held in Geneva under the Chairmanship of Ambassador Georgi Avramchev of the Former Yugoslavian Republic of Macedonia on 18 to 22 August 2008 to discuss, and promote common understanding and effective action on:

- (iii) National, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins.
- (iv) Oversight, education, awareness raising, and adoption and/or development of codes of conduct with the aim to prevent misuse in the context of advances in bio-science and bio-technology research with the potential of use for purposes prohibited by the Convention.

The Meeting of Experts produced a report (BWC/MSP/2008/MX/3 dated 8 September 2008) to which was attached as Annex I a paper prepared by the Chairman listing the considerations, lessons, perspectives, recommendations, conclusions, and proposals drawn from the presentations, statements, working papers and interventions on the topics under discussion at the Meeting. The report, as in the reports from MX/2005 and from MX/2007 in previous years, stated that 'It was the Chairman's view that the paper could assist delegations in their preparations for the Meeting of States Parties in December 2008 and in its consideration of how best to "discuss, and promote common understanding and effective action on" the topics in accordance with the decision of the Sixth Review Conference.' This and other official BWC documentation is available at <http://www.opbw.org> and at <http://www.unog.ch/bwc>. It should also be noted that, as at the Sixth Review Conference and at the Meeting of Experts, Richard Guthrie in association with the BioWeapons Prevention Project (BWPP) provided daily reports on the Meeting of States parties that were made available in hard copy to the delegations as well as electronically. The BWPP reports can be found at <http://www.bwpp.org/2008MSP/MSP2008Resources.html>.

This documentation provided the States Parties with an excellent starting point from which to develop language to meet the requirement of the mandate for the Meeting of State Parties in December 2008 to discuss, and promote common understandings and effective action.

Preparation for the Meeting of States Parties, 1 to 5 December 2008

The Final Report (BWC/MSP/2008/MX/3 dated 8 September 2008) of the Meeting of Experts comprised a report of 5 pages together with Annex I, a 41-page listing of the considerations, lessons, perspectives, recommendations, conclusions, and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topic under discussion at the Meeting, and Annex II, a 5-page

listing of the documents of the Meeting of Experts. Annex I with its 41 pages was virtually twice as long as the comparable Annex I from MX07 with its 21 pages; this reflected the very wide participation in MX08 in which all the available time was taken up with presentations and statements from both States Parties, international organizations and from guests of the meeting.

The Chairman, Ambassador Georgi Avramchev of the Former Yugoslavian Republic of Macedonia, wrote to the States Parties on 10 October 2008 to say that, as he foreshadowed at the close of the August Meeting of Experts, and as was done in previous years, he had consolidated these proposals and ideas, removing duplications and merging similar concepts, to produce a synthesis paper. This synthesis, which was attached to Ambassador Avramchev's letter, was intended as food for thought, to help guide the States Parties in their preparations for the Meeting of States Parties. It contained no new material, but simply reflected the ideas put forward at the Meeting of Experts in what he hoped was a reasonably coherent, concise and accessible way. It was not intended to exclude any proposal from consideration, and States Parties were of course welcome to make additional proposals at the Meeting of States Parties. The synthesis paper was a resource for States Parties to draw upon in their preparations, and he encouraged them to use it that way.

The Chairman's letter continued: *as to the operation of the Meeting of States Parties, I believe it is important that we take the opportunity to add value to the work done at the Meeting of Experts. The Meeting of Experts produced a wealth of material, from a wide array of participants including experts from States Parties, international organizations, scientific and professional associations, and academia. I believe there would be benefit in a more structured discussion on the proposals and ideas raised, and I will be preparing a programme of work to facilitate such discussion.*

On the outcome of the meeting, he said that *we should aim for a product that genuinely promotes common understanding and that will help States Parties, including those which are not able to participate in our meetings, to take effective action on our two topics. I am interested in hearing the views of delegations on how we can best achieve this, and I will be consulting widely in the coming weeks. Please do not hesitate to contact me through the ISU if you would like to discuss any aspect of the preparations for the meeting.*

To this letter was attached the 7-page synthesis document subsequently issued, prior to the Meeting of States Parties, as MSP/2008/L.1 dated 31 October 2008.

Ambassador Avramchev subsequently spoke to the group coordinators on 19 and 20 November 2008 saying that he was eager to ensure that the outcome of this year's work made a lasting contribution to efforts to take practical measures to strengthen the Convention and help to ensure

the safe and secure development of the peaceful applications of biological science and technology. He said that there would be clear benefits for all States Parties by agreeing a consensus report that clearly stated what is meant by biosafety and biosecurity in the context of the Convention; outlined the need for proportional measures, for carefully assessing risks and for balancing security concerns against the need to nurture research and ensure the peaceful development of biological science and technology; recognized that that individual and local circumstances need to be taken into account when addressing biosafety/biosecurity and education and awareness-raising; and encouraged the involvement of all relevant stakeholders, including government, the scientific community, commercial industry and academia.

In a useful innovation, he also then circulated an advance version of his report on universalization as well as an advance version of the report of the Implementation Support Unit.

In New York in the First Committee of the United Nations General Assembly, on 16 October 2008 Hungary introduced a draft resolution (A/C.1/63/L.11) on the BWC which in its operative paragraphs noted with satisfaction the number of States that have become Party to the Convention and reaffirmed the call upon all States not yet party to become so at an early date, welcomed the information and data provided to date and reiterated its call upon all States Parties to participate in the exchange of information and data agreed at the Third Review Conference, and, in the fifth and seventh operative paragraphs:

5. *Recalls the decisions reached at the Sixth Review Conference, and calls upon States parties to the Convention to participate in their implementation;*
7. *Requests the Secretary-General to continue to render the necessary assistance to the depositary Governments of the Convention and to provide such services as may be required for the implementation of the decisions and recommendations of the Review Conferences, including all assistance to the annual meetings of the States parties and the meetings of experts;*

A new sixth operative paragraph was included in 2008 which had not appeared in the comparable resolution in 2007:

6. *Urges States parties to continue to work closely with the Implementation Support Unit of the Conference on Disarmament Secretariat and Conference Support Branch of the Office for Disarmament Affairs in fulfilling its mandate, in accordance with the decision of the Sixth Review Conference;*

As in 2007 and unlike previous comparable resolutions, this one did not specifically address the topics to be considered at the Meeting of States Parties in 2008 or subsequently.

As expected, the First Committee adopted this draft resolution without a vote on 29 October 2008. It was subsequently approved by the General Assembly without a vote on 2 December 2008 as A/RES/63/88.

Other Preparations

On the weekend of 29-30 November 2008 before the Meeting of States Parties, there was a workshop in Geneva of the Pugwash Study Group on the Implementation of the Chemical and Biological Weapons Conventions entitled “*Moving towards the Seventh Review Conference.*” About 55 participants from 20 countries had a very useful and intense exchange of views which started by considering the intersessional

programme and then moved on to considering preparations for the Seventh Review Conference including the convergence of chemistry and biology, preparing for a successful outcome, improving the CBM regime as well as strengthening the effectiveness and improving the implementation of the Convention.

Meeting of States Parties, 1 to 5 December 2008: Opening Plenary Session

The Meeting of States Parties began on Monday 1 December 2008 in a plenary session when the Chairman, Ambassador Georgi Avramchev of the Former Yugoslavian Republic of Macedonia, welcomed the representatives from the States Parties. He then invited Mr Sergei Ordzhonikidze, Director-General of the United Nations Office at Geneva, to make a statement on behalf of the Secretary-General of the United Nations, Mr Ban Ki-moon. This statement started by noting that

You meet at the halfway point of the intersessional work programme, in advance of the next review conference in 2011. I am encouraged to know that the programme has been inclusive and productive, and that you have developed understandings on improving national implementation and regional cooperation. I urge you to maintain that spirit this week as you continue work on biosafety, biosecurity, oversight, education and awareness-raising, as well as next year, when you address capacity building in disease surveillance, detection, diagnosis and containment. These efforts are crucially important in strengthening barriers against biological weapons and bioterrorism, and in addressing other threats to public health, agriculture, economic development and the environment.

The statement went on to note that *Governments alone cannot confront the risks posed by biological weapons. That is why the intersessional programme has also involved international organizations such as the World Health Organization, the World Organization for Animal Health, Interpol, regional bodies, professional and scientific associations, academia and commercial industry.* He then noted that *This reflects your recognition that to manage the full spectrum of biological risks – from naturally occurring diseases, accidents and negligence to terrorism and the deliberate use of biological weapons – you need a cohesive, coordinated network of activities and resources. Such a network will help to ensure that biological science and technology can be safely and securely developed for the benefit of all.*

He concluded by looking ahead towards the Seventh Review Conference by saying:

I also urge you to begin thinking about additional steps that could be taken at the next review conference. You might consider how to increase membership, and how to further develop the implementation support unit. You might also explore the potential for further multilateral cooperation in the fields of verification, compliance and enforcement of the Convention.

The Chairman thanked Mr Ordzhonikidze for his statement and then moved on to business. In regard to the adoption of the Agenda (BWC/MSP/2008/1), he noted that this had been circulated in all languages. This was adopted. The

programme of work (BWC/MSP/2008/2), which had been developed from that attached to the Chairman's letter of 10 October 2008, had likewise been circulated and was adopted. He then noted that three papers had been issued. First, his synthesis document of 10 October 2008 had been issued in all languages (BWC/MSP/2008/L.1), an advance copy had been circulated of the report (BWC/MSP/2008/3) on the Implementation Support Unit (ISU) as well as his report on Universalization (BWC/MSP/2008/4). In addition, a background document had been issued by the ISU of developments in science and technology (BWC/MSP/2008/INF.1). He also noted that all Working Papers would be issued in their language of submission only. Moving on to rules of procedure, he proposed that, as previously, these meetings should operate under the Rules of Procedure of the Sixth Review Conference applied *mutatis mutandis*. However, he pointed out that formal accreditation would not be required for the annual meetings; registration would be sufficient. These Rules of Procedure were agreed.

In regard to participation, he said that one State neither party or signatory – Israel – had requested observer status and this was so decided. Five international organizations – the European Commission, the ICRC, Interpol, WHO and OIE – had also requested observer status and this was so decided. In regard to NGOs, the Chairman said that a number had requested the opportunity to address the meeting and he proposed to suspend the meeting on Monday afternoon at 4.30 pm to allow them to do so. This was so decided. He also noted that there would be a number of lunch-time events.

97 States Parties to the Convention participated in the Meeting of States Parties as follows: Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriyah, Lithuania, Malaysia, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Viet Nam, Venezuela (Bolivarian Republic of), Yemen, and Zimbabwe. This was one more than at the Meeting of Experts, as 11 States Parties – Belarus, Bosnia and Herzegovina, Cambodia, Estonia, Latvia, Lebanon, Mauritius, Monaco, Mongolia, United Arab Emirates and Zimbabwe – participated at MSP 08 in December whilst 10 States Parties – Bahrain, Botswana, Brunei Darussalam, Ecuador, Kazakhstan, Kyrgyzstan, Lao People's Republic, Swaziland, Tajikistan and Zambia – who had participated at MX08 in August did not at MSP08 in December.

Five Signatory States participated – Burundi, Egypt, Haiti, Nepal, and the Syrian Arab Republic – one more than at MX08, as Burundi and Haiti participated at MSP08 whilst

Myanmar, which participated at MX08, did not at MSP08. One State neither Party nor Signatory, Israel, was granted observer status; two less than at MX08 when Cameroon and Mauritania participated. Five international organizations were granted observer status: the European Commission, the International Committee of the Red Cross, Interpol, the World Health Organization and the World Organization for Animal Health. This was two less than in August when the International Centre for Genetic Engineering and Biotechnology (ICGEB), the Organization for Economic Cooperation and Development (OECD) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) participated and Interpol did not. 17 Non-Governmental Organizations were present. The Convention now has 163 States Parties and 13 Signatory States (see BWC/MSP/2008/INF.3 together with the accession of the Cook Islands announced by the UK on Friday 5 December 2008).

There were over 490 participants at the Meeting of States Parties of which 428 came from States Parties, including some 134 participants from capitals. This compared well with the participation at the Meeting of Experts in August 2008 when there were just over 500 participants of which 365 came from States Parties, including over 160 from capitals.

The Chairman then made his introductory remarks by noting that he wished to say *a few words about the substantive part of our work, and the outcome of this meeting*. He noted that *The Meeting of Experts showed that States Parties continue to approach our various challenges in a collaborative, collegial spirit, and the wealth of material presented at that meeting shows the impressive resources we can muster when we work in concert*. He went on to say that *We now have to distil the excellent work of the Meeting of Experts into a more concentrated product. We have a vast amount of pertinent, constructive material to work with: what we need now is refinement, structure and focus*.

He went on to say that *As Chairman, I am eager to ensure that the outcome of our work this year makes a lasting contribution to the efforts of States Parties – and other relevant actors – to take practical measures to strengthen the Convention and help ensure the safe and secure development of the peaceful applications of biological science and technology. Our mandate is clear: we are certainly not attempting to negotiate binding agreements. But I believe that we would make a significant and practical contribution to fulfilling the objectives of the Convention if we could develop a report which, for example:*

- *clearly states what we mean by biosafety and biosecurity in the context of the Convention;*
- *outlines the need for proportional measures, for carefully assessing risks, for balancing security concerns against the need for nurturing research and ensuring the peaceful development of biological science and technology;*
- *recognizes that “no one size fits all”, that individual and local circumstances must be taken into account when addressing biosafety/biosecurity and education and awareness-raising;*
- *encourages the involvement of all relevant stakeholders, including government, the scientific*

community, commercial industry and academia; and, perhaps most importantly,

- lists practical measures that States Parties can consider and draw upon when developing their own approaches to our topics.

These are just examples: there are of course many other themes and ideas that might usefully be included in our report. But I do urge you take advantage of the constructive atmosphere we have developed, to produce a report that will be a useful and practical resource for all those who share our goals of strengthening the Convention, improving biosafety and biosecurity capacities worldwide, raising awareness of biological risks, and reducing the threat posed to global security by biological weapons and bioterrorism.

He concluded by saying that he was looking forward to a productive and focused meeting, and to working with participants to deliver a useful, practical and concrete outcome. He encouraged all delegations to contribute freely to the debate, and he hoped that there would be a continuation of the very constructive and creative spirit States Parties had displayed at the Meeting of Experts.

General Debate, Monday 1 December 2008

The Chairman then moved on to open the **General Debate**.

Cuba spoke on behalf of the Group of the Non-Aligned Movement and other States by recalling that the XV Ministerial Conference of the Non Aligned Movement, held in Tehran, from 27 to 30 July 2008, at which the Ministers of the States Parties to the Biological and Toxin Weapons Convention (BWC):

- *Reaffirmed 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.*
- *Recognised also the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol and universal adherence to the Convention. They reiterated their call to promote international cooperation for peaceful purposes, including scientific-technical exchange.*
- *Underlined further the importance to maintain close coordination among the NAM States Parties to the Convention and highlighted that the Convention on Biological and Toxin Weapons forms a whole and that, although it is possible to consider certain aspects separately, it is critical to deal with all of the issues interrelated to this Convention in a balanced and comprehensive manner.*

The statement went on to note:

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.

In this regard, the Group remains deeply concerned about the potential use and/or threats of use of

biological agents and toxins as an instrument of war and terror. The Group feels that there is a greater necessity and urgency for the States Parties to 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 statement continued to note that *While acknowledging the significance of Article X of the Convention, the Group also underlines the importance of paragraph 54 of the Final Document of the Sixth Review Conference of the States Parties of the BWC, in which they were encouraged to provide information on how Article X is been implemented.* In regard to the topics for this year's meetings, the statement made a number of points which included the following:

1. *Keeping in mind the provisions of the Convention and their strict implementation, the Group welcomes the discussions on biosafety and biosecurity concepts, in order to achieve the objectives of the Convention.*
2. *While biosafety is a well known and widely-accepted concept, the interpretation and meaning of biosecurity could diverge depending on whom and under which circumstances is used.*
3. *Biosafety, as is generally understood to mean, is the set of practices and technologies aimed at protecting people from the hazards of occupational exposures to pathogens and toxins.*
4. *One the other hand, biosecurity is generally understood to be related to the measures taken to guarantee the protection of the biological materials, technologies and information from loss, theft, misuse, diversion or intentional release.*
5. *We strongly believe that the relevant national authorities should have the responsibility in defining and implementing such concepts [biosafety and biosecurity], in accordance with relevant national laws, regulation and policies, consistent with the provisions of the Convention.*
6. *While some International Organizations, for instance the World Health Organization (WHO), deal with biosafety and biosecurity issues, the adoption of decisions and recommendations on this matter within the framework of the BWC belongs exclusively to the States Parties of the Convention.*
7. *Achieving necessary standards in the fields of biosafety and biosecurity requires and is facilitated by international cooperation and strengthening the implementation of Article X of the Convention.*
8. *The Group would like to emphasize that Codes of Conduct by themselves are not sufficient for preventing the potential use and/or threats of use of biological agents and toxins as an instrument of war and terror. The development and adoption of such Codes would be effective and useful, when complemented with the involvement and assistance of the national scientific community. However, it remains the prerogative of the States Parties to decide on the content, promulgation and adoption of the code in accordance with relevant national laws, regulations and policies, consistent with the provisions of the Convention.*
9. *Codes of Conduct should avoid any restrictions on exchange of scientific discoveries in the field of*

biology for prevention of disease and other peaceful purposes. Subjecting scientific research and the free flow of scientific information to undue restrictions may amount to violation of obligations undertaken under Article X of the BWC. Therefore, all necessary precautionary measures need to be **taken to avoid hampering the economic or technological development of States Parties to the Convention or international cooperation in the field of peaceful bacteriological (biological) activities**, while devising national codes of conduct.

The Statement concluded by looking forward to productive discussions next year on Article X, to which the Group attaches the highest priority.

[www.unog/bwc accessed on 18 December 2008 shows that Cuba submitted a CBM in 2008]

France spoke on behalf of the European Union and noted that the candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia, the countries of the stabilisation and association process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, as well as Iceland, Ukraine, the Republic of Moldova, Armenia, Azerbaijan and Georgia aligned themselves with the statement. He started by recalling the Meeting of Experts in August 2008 and saying that *The diversity of the players, the number and quality of the presentations, and the poster session showed how these two areas of activity constitute significant axes for the concrete implementation of the Convention.* He went on to say that *The European Union wishes to reaffirm its commitment to this intersessional process, which helps to maintain a regular dialogue between the States Parties to the Convention, and to strive for constant improvement of national practices.*

He then said: *But this intersessional process should not simply allow us to exchange opinions, it should also enable us to take specific steps to improve compliance with the Convention by the States Parties, as we move towards the Review Conference in 2011. ...*

These annual meetings should therefore be occasions for discussion, but also occasion to take stock. These conferences should create the impetus to strengthen, where necessary, national implementation measures, including penal legislation. The European Union is convinced that this can be achieved by way of interaction between lawmakers and the private sector, with a view to promoting the national ownership of measures provided by the BTWC.

The European Union believes that these moves to strengthen national legislation should fully encompass the two topics on which we have focused our attention in 2008, particularly the measures concerning biosafety and biosecurity, and measures aimed at preventing the misuse of research results. The European Union also believes that the States Parties to the Convention should play a major role in supporting scientific, professional, industrial and other organisations in developing and implementing oversight, education and awareness-raising programmes to help preventing diversion of research developments.

He then went on to note that the European Union has adopted two joint actions in support of the BWC, in 2006 and 2008, and a joint action in support of the WHO. He said that

In the new joint action in support of the BTWC, the European Union wishes to

- *promote the universalization of the Convention;*
- *support the implementation of the Convention by providing legal assistance to States parties or States not yet Parties to the Convention, including by way of training programmes directed at the national authorities;*
- *promote the submission of confidence-building measures returns, especially by encouraging the designation of national points of contact;*
- *support the intersessional process of the Convention.*

The statement went on to say *You know how committed the EU is to the mechanism of transparency of the Convention. The confidence-building measures are a key instrument for creating transparency and mutual trust among the States party to the Convention. The European Union calls upon all States Parties to submit their confidence-building measures on a regular basis, and regrets that many States still remain outside this mechanism. Achieving universal participation in these confidence-building measures is a strong priority for the EU. This confidence is the basis on which the European Union wishes to deepen the discussions on the implementation of the Convention, as we move towards the 7th Review Conference of the BTWC in 2011.*

Looking ahead to the new year, the statement said *In 2009, we will focus on the topic of international assistance. As you know the European Union is very active in this field. Apart from the joint actions in support of the BTWC and the WHO, the European Union is establishing initiatives to assist third countries through technical visits, and also through the stability instrument.*

[www.unog/bwc accessed on 18 December 2008 shows that France submitted a CBM in 2008]

Canada on behalf of the JACKSNNZ group (Japan, Australia, Canada, Republic of Korea, Switzerland, Norway and New Zealand) said in regard to the Meeting of Experts in August 2008 that *This meeting witnessed increased participation in the work of the BTWC by almost every measure, not just in terms of numbers from capitals but also from a growing range of civil society actors as well as relevant International Organisations that are interested in our work. It is also no accident that the renewed vigour and interest shown by States Parties in the work of the BTWC coincides with the ISU's substantial contribution to our recent meetings and its support of the universalisation and national implementation efforts.* The statement went on to note that:

The ISU has also made significant contributions to the CBM mechanism. We believe that the timely submission and availability of CBMs to other States Parties is critical to the full implementation of the BTWC. In this regard, our countries submit annual CBMs which are on file with the Implementation Support Unit, both in hard copy and online. Some of the JACKSNNZ States have, as an additional measure of transparency, also posted their CBM returns on the public section of the ISU's website and on the Internet. We would urge all countries that are not yet doing so

to submit CBMs to the ISU on an annual basis and in a timely fashion.

The statement then reviewed the contributions made to the topics under consideration in 2008, and went on to add that *We recognise that the domestic implementation process can be both challenging and daunting, and we appreciate that some countries may lack the expertise or resources to develop and put into effect comprehensive national biosafety and biosecurity measures. In this regard, members of the JACKSNNZ are committed to international cooperation, and encourage all States Parties in a position to do so to provide assistance to other States Parties to strengthen capacity in biosafety and biosecurity.* The statement concluded by looking ahead towards the Seventh Review Conference in 2011:

Looking ahead, our group of seven countries believes our focus must remain firmly on maintaining the BTWC's current positive momentum up to – and through – the Seventh Review Conference in 2011. We are now half-way through this Intersessional Process and it seems to us an opportune moment to begin thinking about the strengths and weaknesses of the current Process. The JACKSNNZ would be open to discuss whether the BTWC would benefit from “more of the same” or whether the Convention, and our common and national security interests, would be better served if we put a renewed focus on how this Convention can evolve in the future. For instance, some JACKSNNZ member states suggested in 2006 that the Intersessional Process could be greatly enhanced if the Meetings of States Parties were in a position to take consensual decisions on the substantive points on our agenda.

[www.unog/bwc accessed on 18 December 2008 shows that Canada submitted a CBM in 2008]

China then spoke, saying that *Over the past years, the implementation of the Convention has been smooth and successful on the whole. The universality of the Convention has been improved, which brings the number of States Parties to 162. Both the quantity and quality of confidence-building measures (CBMs) submitted by States Parties have been improved. 64 States Parties have set up their national points of contact for implementation of the Convention. The Implementation Support Unit (ISU) has performed smoothly and has been well-received and supported by States Parties.* The statement went on to say that *Strengthening biosafety and biosecurity is the intrinsic requirement by the Convention, as well as the important obligation of States Parties on implementation of the Convention. It also constitutes one of effective means to prevent acquiring or using biological weapons related materials and technologies by terrorists and non-state actors.* The statement went on to say that at the Meeting of Experts a common reading emerged on what is meant by biosafety and biosecurity in the context of the Convention as follows:

- I. Biosafety refers to the principles, technologies and measures implemented to prevent accidental release of biological agents and toxins, and to protect people and the environment from the effects of such release.*
- II. Biosecurity refers to the protection and control*

measures implemented to prevent the unauthorized access, retention, misuse, transfer, theft or intentional release of biological agents and toxins.

The statement went on to propose effective measures that States Parties should take to enhance biosafety and biosecurity. These include:

IV. An oversight mechanism on life sciences should be established by combining government controls and scientists' self-discipline while avoiding undue restrictions on scientific research.

V. States Parties are encouraged to reinforce education and awareness raising activities in various ways including holding seminars and training courses, making use of publications and providing teaching materials.

VI. States Parties are encouraged to adopt Codes of Conduct according to their own national situations on a voluntary basis.

The statement concluded by welcoming the Chairman's synthesis paper and expressed hope that States Parties could further promote consensus and propose some practical and feasible suggestions on the basis of those papers at this meeting.

[www.unog/bwc accessed on 18 December 2008 shows that China submitted a CBM in 2008]

Turkey then spoke, saying that *The topics that we are dealing with this year are also indispensable for curbing proliferation at the biological front. As new developments in science and technology pose new challenges to the effective implementation of the Convention, ensuring safety and security of biological agents and toxins becomes all the more important.* The statement went on to say that *we welcome the streamlining of the procedure for the submission and distribution of the “Confidence Building Measures” (CBMs). We believe that this has already increased the level of participation by States Parties. We shall continue to provide our CBM reports and encourage others to do so.* The statement continued by noting that:

We share the broad understanding within the BWC community that further efforts have to be devoted to strengthening and improving the implementation of the Convention.

States Parties may wish to make use of the 2007-2010 inter-sessional period to consider new ideas in the next Review Conference for an implementation mechanism to enhance the effectiveness of the Convention.

[www.unog/bwc accessed on 18 December 2008 shows that Turkey submitted a CBM in 2008]

The United States then spoke, saying *We have come a long way since the 2003-2005 discussions. Experts from the World Health Organization and its regional offices, the World Animal Health Organization (OIE), the FAO, Interpol, the UN Secretary General's staff and the 1540 Committee, as well as members of regional bodies like the OAS, ASEAN, OAU, OSCE, and EU, regularly gather to discuss measures related to the BWC. Such discussions now are commonplace, something that we could not have*

imagined just a few short years ago. The statement went on to say that BWC-related issues have also been a catalyst for ministries to work together in new ways. This is certainly true for the United States. In the past our State Department disarmament specialists had little contact with their Health and Human Services counterparts. They now work hand-in-hand to improve security against infectious disease, whatever the cause. As U.S. experts travel to capitals to work together with their foreign counterparts, they have noticed that bilateral work provides the necessary rationale for the Foreign, Defense, Justice, Health, and Agriculture Ministries to meet on these issues for the first time. The U.S. believes that it is a sign of true progress that governments now send representatives from multiple ministries to BWC meetings.

In regard to the topics being considered at this Meeting of States Parties, the statement noted that *On the issues of biosafety and biosecurity, the emerging understanding seems to be that biosafety measures protect people, while biosecurity measures protect biological agents and toxins. In fact, biosafety and biosecurity measures are not wholly separate, but form a continuum. In the laboratory setting, the term "biorisk" is increasingly being used to cover both. Measures include not only capacity-building, but also such issues as training and oversight. It went on to say that In recognition of the dual-use potential of life sciences research, the U.S. Government established the National Science Advisory Board for Biosecurity to advise on strategies for the management of dual-use research. In their recommendations on the development of codes of conduct, the NSABB highlighted that individuals involved in any stage of life sciences research have an ethical obligation to avoid or minimize the risks and harms that could result from malevolent use of research outcomes. Given the current state of technology, we are promoting the training of life scientists - both trainees and researchers - on this critical issue. To this end, we plan to develop, in conjunction with other countries, an educational training module for university and other research institutions, as well as funders of research, to help insure all those in the life sciences are as well prepared as possible to carry out responsible science as the field explodes with new cutting-edge developments. BWC meetings have greatly encouraged us in thinking these multinational efforts are feasible and critically important to health and security globally. The statement continued to say that Lately, more focus has been placed on the need to raise awareness about the risks of misuse of the bio-sciences for biological weapons purposes and to educate researchers on dealing with these risks. The U.S. believes that such education should be a mandatory aspect of graduate education in the life sciences in the broader context of professional responsibility, and that this meeting should urge all States Parties to explore and undertake such efforts. We believe that all those graduating from higher education in fields associated with the life sciences should be familiar with the international prohibition against biological weapons. All those undertaking professional research should have received effective training or instruction related to preventing the misuse of their research. Governments should commit to initiating a dialogue with their national*

science academy about how this low level of awareness can swiftly be corrected. This would not replace these educational components at an earlier stage. We also believe in the value of oversight at a number of levels, through a variety of institutional control mechanisms, and among those engaged in the life sciences themselves.

The statement concluded by looking ahead to 2009, saying that *The momentum developed through the BWC Work Program should serve us well, particularly as we focus on disease surveillance and capacity-building in 2009.*

[www.unog/bwc accessed on 18 December 2008 shows that the United States submitted a CBM in 2008]

Germany then spoke, saying that *Being in complete agreement with the EU statement ..., I would like to highlight a few points of particular importance to us. The statement went on to say that at this Meeting, Germany and Austria will introduce an EU working paper describing the procedures implemented by the EU when dealing with ethical problems, including the dual-use problem, regarding EU-funded research. An additional German working paper will describe the efforts of industry in developing and implementing a code of conduct for companies in the field of synthetic biology. The statement concluded by saying that The different stages of development of public health systems, scientific institutions and biotech industry in the States Parties to the Convention require continuous efforts by those States Parties in a position to offer assistance to States that need support in implementing biosafety and biosecurity measures, improving oversight, education and raising awareness, and developing codes of conduct to prevent the misuse of life sciences. Germany stands ready to provide such assistance through the European Union's Joint Actions ... and looks forward with interest to the 2009 meetings with a view to enhancing international cooperation, assistance and exchange in the biological sciences and technology for peaceful purposes in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases.*

[www.unog/bwc accessed on 18 December 2008 shows that Germany submitted a CBM in 2008]

The **Russian Federation** then spoke, saying that they welcomed the Chairman's synthesis document as well as his statement to the First Committee of the United Nations General Assembly. The statement went on to say that *Synthetic biology ... may serve as an example of the dual use technology. Using genetic information, it allows to chemically synthesize traditional agents and create novel organisms with designer specifications. Experts believe that given the rapid development of capability offered by this technology, national oversight procedures and licensing of activities involving dangerous pathogens based on select agents list may soon become outdated and irrelevant. The statement went on to say that For us it is clear that the States Parties are best advised to avoid addressing issues of science and technology relevant to the BWC on an ad hoc basis or from time to time when opportunity avails itself. We are of the view that the time*

has come to tackle this complex and important task on a sound permanent footing. It continued to say that Given the growing significance of the BWC in the light of the rapid development of dual use science and technology, we deem it advisable to move towards practically considering the feasibility of setting up a permanent mechanism for monitoring and examination of scientific information relevant to the BWC.... Besides, it would be useful to give thought to establishing an Academic forum bringing together government, industry and academia for regular exchanges of views on these issues. Such bodies have a good record in the Chemical Weapons Convention.

The statement then looked forward towards the 7th Review Conference by saying *With the Seventh Review Conference to be held in 2011, the substantive preparations for it to be a success should start now. Real practical measures to strengthen the role of the BWC as a reliable barrier against the development, production and use of biological and toxin weapons are to be developed. We have no doubt in doing so one must make the full use of the valuable experience accumulated in the past by VEREX and the Ad Hoc Group. However, seven years have elapsed since the suspension of multilateral negotiations to develop a legally binding instrument of verification. All this time scientific knowledge has been rapidly advancing. If the future verification mechanism is to encompass all relevant S & T, then this work, vitally important for the success of the Convention, ought to be resumed at the earliest. The emerging favourable environment may encourage us as we make this new attempt.*

We are aware of the still circulating opinion that the BWC is inherently unverifiable, and the adoption of an ineffectual verification protocol will create a false sense of security without solving the problem of monitoring compliance. One may recall that the same objection had been raised in the past regarding the Chemical Weapons Convention, which, in the assessment of all its States parties, possessing powerful verification provisions successfully faces the challenges of the prohibition of chemical weapons. It is understandable that verification in multilateral arms control and disarmament may not fully guarantee compliance. However, it is difficult to deny that these verifiable treaties and conventions are the cornerstones of international security and ensure predictability, stability and strengthen confidence among participating nations. We are convinced that the BWC with verification is better off than without it. It is our firm belief that effective non-discriminatory verification mechanism is feasible and as such should be developed and adopted.

[www.unog/bwc accessed on 18 December 2008 shows that the Russian Federation submitted a CBM in 2008]

Indonesia then spoke, saying that the Meeting of Experts had provided useful inputs as well as identified several challenges on how to strengthen biosecurity and biosafety measures. The transboundary nature of biological agents requires a concerted global biosafety and biosecurity measures. However, different countries have different capabilities in its implementation. We believe that international cooperation is pertinent in improving biosafety and biosecurity measures of different countries,

which in turn will contribute to the global effort of combating the possible misuse of biological weapons. The statement went on to say that Indonesia views that international cooperation is an integral part in strengthening the implementation of the BWC as well as promoting common understanding on different issues related to the convention. ... We would like to reiterate our conviction that international cooperation is important in avoiding the misuse of biological agents as well as fighting infectious diseases, especially in developing countries.

[www.unog/bwc accessed on 18 December 2008 shows that Indonesia submitted a CBM in 2008]

The Republic of Korea then spoke, saying that *The Review Conference in November 2006 provided us with a solid basis to further pursue our endeavours to strengthen the Convention not only by adopting a final declaration for the first time in ten years with an article by article review of the Convention, but also by agreeing upon measures that would make the Convention more robust. The continuation of the intersessional process, the launch of the ISU (Implementation Support Unit), and the adoption of the universalization action plan are some of the main achievements worthy of recognition. In regard to the topics being considered at this Meeting of States Parties, the statement went on to say that there is now increasing recognition in the academic community in the Republic of Korea that their own self-regulation on conduct, in particular, in the context of research carries significant importance. Our government is expecting to see that active efforts from various sectors of the society will eventually facilitate the domestic debate on formulating Codes of Conduct in the near future. The statement concluded by noting that expressing my sincere wish that we will be able to build upon the momentum created at the 6th Review Conference towards further progress at the 7th Review Conference in 2011 by executing the planned intersessional work program successfully.*

[www.unog/bwc accessed on 18 December 2008 shows that the Republic of Korea submitted a CBM in 2008]

Iran then spoke, saying that *In our view, multilateralism and multilaterally agreed solutions, in accordance with the principles and purposes of the United Nations Charter, provide the only sustainable method of addressing disarmament and international security issues. Therefore, while the present setting for our deliberations and discussions may be useful in promoting common understanding on the BWC among States Parties, we strongly believe that this mechanism cannot be substitute to the multilateral negotiations on the Protocol for strengthening the Convention. In our view, the only sustainable and durable way of strengthening the Convention is through multilateral negotiations aimed at concluding a non-discriminatory legally binding instrument added to the Convention. The statement went on in considering universalization to say that after more than three decades since the entry into force of the Convention, its universality has yet to be realized and regrettably there are still a number of non-Parties who have not even signed the Convention.*

In this regard, it should be underlined that among these non-signatories, some with advanced biotechnology which are situated in volatile regions pose a serious threat to the international peace and security. The statement continued to say that We also call upon the States Parties to remain committed to their obligations not to transfer any equipment, materials (including biological agents and toxins), as well as scientific and technological information to non-Parties to the Convention. Introduction of disincentives for the non-Parties would facilitate the realization of the universality of the Convention. The statement concluded by saying as we are approaching next year meetings whose focus should be on Article X of the Convention, I would like to seize this opportunity to encourage States Parties to provide information on how Article X is being implemented as set for in paragraph 54 of the Final Document of the Sixth Review Conference.

[www.unog/bwc accessed on 18 December 2008 shows that Iran submitted a CBM in 2008]

India then spoke, saying that *India attaches the highest priority towards the further strengthening of the BTWC. We believe that only a multilaterally agreed mechanism for verification of compliance can provide the assurance of observance of compliance obligations by the States Parties and can act as a deterrence against non-compliance. We also believe that the decision regarding strengthening of the BWC should be taken by the Review Conference based on the principle of consensus. The statement then went on to consider the topics being considered in 2008 and set out the approaches being taken by India in that respect. The statement concludes by noting that We have taken note of your synthesis paper reflecting a broad range of issues covered during the Meeting of Experts. We would like to stress that the primary responsibility for implementing the Convention rests with national authorities. However, we are open to exploring common international standards to facilitate cooperative and coordination among States Parties. Such standards should be practical and implementable by national authorities, with assistance, upon request, from States Parties in a position to provide such assistance. It is also important to ensure that such standards facilitate the strengthening of Article 10 of the Convention, to which India attaches the highest priority. We believe that evolving Code of Conduct cannot be a substitute for a legally binding measures to ensure the strict implementation and compliance with the provisions of the Convention.*

[www.unog/bwc accessed on 18 December 2008 shows that India has not submitted a CBM in 2008]

South Africa then spoke, saying that *South Africa would like to reiterate its position, that in the developing world, the establishment of bio-safety in terms of safe laboratory practices is the first priority. It is our view that bio-safety forms the basis of bio-security. Most measures taken to ensure the integrity of samples by laboratories, as well as the measures taken to protect laboratory personnel and members of the public who may live or work in the vicinity of the laboratory automatically have bio-security*

spin offs. We are convinced that bio-risk is posed firstly by naturally occurring disease, secondly by unintentional exposure of people to disease and only thirdly by obtaining pathogens illegally. This appears to have been proven by the fact that the vast majority, if not all of biological incidents that have taken place over the last 5 years were due to the unintentional exposure of people to biological pathogens, caused by problems related to bio-safety. The statement goes on to say that South Africa therefore calls for a concerted effort to be made first to improve bio-safety internationally and for our efforts to improve bio-security to be built on the basis of bio-safety. In regard to the second topic, the statement said that It is particularly important to make scientists aware of the dual-use nature of their work, and inform them of the ways in which they can anticipate and resolve ethical problems and risks.

[www.unog/bwc accessed on 18 December 2008 shows that South Africa has not submitted a CBM in 2008]

Pakistan the spoke, saying that *This year's themes – biosafety and biosecurity, and oversight, education, awareness raising and codes of conduct – are closely linked to each other. They can play an important role in preventing the misuse of life sciences and thus strengthening the Convention. Dealing with the safety and security of biological resources, as well as ensuring that all those involved in relevant activities are aware of the international, regional and national measures which regulate their activities and the principles that underpin them, will go a long way towards ensuring that we continue to enjoy the benefits of biotechnology while being shielded from its dangers. Addressing these issues will necessitate continued engagement with the scientific, medical, commercial and educational communities. We will have to develop a coordinated, interlinked approach to the prevention of the misuse of biological science and technology. The statement went on to set out the position of Pakistan in regard to the topics being considered as follows:*

- *Biosafety and biosecurity are not limited to physical security of laboratories, pathogens and toxins. They encompass risk awareness, measures to ensure that life sciences are committed to their benign use, and protection of know-how and technology against bioterrorism and biological warfare.*
- *A reliable biosafety-biosecurity system would have the elements of preparedness and response in the event of deliberate or accidental releases, and an effective disease surveillance mechanism at the national, regional and international levels.*
- *Biosafety and biosecurity overlap in the areas of food security, biodiversity and bioterrorism.*
- *For a reliable and resilient biosafety and biosecurity regime, all stakeholders should be involved.*
- *In the absence of international verification means, oversight at the national level has assumed added importance. But it should not be stringent.*
- *Pakistan favours a healthy combination of government/institutional controls and regulation by scientific establishments and scientists themselves.*
- *There is no universal template for Codes of Conduct.*
- *Each State Party needs to intensify its efforts to involve*

life scientists, policy makers and relevant international organizations to develop flexible but effective Codes of Conduct containing elements of ethics, education and training programmes.

The statement concluded by saying that *I would like to reiterate Pakistan's commitment to the verification of the BWC regime. We believe that multilaterally negotiated legally binding verification mechanisms are crucial for effective disarmament and arms control. This principle is applicable to the BWC as well. The inter-sessional work leading to the Review Conference in 2011 will enable us to tackle the issue of verification in a comprehensive manner.*

[www.unog/bwc accessed on 18 December 2008 shows that Pakistan has not submitted a CBM in 2008]

Chile then spoke, saying that *Our country has spoken out in favour of an action plan to facilitate new States' accessions. Chile has declared that it does not hold biological weapons and that it does not intend to develop them and we have joined regional initiatives to ratify the Convention and enforce the provisions therein. The statement went on to say The obligations set out in the Convention that brings us together today have the shortcoming of not having an effective verification mechanism and this has been the main shortcoming of the Treaty. The need for a biological weapons verification control mechanism is increasingly urgent, especially with the rise of cross-border organized crime and international terrorism in the multilateral agenda. The steps being taken by Chile to enforce the Convention were then outlined and the statement concluded by saying that I hope that this meeting will help us all together to move towards the approval of a modern, effective verification system that would perfect the Convention.*

[www.unog/bwc accessed on 18 December 2008 shows that Chile has submitted a CBM in 2008]

Australia then spoke, saying that *All of us here recognise that in the current, challenging international environment the Biological and Toxin Weapons Convention plays a crucial role. Rapid advances in life sciences and the availability of hazardous materials will continue to increase the threat of biological weapons either in the form of State programs or bioterrorism. The statement went on to say that It is through our work together here that we can achieve much to increase awareness of these risks, and build confidence that together we can, we are, working to raise the barriers to biological weapons proliferation and bioterrorism. We recognise the challenges of translating our discussions into national action, in our capitals, but consider that such action is essential if we are to address contemporary biological threats. Effective national implementation has been a focus of Australia's promotion of the Convention and its aims in the Asia-Pacific region and the outcomes and lessons learned through the BWC intersessional process have played an invaluable role in facilitating these regional activities. The statement concluded by noting that Effective national implementation is reinforced through improving transparency between states parties. The Convention's*

Confidence Building Measures declarations have shown the value of creating greater transparency between states. Australia's early and full reporting to the BWC is evidence of our commitment to sharing information on domestic biosafety and biosecurity implementation. We believe such politically binding declarations will assist all States Parties, and states seeking to become States Parties.

[www.unog/bwc accessed on 18 December 2008 shows that Australia has submitted a CBM in 2008]

Malaysia then spoke, saying that they commended the Chairman for his synthesis paper and went on to say that *The Synthesis paper is indeed a treasure trove of the findings of the Meeting of Experts – a valuable aid for States Parties in the advancement, strengthening of existing and development of new standards and frameworks that would reinforce national implementation of the Convention. The statement went on to say that Malaysia also continues to hold the principle that effective implementation of the Convention requires non-discriminatory and balanced approach to all provisions of the Convention. We fully subscribe to the NAM principled position which holds that the BWC forms a composite whole and that while it is possible to address related issues separately, it is necessary for all the inter-linked elements of the Convention to be dealt with in a balanced and comprehensive manner, whether they relate to regulation, compliance or promotion. The statement continued by saying that Malaysia recognizes the importance of States Parties undertaking serious and persistent efforts and concrete actions to strengthen national and international efforts and capabilities in the measures stipulated in the Convention. At the same time, we remain strongly of the view that there should be similar commitment and undertaking among all States Parties towards promoting and enhancing international cooperation.*

[www.unog/bwc accessed on 18 December 2008 shows that Malaysia has not submitted a CBM in 2008]

The Chairman then closed the morning session following an announcement by Richard Lennane that there would be a lunchtime event in Salle XXII, organized by VERTIC and BWPP.

General Debate: Afternoon Session, Monday 1 December 2008

The United Arab Emirates – which had ratified the Convention on 19 June 2008 – then spoke, reaffirming its respect for the Convention and its determination to uphold its international commitments for international peace and security with a view to achieving universality of the Convention, and our determination to take part in international efforts to eliminate this kind of weapon. We would also like to speak of the efforts we are undertaking to update our national legislation to bring it into line with our commitments regarding the use of biological material for peaceful purposes.

[www.unog/bwc accessed on 18 December 2008 shows that the United Arab Emirates has not submitted a CBM in 2008]

Libya then spoke, saying that *To ensure enforcement and universality of the Convention, the States Parties and the Secretariat of the Convention must assist developing countries to emerge from their crisis which is due to the spread of disease and epidemics and they must help those countries acquire the necessary experience and technical know-how to manage biological activities. We hope that these countries will enjoy the necessary support and will be able to attend the Expert Meetings and the States Parties' meetings to the Convention.* The statement went on to say that Libya has appointed a National Committee for Biosafety and Biological Ethics as a focal point and that they had joined the ICGEB. The statement continued by saying that *We encourage biologists to take a lead role in implementing the Convention. This is why my country has proposed a number of draft Codes of Conduct. First of all, we have proposed a Code of Conduct for the handling of very dangerous microorganisms and we have put forward a list of those microorganisms, some of which cause serious health problems, to humans, animals and plants. We have also proposed a Code of Conduct for implementing an early warning system for the spread of diseases. We are seeking to consolidate national laws with regard to dangerous microorganisms, as well as toxins, biological waste and other threats. We are putting forward a bill which will seek to limit the trade in genetically modified organisms. We are putting forward a bill setting out a Code of Conduct for doctors in Libya and also a bill for pharmacists, a Code of Conduct, and, in addition, a Code of Conduct for laboratory workers and the food industry.*

[www.unog/bwc accessed on 18 December 2008 shows that Libya has submitted a CBM in 2008]

Morocco then spoke, expressing concern about bioterrorism and saying that *The past has shown in the last few years in certain countries of the world that the international community must create networks in order to combat this type of terrorism. It also calls for greater attention in order to tighten up the surveillance of existing known terrorist groups and prevent them from accessing biological weapons. Prevention and combating any illicit utilization of bacteriological or epidemiological material is essential.* The statement went on to say that *The Kingdom of Morocco is convinced that biosafety and biosecurity are in fact two sides of the same coin. We are speaking about the protection of pathogens and toxins and preventing their use in areas which are forbidden by the Convention. At the same time, this should not be a pretext for stopping international cooperation for peaceful uses. Therefore we need a mechanism which would help developing countries to better apply the International Sanitary Regulations. It is also essential to have greater cooperation among the United Nations specialized agencies and international organizations active in this area.* The statement then outlined steps being taken by Morocco.

[www.unog/bwc accessed on 18 December 2008 shows that Morocco has submitted a CBM in 2008]

Nigeria then spoke, saying that *It is our view that regional cooperation is imperative in the implementation of the two topics slated for discussion at this meeting. My delegation believes that the effective implementation of biosafety and biosecurity regimes would go a long way in preventing the possible use of biological agents and technologies. We are equally of the belief that technical assistance and collaboration in the field of biosafety and biosecurity should be enhanced.* The statement went on to describe steps taken by Nigeria in regard to national implementation of the Convention.

[www.unog/bwc accessed on 18 December 2008 shows that Nigeria has submitted a CBM in 2008]

Algeria then spoke, saying that *Our country is in favour of discussion on these two topics and attaches great importance to the improvement of biosafety and biosecurity.* It then went on to describe steps being taken in Algeria. The statement continued by saying that *The document [statement] distributed by Non-Aligned countries is fully supported by us and is worthy of the attention of this Meeting. Our meeting continues after the decision by the Sixth Conference held in 2006 and the intersessional procedure decided by that Conference. It makes it possible for us – in fact it is a chance, it is an opportunity to consider what parts of the Convention have been already implemented. This is particularly important when considering the review now foreseen in 2011. However, the Convention is limited in scope because it does not have a verification mechanism. I would like here to express the hope that the result of this meeting could help States Parties to take the next step in multilateral negotiations and have a legally binding instrument, given the threat with which we are all concerned. Algeria is very keen on full and balanced implementation of all parts of the Convention. The idea is to have, in a stable and positive manner, eliminated the risks which are targeted by this Convention.*

[www.unog/bwc accessed on 18 December 2008 shows that Algeria has not submitted a CBM in 2008]

Brazil then spoke, saying that *I would like to emphasize the fundamental role played by national measures in the implementation of the Convention. Those measures are the ones that translate the States' obligations into practical, effective actions. Given the ample scope of the BWC and its widespread incidence on numerous areas, from research to industry, national measures are the essential path for implementation.* The statement went on to say that *We must be careful not to try to extend States obligations beyond those established by the Convention itself. For any obligation to become mandatory it requires to be legally elaborated. In this sense, several delegations here have mentioned their interest in a verification mechanism similar to the one which exists under the Chemical Weapons Convention. Are we prepared to negotiate such an extremely detailed and complex system? I thus reiterate the need for the development of effective national legislation, programs and other measures in order to best*

fulfill the obligations we all have under this Convention as it stands. The statement then went on to describe the various measures being taken by Brazil in regard to the topics being considered at this Meeting of Experts.

[www.unog/bwc accessed on 18 December 2008 shows that Brazil has not submitted a CBM in 2008]

NGO Informal Session

As this completed the list of States Parties wishing to make a statement on the first day of the Meeting of States Parties, the Chairman then suspended the afternoon session in order to reopen the meeting in informal session to enable NGOs to make short statements. Statements were made by the following nine NGOs:

- University of Bradford, Department of Peace Studies – Graham S. Pearson
- The INES Working Group on Biological and Toxin Weapons Control – Kathryn Nixdorff
- Pax Christi International – Trevor Griffiths
- VERTIC (Verification Research, Training and Information Centre) – Rocio Escauriaza
- London School of Economics of the University of London – Filippa Lentzos
- Research Group for Biological Arms Control, University of Hamburg – Iris Hunger
- BioWeapons Prevention Project – Kathryn McLaughlin
- Biosecurity Working Group of the InterAcademy Panel on International Issues – Jo Husbands
- Landau Network - Centro Volta and University of Bradford – James Revill

Side Events

There were a number of side events during the Meeting of States Parties – some at lunchtime and others from 0900 to 1000 am prior to the morning session. The side events were as follows:

Monday 1 December 2008: Lunchtime Seminar: VERTIC and the BWPP entitled '*National Implementation and Universalization*' with presentations from Scott Spence (VERTIC) on '*National Implementation Measures for the BWC*' and Kathryn McLaughlin (BWPP) on '*Universalization of the BWC*'.

Tuesday 2 December 2008: Morning Seminar 0900-1000: VERTIC presentation in French on '*National Implementation Measures for the BWC*' [this was the same presentation that had been given in English at lunchtime on Monday].

Tuesday 2 December 2008: Lunchtime Seminar: Geneva Forum entitled '*Preparing the Ground for the CBM Content Debate: What Information Builds Confidence?*'. Presentations were made by Richard Lenanne (Implementation Support Unit) providing an overview of the role of the ISU in relation to CBMs; Filippa Lentzos (LSE) addressing the quality of current CBM information; and Reto Wollenmann (Switzerland), speaking on behalf of Ambassador Jurg Streuli, who outlined a longer-term perspective on CBMs.

Wednesday 3 December 2008: Morning Seminar 0900-1000:

American Association for the Advancement of Science (AAAS), the Landau Network-Centro Volta (LNCV) and the University of Bradford Disarmament Research Centre (BDRC) entitled an '*International Panel on Biosecurity Education*'. Presentations were made by Giulio Mancini (LNCV) and James Revill (BDRC) entitled '*Project on Biosecurity Education in Europe*', Jennifer Sta.Ana (AAAS) on '*Professional and Graduate-Level Programs on Dual Research and Biosecurity in the US*', and Simon Whitby (BDRC) on '*Developing Biosecurity Education Materials*'.

Wednesday 3 December 2008: Lunchtime Seminar. United Nations Interregional Crime and Justice Research Institute (UNICRI). This seminar did not take place which was most unfortunate as events consequently had to be scheduled for the pre-morning session which was not as well attended.

Thursday 4 December 2008: Morning Seminar 0900-1000: Barry Kellman (DePaul University) presentation on '*Preventing Bioviolence*'.

Thursday 4 December 2008: Morning Seminar 0900-1000: VERTIC presentation in Spanish on '*National Implementation Measures for the BWC*' [this was the same presentation that had been given in English at lunchtime on Monday].

Thursday 4 December 2008: Lunchtime Seminar: United Nations Institute for Disarmament Research (UNIDIR) in association with the delegation of France entitled '*Universalization of Confidence-Building Measures in the Biological Weapons*'. Opening remarks were made by Christine Agboton Johnson (UNIDIR) and Sophie Moal-Makame (France). Presentations were given by Ngoc Phuong Huynh (ISU) on '*Successes and Challenges in Current CBMs*', Filippa Lentzos (BIOS Centre, London School of Economics) on '*Global Trends in the Content of Information Exchanged*', Angela Woodward (VERTIC) on '*Reaching a Tipping Point: Achieving the Universalization of the CBMs in the BWC*'. Elisande Nexon (Fondation pour la Recherche Stratégique) acted as a discussant.

General Debate: Morning Session, Tuesday 2 December 2008

The Chairman opened the session on Tuesday by inviting Lisa Garin-Michaud of the INTERPOL Bioterrorism Prevention Programme to make a statement describing the activities of the programme, which began in 2004 and is funded until 2011 by the Arthur P. Sloan Foundation. The presentation said that *For bioterrorism prevention, INTERPOL's goals have been (1) to raise awareness within the law enforcement community as to the bioterrorism threat; (2) to bring the public health and police communities closer together and (3) to provide the police community with the relevant training to help them identify potential bioterrorism risks before attacks occur.* It then went on to note that regional awareness-raising workshops had been conducted *in Africa, Southeast Asia, South America, Eastern Europe & Central Asia and in the Middle East. These workshops gathered a total of 361 delegates from 114 countries, including senior police officers and government representatives. They have helped us understand the issues that our*

Member Countries face in terms of resources and infrastructure issues and to develop tools and services for improved training. It went on to say that *We have created a Bioterrorism Resource Centre which we make available on our public website. The Resource Centre gives information on the activities undertaken by the INTERPOL Bioterrorism Prevention Programme and offers a comprehensive range of information and Web links to agencies and institutions dealing with bioterrorism issues in general. We are currently developing E-learning modules in order to extend our training reach to law enforcement and others around the world. We also developed a "Bioterrorism Incident Pre-Planning and Response Guide" which is available in our four official languages and is accessible on our public website. It contains general information on bioterrorism prevention and response and is currently being updated to include specific references to biosecurity issues and to bio-forensics' investigations. The development and revision of the guide have benefitted from the technical advice of experts from agencies such as the Australian Federal Police and the Australian New South Wales Police, the FBI, the US Centre for Disease Control and Prevention, Sandia National Laboratories, the United Kingdom Metropolitan Police and the World Health Organization.* It continued to describe the 'train the trainer' sessions and the table-top exercises that had been carried out by INTERPOL and concluded by looking ahead to future activities:

1. *As you may know, the UN Global Counter-Terrorism Strategy issued in 2006 invited the UN system to develop, together with its Member States, a single comprehensive database on biological incidents. That same strategy asked the UN to ensure that its database be complementary to the contemplated INTERPOL Biocrimes database. We are working with the United Nations Office of Disarmament Affairs to make sure that this happens.*
2. *INTERPOL will also develop a Bioterrorism Preparedness Curriculum which we will encourage national police academies to use in training their police. The curriculum will be translated into INTERPOL's four official languages.*
3. *INTERPOL also has ambitious plans of rotating more police officers through its Bioterrorism Prevention Unit, bringing their added expertise to the unit and then returning home with even greater expertise to share with their national colleagues in building their own programmes.*

A further statement was made by a State Party, **Kenya**, in which it was noted that *In the face of rapid advances in life sciences, this meeting's agenda, covering national, regional and international measures to improve Bio-safety and Bio-security are crucial in our efforts to ensure that biological agents are not misused.* The statement went on to describe the activities being undertaken by Kenya in relation to the topics being considered at this Meeting of States Parties.

[www.unog/bwc accessed on 18 December 2008 shows that Kenya has not submitted a CBM in 2008]

Working Session: Morning Session, Tuesday 2 December 2008

The meeting then went into closed session to consider Agenda item 6 *Consideration of national, regional and international measures to improve biosafety and biosecurity, including laboratory safety and security of pathogens and toxins.* The morning session had been scheduled in the adopted provisional programme to consider *Concepts and approaches* whilst the afternoon session was to consider *Building capacity and Risk management.* In the event, the afternoon session was cancelled as only one State Party, the United States, had asked to speak and this was held over until the Wednesday morning session.

Working Session: Morning Session, Wednesday 3 December 2008

The morning session began with the **Chairman** describing his participation in a meeting "*Sustaining Progress in the Life Sciences: Strategies for Managing Dual Use Research of Concern*" held in Bethesda, Maryland, USA on 5-7 November 2008. This was hosted by the US National Science Advisory Board for Biosecurity and co-sponsored by the US government and the WHO. The meeting examined strategies for managing the oversight of dual use life sciences and for fostering international awareness and engagement on this issue. The Chairman outlined *a few key concepts that were covered by the meeting that I think will assist us in our efforts today:*

- *To fully realize the benefits that scientific progress can offer, we must be sure that scientists are taking every reasonable measure to assess and mitigate any risks associated with their work.*
- *We can identify a range of different risks and threats - from the entirely natural, through the accidental or unforeseen to deliberate acts. To deal with different risks we also need a spectrum of management strategies, suited to the local context.*
- *We must also not forget the importance of perceived risk and the resulting need for strong risk communication.*
- *We must consider how existing frameworks can be employed to manage dual use research of concern - not only will this ensure the efficient use of resources, but will further awareness-raising efforts and mitigate negative perceptions of efforts to deal with dual-use issues.*
- *Our efforts on awareness raising, training and education can be developed further - at the meeting I heard calls to move to a broader dialogue - across scientific disciplines, at all levels of training and professional development, and beyond the scientific community.*
- *Discussion on codes of conduct and the development of a culture of responsibility seemed to endorse our efforts on these topics - both this year and in 2005. I did, however, recognise that we might still need to consider how to make this issue a higher priority amongst scientists, thereby improving buy-in.*
- *There were also calls for a richer, full life-cycle of review of science, one that covers legal, ethical, safety and security aspects from project design right the way through to the publication of results.*

- *On the issue of the publication of results, participants thought it important to ensure that there is a consistent approach in use across different publications. Existing efforts might need to be developed to define an appropriate review process, provide instructions to authors as well as to manuscript reviewers for the identification and management of risks.*
- *Finally, I left the meeting convinced we must continue our efforts to build a community that is both interested in, and an active partner for, efforts to balance the benefits of modern biology against its potential for hostile use.*

The **United States** then made a presentation on its Biosecurity Engagement Program (BEP) which had been held over from the Tuesday afternoon (this presentation is available on the unog.ch/bwc website).

The Chairman then suspended the formal meeting to enable two presentations to be made on synthetic biology by:

- Stephen Maurer, of the Goldman School of Public Policy, University of California, Berkeley entitled '*Grassroots Biosecurity Initiatives*'
- Markus Fischer of the Industry Association Synthetic Biology entitled '*Industry Association Synthetic Biology*' (IASB)

At about noon, the meeting moved into closed session to consider Agenda Item 7: *Consideration of oversight, education, awareness raising, and adoption and/or development of codes of conduct with the aim of preventing misuse in the context of advances in bio-science and bio-technology research with the potential of use for purposes prohibited by the Convention.*

Working Session: Thursday 4 December 2008

The morning session began with consideration of the next agenda items: Agenda Item 8 *Reports from the Chairman and States Parties on universalization activities* and Agenda Item 9 *Report of the Implementation Support Unit (including report on participation in the confidence-building measures)*. The Chairman's report on universalization (BWC/MSP/2008/4 dated 28 November 2008) notes that *The Convention currently has 162 States Parties, with 13 Signatories and 20 states having neither signed nor ratified. A total of 33 states are not party to the Convention. Of these, eight states are reported to be well advanced in the ratification process, and a further three are reported to have begun the process.* The eight States reported to be well advanced in the ratification process are Burundi, Cameroon, Comoros, Cook Islands, Kiribati, Mozambique, Myanmar, and Tuvalu whilst the three reported to have begun the process are Côte d'Ivoire, Namibia, and Nepal. This report of some ten pages provides much more detail than previous reports on universalization and will provide a useful baseline against which further progress can be reported in 2009 and subsequent years.

The Report of the ISU (BWC/MSP/2008/3 dated 28 November 2008) is a 23-page report set out in four sections dealing with each area of the ISU's mandate to: provide administrative support for the Convention; facilitate its

implementation; support the Confidence-Building Measures (CBMs); and assist the Chair and States Parties in their efforts to promote universalization. In regard to CBMs, the report records that *As of 1 November 2008, 60 states (37 per cent of States Parties) had submitted CBMs to cover the calendar year 2007, down slightly from the total of 65 last year. Of these, 27 submitted their CBM on or before the deadline of 15 April 2008. Four States Parties submitted CBMs for the first time: Azerbaijan, Bahrain, Indonesia and Kazakhstan. Thirteen States Parties which submitted CBMs in 2007 have not yet done so in 2008.* An analysis of the information provided in Annex II to the ISU report shows that the 13 States Parties which submitted CBMs in 2007 and which have not, as of 1 November 2008, submitted CBMs in 2008 are Austria, Bangladesh, Brazil, Brunei Darussalam, India, Jordan, Kyrgyzstan, Luxembourg, San Marino, Senegal, Serbia, South Africa and Tunisia.

The afternoon session moved on to consider the draft report of the meeting. A draft of the procedural paragraphs (BWC/MSP/2008/CRP.1) had been circulated to the Meeting of States Parties on Wednesday and a draft of the substantive paragraphs was circulated as a Chairman's paper at the start of the afternoon session. A further draft of these substantive paragraphs was circulated as a Chairman's paper at the end of the afternoon session.

Friday 5 December 2008

The meeting first met in a working session to further consider the draft report of the meeting. The Chairman circulated at 10.00am a further Chairman's paper containing language for paragraphs 9 and 10 of the draft report detailing the States Parties and Signatory States which had participated in the Meeting of States Parties.

Outcome of the Meeting of States Parties

During the Meeting of States Parties, 6 Working Papers were submitted: two on behalf of the European Union (WP.1 and WP.4), one on behalf of the NAM (WP.2) and one each by Germany (WP.3), Pakistan (WP.5) and Switzerland (WP.6). The EU working papers addressed *Dual-Use Awareness and Oversight under the Seventh Framework Programme of the European Community for Research, Technological Development and Demonstration Activities (2007-2013)* [WP.1] and the European initiatives for universalization of the Biological Weapons Convention *Les Initiatives de l'Union Européenne en Soutien a la Mise en Ouvre et a l'Universalisation de la Convention Sur l'Interdiction des Armes Biologiques (CIAB), Y Compris les Aspects de Bio-Sécurité et Bio-Sûreté* [WP.4]. The NAM working paper addressed *Capacity Building and Promotion of International Cooperation in the Field of Biosafety and Biosecurity* [WP.2], whilst the one by Germany addressed the *IASB Code of Conduct [Draft]* [WP.3], the one by Pakistan addressed *Perspective on Oversight, Codes of Conduct, Education and Awareness Raising* [WP.5] and that by Switzerland addressed *Preparing the Ground for the CBM Content Debate: What Information Builds Confidence?* [WP.6].

The concluding paragraphs of the Swiss working paper show how Switzerland is preparing the ground for the debate at the Seventh Review Conference in 2011:

15. While States Parties agreed on steps to improve the institutional, ISU-related context of the CBM submission mechanism at the 2006 Review Conference, the next Review Conference, in 2011, will give States Parties an opportunity to further revise the content and operation of the mechanism. Switzerland believes the preparatory process for such a debate should to take place on three levels:
16. First and foremost, it is important that States Parties have a common understanding of the challenges ahead. Discussions at the 2006 Review Conference showed how difficult it was to agree on solutions during an already packed agenda. In 2006 it was clear that there was no common understanding of what the challenges with the CBM mechanism were. Switzerland believes that providing key findings like the ones in the study described in this Working Paper as well as the ones from our 2007 study on CBMs (BWC/MSP/2007/MX/WP.10 and BWC/MSP/2008/MX/WP.5) is essential for preparing the debate to come.
17. Second, in order to prepare for 2011, it will be essential to involve a wide range of States Parties to generate the political will to approach the challenges of the CBM mechanism. It is therefore important to sound out the views and concerns that States Party may have as soon as possible. The study has been a useful way of including and interacting with States of different sizes and in different regions. Switzerland tried to find an uncontroversial way to talk about the content of the CBMs, and through this process prepare common ground for consensus solutions.
18. Lastly, Switzerland believes that national experts dealing with both the collation and analysis of CBMs must be included in the preparatory process from the very beginning. Their views are crucial to understanding the operational strengths and weaknesses of how the CBM mechanism functions today.
- Substantive Paragraphs in the Final Report**
- As already noted, the Chairman provided a first set of substantive paragraphs in his paper circulated at the start of the Thursday afternoon session. This comprised eleven paragraphs as follows:
19. Having considered national, regional and international measures to improve biosafety and biosecurity, and recognising the need to take into account respective national circumstances and legal and regulatory processes, States Parties noted their common understanding that in the context of the Convention, biosafety refers to principles, technologies, practices and measures implemented to prevent the accidental release of, or unintentional exposure to, biological agents and toxins, and biosecurity refers to the protection, control and accountability measures implemented to prevent the loss, theft, misuse, diversion or intentional release of biological agents and toxins and related resources as well as unauthorized access to, retention or transfer of such material.
20. Recognising that biosafety and biosecurity measures contribute to prohibiting and preventing the development, acquisition or use of biological and toxin weapons and are an important means of implementing the Convention, States Parties agreed on the value of:
- (i) National governments taking the leading role, including by nominating a lead agency (or focal point), specifying mandates for participating departments or agencies, ensuring effective enforcement and regular review of relevant measures, and integrating such concepts into relevant existing national and regional arrangements, such as legislative and regulatory frameworks, education or training programmes;
 - (ii) National authorities defining and implementing biosafety and biosecurity concepts in accordance with relevant national laws, regulations and policies, consistent with the provisions of the Convention and taking advantage of existing guidance and standards, such as those produced by the OECD, OIE and WHO;
 - (iii) National governments, supported by other relevant organisations as appropriate, using tools such as: accreditation, certification, audit or licensing for facilities, organizations or individuals; requirements for staff members to have appropriate training in biosafety and biosecurity; mechanisms to check qualifications, expertise and training of individuals; national criteria for relevant activities; and national lists of relevant agents, equipment and other resources.
 - (iv) Using risk assessments to avoid unduly restricting the pursuit of the biological sciences for peaceful purposes and to ensure that measures taken are adapted for local needs, and appropriate for the organisms being handled and the work being undertaken;
 - (v) Applying risk management strategies to ensure measures adopted are practical, sustainable, enforceable, cover the full life cycle of relevant resources, are readily understood and are developed in concert with stakeholders;
 - (vi) Building networks between scientific communities and academic institutions and increasing interaction with specialist national and regional associations and working groups, including through dedicated workshops, seminars, meetings and other events, modern information technologies, and risk communication strategies and tools;
 - (vii) The Implementation Support Unit, in accordance with its mandate, facilitating networking activities, maintaining lists of relevant contacts and acting as a clearing house for opportunities for international cooperation and assistance on biosafety and biosecurity.
21. States Parties recognised that achieving necessary standards in the field of biosafety and biosecurity requires and is facilitated by international cooperation and strengthening the implementation of Article X of the Convention. States Parties agreed on the value of

taking all possible measures at the national, regional and international levels to build capacity in the fields of biosafety and biosecurity as well as cooperative mechanisms to overcome obstacles to improving biosafety and biosecurity worldwide. States Parties noted that such measures would contribute to efforts to mitigate and prevent natural and accidental disease outbreaks and would also assist States in meeting their obligations under UNSCR 1540 and the World Health Organization's International Health Regulations.

22. States Parties encouraged those States Parties in a position to do so to provide assistance, upon request, to other States Parties to enact and improve national legislation to implement biosafety and biosecurity; to strengthen laboratory infrastructure, technology, security and management; to conduct courses and provide training; and to help incorporate biosafety and biosecurity in existing efforts to address emerging or re-emerging diseases. States Parties noted that relevant assistance is currently available bilaterally and regionally, as well as through international organisations, and encouraged those seeking assistance to make use of existing offers to the fullest extent possible.

23. Having considered the oversight of science, States Parties recognised the value of developing national frameworks to prohibit and prevent the possibility of biological agents or toxins being used as weapons, including measures to oversee relevant people, materials, knowledge and information, in the private and public sectors and throughout the scientific life cycle. Recognising the need to ensure that such measures are proportional to risk, do not cause unnecessary burdens, are practical and usable and do not unduly restrict permitted biological activities, States Parties agreed on the importance of involving stakeholder communities in all stages of the design and implementation of oversight frameworks. States Parties also noted the value of harmonizing, where possible and appropriate, national, regional and international oversight efforts.

24. States Parties recognized the importance of ensuring that those working in the biological sciences are aware of their obligations under the Convention and relevant national legislation and guidelines, have a clear understanding of the content, purpose and foreseeable social, environmental, health and security consequences of their activities, and take an active role in addressing the threats posed by biological weapons. States Parties noted that formal requirements for mandatory components, seminars, modules or courses in relevant scientific and engineering training programmes and continuing professional education could assist in raising awareness and in implementing the Convention.

25. States Parties agreed on the value of education and awareness programmes:

- (i) Explaining the risks associated with the malign use of the biological sciences and biotechnology;
- (ii) Covering the moral and ethical obligations incumbent on those using the biological sciences;
- (iii) Providing guidance on the types of activities which could be contrary to the aims of the Convention and relevant national and international laws and regulations;
- (iv) Being supported by accessible teaching materials, train-the-trainer programmes, seminars, workshops, publications, and audio-visual materials;
- (v) Targeting, as a priority, senior scientists with responsibility for oversight of research or for evaluation of projects or publications;
- (vi) Addressing, over the longer term, future generations of scientists with the aim of building a culture of responsibility; and
- (vii) Being integrated into existing efforts at the international, regional and national levels.

26. Having considered codes of conduct, States Parties agreed that such codes can complement national legislative, regulatory and oversight frameworks and help guide science so that it is not misused for prohibited purposes. States Parties recognised the need to further develop strategies to encourage stakeholders to voluntarily develop, adopt and promulgate codes of conduct in line with the common understandings reached by the 2005 Meeting of States Parties.

27. With respect to both topics of the Meeting, States Parties recognised the need for proportional measures, for carefully assessing risks, for balancing security concerns against the need for nurturing research and ensuring the peaceful development of biological science and technology, and for taking individual and local circumstances into account. States Parties recognised the important role that can be played by a range of stakeholders, including researchers and other professionals in the life sciences; editors and publishers of life science publications and websites; and organizations, institutions, government agencies, and private companies that conduct, license, fund, facilitate, inspect or evaluate life sciences research or education, and any other legal entity that is involved in the stockpiling, transport or use of biological agents, toxins or other resources relevant to the Convention.

27 bis. To build a sense of ownership among these stakeholders, States Parties noted the importance of balancing "top-down" government or institutional controls with "bottom-up" oversight by scientific establishments and scientists themselves. Having noted the rapidly evolving nature of the biological sciences, States Parties recognised the importance of regularly reviewing the relevance of scientific and technological developments and the necessity of strengthening ties with the scientific community. States Parties welcomed the important contributions made to their work by the

scientific community and academia, including national and international academies of science and professional associations, as well as industry-led initiatives to address recent developments in science and technology.

27. *ter.* The States Parties further considered that in pursuing the above understandings and actions, States Parties could, according to their respective circumstances and constitutional and legal processes, take into account the considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topic under discussion at the Meeting of Experts, as contained in Annex I of the Report of the Meeting of Experts (BWC/MSP/2008/MX/3), as well as the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals contained in BWC/MSP/2008/L. 1, which is attached to this report as Annex I. This annex was not agreed upon and consequently has no status.

A further draft of the substantive paragraphs was issued at the end of the afternoon session on Thursday 4 December 2008, which was contained various changes from the first draft. The changes are indicated in the version provided below:

19. Having considered national, regional and international measures to improve biosafety and biosecurity, and recognising the need to take into account respective national circumstances and legal and regulatory processes, States Parties noted their common understanding that in the context of the Convention, biosafety refers to principles, technologies, practices and measures implemented to prevent the accidental release of, or unintentional exposure to, biological agents and toxins, and biosecurity refers to the protection, control and accountability measures implemented to prevent the loss, theft, misuse, diversion or intentional release of biological agents and toxins and related resources as well as unauthorized access to, retention or transfer of such material.

20. Recognising that biosafety and biosecurity measures contribute to **preventing** ~~prohibiting~~ the development, acquisition or use of biological and toxin weapons and are an **appropriate** ~~important~~ means of implementing the Convention, States Parties agreed on the value of:

(i) **National authorities defining and implementing biosafety and biosecurity concepts in accordance with relevant national laws, regulations and policies, consistent with the provisions of the Convention and taking advantage of relevant guidance and standards, such as those produced by the FAO, OIE and WHO;** [previously subpara (iii)]

(ii) National governments taking the leading role, including by nominating a lead agency (or focal point), specifying mandates for participating

departments or agencies, ensuring effective enforcement and regular review of relevant measures, and integrating such ~~measures~~ **concepts** into relevant existing national and regional arrangements, such as legislative and regulatory frameworks, education or training programmes; [previously subpara (i)]

(iii) National governments, supported by other relevant organisations as appropriate, using tools such as: accreditation, certification, audit or licensing for facilities, organizations or individuals; requirements for staff members to have appropriate training in biosafety and biosecurity; mechanisms to check qualifications, expertise and training of individuals; national criteria for relevant activities; and national lists of relevant agents, equipment and other resources.

(iv) **Ensuring measures adopted are practical, sustainable, enforceable, are readily understood and are developed in concert with stakeholders, avoid unduly restricting the pursuit of the biological sciences for peaceful purposes, are adapted for local needs, and appropriate for the agents being handled and the work being undertaken, including through applying risk assessment and risk management strategies.** [combines previous subparagraphs (iv) and (v)]

(v) Building networks between scientific communities and academic institutions and increasing interaction with ~~professional specialist national and regional~~ associations and working groups at the national regional and international level, including through dedicated workshops, seminars, meetings and other events, modern information technologies, and risk communication strategies and tools;

(vi) The Implementation Support Unit, in accordance with its mandate, facilitating networking activities, maintaining lists of relevant contacts, and acting as a clearing house for opportunities for international cooperation and assistance on biosafety and biosecurity, **including through tools such as a database containing information on such opportunities for international cooperation and assistance.**

(vii) **International consultations and cooperation on biosafety and biosecurity at the bilateral, regional and international levels, in particular to overcome obstacles encountered by some States Parties such as inadequate resources and infrastructure, the lack of sufficient technical expertise, availability of appropriate equipment and limited financial resources.**

21. ~~Recalling that the Sixth Review Conference stressed the legal obligation to facilitate and have the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes, States Parties recognised that achieving necessary standards in the field of biosafety and biosecurity requires and is~~

~~facilitated by international cooperation and strengthening the implementation of Article X of the Convention. States Parties recognised agreed on the value of cooperation and assistance to build biosafety and biosecurity capacity, particularly in States Parties in need of assistance in the fields of disease surveillance, detection, diagnosis and combating of infectious diseases and related research. taking all possible measures at the national, regional and international levels to build capacity in the fields of biosafety and biosecurity as well as cooperative mechanisms to overcome obstacles to improving biosafety and biosecurity worldwide. States Parties noted that such measures would contribute to efforts to mitigate and prevent natural and accidental disease outbreaks and would also assist States in meeting their obligations under UNSCR 1540 and the World Health Organization's International Health Regulations.~~

22. States Parties encouraged those States Parties in a position to do so to provide assistance, upon request, to other States Parties to enact and improve national legislation to implement biosafety and biosecurity; to strengthen laboratory infrastructure, technology, security and management; to conduct courses and provide training; and to help incorporate biosafety and biosecurity in existing efforts to address emerging or re-emerging diseases. States Parties noted that **where** relevant assistance is currently available bilaterally and regionally, as well as through international organisations, ~~and encouraged~~ those seeking assistance **are encouraged** to make use of existing offers to the fullest extent possible.

23. Having considered the oversight of science, States Parties recognised the value of developing national frameworks to prohibit and prevent the possibility of biological agents or toxins being used as weapons, including measures to oversee relevant people, materials, knowledge and information, in the private and public sectors and throughout the scientific life cycle. Recognising the need to ensure that such measures are proportional to risk, do not cause unnecessary burdens, are practical and usable and do not unduly restrict permitted biological activities, States Parties agreed on the importance of involving stakeholder communities in all stages of the design and implementation of oversight frameworks. States Parties also noted the value of harmonizing, where possible and appropriate, national, regional and international oversight efforts.

24. States Parties recognized the importance of ensuring that those working in the biological sciences are aware of their obligations under the Convention and relevant national legislation and guidelines, have a clear understanding of the content, purpose and foreseeable social, environmental, health and security consequences of their activities, and **are encouraged to** take an active role in addressing the threats posed by **the potential misuse of biological agents and toxins as**

weapons. biological weapons. States Parties noted that formal requirements for mandatory components, seminars, modules or courses in relevant scientific and engineering training programmes and continuing professional education could assist in raising awareness and in implementing the Convention.

25. States Parties agreed on the value of education and awareness programmes:

- (i) Explaining the risks associated with the **potential misuse malign use** of the biological sciences and biotechnology;
- (ii) Covering the moral and ethical obligations incumbent on those using the biological sciences;
- (iii) Providing guidance on the types of activities which could be contrary to the aims of the Convention and relevant national and international laws and regulations;
- (iv) Being supported by accessible teaching materials, train-the-trainer programmes, seminars, workshops, publications, and audio-visual materials;
- ~~(v) Targeting, as a priority, senior scientists with responsibility for oversight of research or for evaluation of projects or publications;~~
- (v) Addressing **those with responsibility for oversight of research or for evaluation of projects or publications at a senior level, as well as ,over the longer term,** future generations of scientists, with the aim of building a culture of responsibility;
- (vi) Being integrated into existing efforts at the international, regional and national levels.

26. Having considered codes of conduct, States Parties agreed that such codes can complement national legislative, regulatory and oversight frameworks and help guide science so that it is not misused for prohibited purposes. States Parties recognised the need to further develop strategies to encourage stakeholders to voluntarily develop, adopt and promulgate codes of conduct in line with the common understandings reached by the 2005 Meeting of States Parties.

27. With respect to both topics of the Meeting, States Parties recognised the need for proportional measures, for carefully assessing risks, for balancing security concerns against the need **to avoid hindering for nurturing research and ensuring** the peaceful development of biological science and technology, and for taking individual and local circumstances into account. States Parties recognised the important role that can be played by a range of stakeholders, including researchers and other professionals in the life sciences; editors and publishers of life science publications and websites; and organizations, institutions, government agencies, and private companies that conduct, license, fund, facilitate, inspect or evaluate life sciences research or education, and any other legal entity that is involved in the stockpiling, transport or use of biological agents, toxins or other resources relevant to the Convention.

27 bis. To build a sense of ownership among these stakeholders, States Parties noted the importance of balancing “top-down” government or institutional controls with “bottom-up” oversight by scientific establishments and scientists themselves. Having noted the rapidly evolving nature of the biological sciences, States Parties recognised, **within the framework of oversight**, the importance of scientific and technological developments and the necessity of strengthening ties with the scientific community. States Parties welcomed the important contributions made to their work by the scientific community and academia, including national and international academies of science and professional associations, as well as industry-led initiatives to address recent developments in science and technology, **and encouraged greater cooperation between scientific bodies in various States Parties.**

27. ter. The States Parties further considered that in pursuing the above understandings and actions, States Parties could, according to their respective circumstances and constitutional and legal processes, take into account the considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topic under discussion at the Meeting of Experts, as contained in Annex I of the Report of the Meeting of Experts (BWC/MSP/2008/MX/3), as well as the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals contained in BWC/MSP/2008/L.1, which is attached to this report as Annex I. This annex was not agreed upon and consequently has no status.

The final version of the substantive paragraphs was adopted on the final morning, Friday 5 December 2008. This contains some changes from the second draft as indicated in the version provided below:

19. With respect to both topics of the Meeting, States Parties recognised the need for proportional measures, for carefully assessing risks, for balancing security concerns against the need to avoid hampering the peaceful development of biological science and technology, and for taking national and local circumstances into account. [Developed from the previous paragraph 27]

20. Having considered national, regional and international measures to improve biosafety and biosecurity, and recognising the need to take into account respective national circumstances and legal and regulatory processes, States Parties noted their common understanding that in the context of the Convention, biosafety refers to principles, technologies, practices and measures implemented to prevent the accidental release of, or unintentional exposure to, biological agents and toxins, and biosecurity refers to the protection, control and accountability measures implemented to prevent the loss, theft, misuse, diversion

or intentional release of biological agents and toxins and related resources as well as unauthorized access to, retention or transfer of such material.¹

¹ This constitutes and understanding and is not a definition of biosafety and biosecurity. It is not binding on States Parties.

21. Recognising that biosafety and biosecurity measures contribute to preventing the development, acquisition or use of biological and toxin weapons and are an appropriate means of implementing the Convention, States Parties agreed on the value of:

(i) National authorities defining and implementing biosafety and biosecurity concepts in accordance with relevant national laws, regulations and policies, consistent with the provisions of the Convention and taking advantage of relevant guidance and standards, such as those produced by the FAO, OIE and WHO;

(ii) National governments taking the leading role, including by nominating a lead agency (or focal point), specifying mandates for participating departments or agencies, ensuring effective enforcement and regular review of relevant measures, and integrating such measures into relevant existing arrangements **at the national, regional and international level**; ~~such as legislative and regulatory frameworks, education or training programmes;~~

(iii) National governments, supported by other relevant organisations as appropriate, using tools such as: accreditation, certification, audit or licensing for facilities, organizations or individuals; requirements for staff members to have appropriate training in biosafety and biosecurity; mechanisms to check qualifications, expertise and training of individuals; national criteria for relevant activities; and national lists of relevant agents, equipment and other resources.

(iv) Ensuring measures adopted are practical, sustainable, enforceable, are readily understood and are developed in concert with national stakeholders,² avoid unduly restricting the pursuit of the biological sciences for peaceful purposes, are adapted for local needs, and appropriate for the agents being handled and the work being undertaken, including through applying appropriate risk assessment and risk management strategies.

² In this report, the term “stakeholders” refers, as appropriate according to national circumstances, to relevant actors such as scientists, researchers and other professionals in the life sciences; editors and publishers of life science publications and websites; and organizations, institutions, government agencies, and private companies acting in life sciences research or education, and any other legal entity that is involved in the stockpiling, transport or use of biological agents, toxins or other resources relevant to the Convention.

(v) Building networks between scientific communities and academic institutions and increasing

interaction with professional associations and working groups at the national regional and international level, including through dedicated workshops, seminars, meetings and other events, **as well as using modern information technologies and appropriate risk communication strategies and tools;**

(vi) ~~International consultations and cooperation on biosafety and biosecurity at the bilateral, regional and international levels, in particular to overcome difficulties obstacles encountered by some States Parties where additional resources, improved infrastructure, additional technical expertise, appropriate equipment and increased financial resources are needed to build capacity. such as inadequate resources and infrastructure, the lack of sufficient technical expertise, availability of appropriate equipment and limited financial resources.~~ [previously subparagraph (vii)]

(vii) The Implementation Support Unit, in accordance with its mandate, facilitating networking activities, maintaining lists of relevant contacts, and acting as a clearing house for opportunities for international cooperation and assistance on biosafety and biosecurity, including through tools such as a database containing information on such opportunities for international cooperation and assistance.

22. States Parties noted that pursuing biosafety and biosecurity measures could also contribute to the fulfilment of their other respective international obligations and agreements, such as the revised International Health Regulations of the WHO, and relevant codes of the World Organisation for Animal Health (OIE). The States Parties recalled United Nations Security Council Resolution 1540 (2004) that places obligations on all states and is consistent with the provisions of the Convention.³

³ See BWC/CONF.VI/6, Part II, paragraph 17.

23. Recalling that the Sixth Review Conference stressed the legal obligation to facilitate and have the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes, States Parties recognised the value of cooperation and assistance to build biosafety and biosecurity capacity, particularly in States Parties in need of assistance in the fields of disease surveillance, detection, diagnosis and combating of infectious diseases and related research.

24. States Parties encouraged those States Parties in a position to do so to provide assistance, upon request, to other States Parties to enact and improve national legislation to implement biosafety and biosecurity; to strengthen laboratory infrastructure, technology, security and management; to conduct courses and provide training; and to help incorporate biosafety and biosecurity in existing efforts to address emerging or re-emerging diseases. States Parties noted that

where relevant assistance is currently available bilaterally and regionally, as well as through international organisations, those seeking assistance are encouraged, as appropriate, to make use of existing offers to the fullest extent possible.

25. Having considered the oversight of science, States Parties recognised the value of developing national frameworks to prohibit and prevent the possibility of biological agents or toxins being used as weapons, including measures to oversee relevant people, materials, knowledge and information, in the private and public sectors and throughout the scientific life cycle. Recognising the need to ensure that such measures are proportional to risk, do not cause unnecessary burdens, are practical and usable and do not unduly restrict permitted biological activities, States Parties agreed on the importance of involving **national stakeholders communities** in all stages of the design and implementation of oversight frameworks. States Parties also noted the value of harmonizing, where possible and appropriate, national, regional and international oversight efforts.

26. States Parties recognized the importance of ensuring that those working in the biological sciences are aware of their obligations under the Convention and relevant national legislation and guidelines, have a clear understanding of the content, purpose and foreseeable social, environmental, health and security consequences of their activities, and are encouraged to take an active role in addressing the threats posed by the potential misuse of biological agents and toxins as weapons, **including for bioterrorism**. States Parties noted that formal requirements for seminars, modules or courses, **including possible mandatory components**, in relevant scientific and engineering training programmes and continuing professional education could assist in raising awareness and in implementing the Convention.

27. States Parties agreed on the value of education and awareness programmes:

- (i) Explaining the risks associated with the potential misuse of the biological sciences and biotechnology;
- (ii) Covering the moral and ethical obligations incumbent on those using the biological sciences;
- (iii) Providing guidance on the types of activities which could be contrary to the aims of the Convention and relevant national ~~and international~~ laws and regulations **and international law**;
- (iv) Being supported by accessible teaching materials, train-the-trainer programmes, seminars, workshops, publications, and audio-visual materials;
- (v) Addressing leading scientists and those with responsibility for oversight of research or for evaluation of projects or publications at a senior level, as well as future generations of scientists, with the aim of building a culture of responsibility;
- (vi) Being integrated into existing efforts at the international, regional and national levels.

28. Having considered codes of conduct, States Parties agreed that such codes can complement national legislative, regulatory and oversight frameworks and help guide science so that it is not misused for prohibited purposes. States Parties recognised the need to further develop strategies to encourage **national stakeholders to voluntarily develop, adopt and promulgate codes of conduct in line with the common understandings reached by the 2005 Meeting of States Parties and taking into account discussions at the 2008 Meeting of Experts.**

29. ~~To build a sense of ownership among these stakeholders, States Parties noted the importance of balancing “top-down” government or institutional controls with “bottom-up” oversight by scientific establishments and scientists themselves. Having noted the rapidly evolving nature of the biological sciences, Within the framework of oversight, States Parties recognised the value of being informed about advances in bio-science and bio-technology research the importance of scientific and technological developments with the potential of use for purposes prohibited by the Convention and the necessity of strengthening ties with the scientific community. States Parties welcomed the important contributions made to their work by the scientific community and academia, including national and international academies of science and professional associations, as well as industry-led initiatives to address recent developments in science and technology, and encouraged greater cooperation between scientific bodies in various States Parties.~~

30. The States Parties further considered that in pursuing the above understandings and actions, States Parties could, according to their respective circumstances and constitutional and legal processes, take into account the considerations, lessons, perspectives, recommendations, conclusions and proposals drawn from the presentations, statements, working papers and interventions made by delegations on the topic under discussion at the Meeting of Experts, as contained in Annex I of the Report of the Meeting of Experts (BWC/MSP/2008/MX/3), as well as the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals contained in BWC/MSP/2008/L.1, which is attached to this report as Annex I. **This annex was not proposed for adoption as an outcome of the Meeting, and therefore was not discussed with that aim. Thus, the This annex was not agreed upon and consequently has no status.**

These substantive paragraphs are followed by a paragraph, unchanged from that in the draft procedural report (BWC/MSP/2008/CRP.1), encouraging States Parties to inform the Seventh Review Conference of the steps that they have taken

31. States Parties are encouraged to inform the Seventh Review Conference of, *inter alia*, any actions, measures or other steps that they may have taken on the basis of the discussions at the 2008 Meeting of

Experts and the outcome of the 2008 Meeting of States Parties, in order to facilitate the Seventh Review Conference’s consideration of the work and outcome of these meetings and its decision on any further action, in accordance with the decision of the Sixth Review Conference (BWC/CONF.VI/6, Part III, paragraph 7 (e)).

Adoption of Final Report

The Meeting of States Parties met for the final time on the morning of Friday 5 December 2008 and at that session agreed their final report, issued as BWC/MSP/2008/5. In addition to the substantive paragraphs as indicated above, the final report contained a paragraph on universalisation and another on the Implementation Support Unit:

32. The Meeting of States Parties reviewed progress towards obtaining universality for the Convention and considered the Report from the Chairman on Universalization Activities (BWC/MSP/2008/4), as well as reports from States Parties on their activities to promote universalization. The States Parties reaffirmed the particular importance of the ratification of the Convention by signatory states and accession to the Convention without delay by those which have not signed the Convention, contributing to the achievement of universal adherence to the Convention. In this context, the Meeting took note of the reports, and called on all States Parties to continue to promote universalization, and to support the universalization activities of the Chairman and the Implementation Support Unit, in accordance with the decision of the Sixth Review Conference.

33. The Meeting of States Parties also considered the Report of the Implementation Support Unit (BWC/MSP/2008/3), including the report on participation in the confidence-building measures (CBMs). The Meeting took note of the Report, and expressed its satisfaction with the work of the Implementation Support Unit. The Meeting noted with concern that participation in the confidence-building measures had fallen slightly since 2007, and encouraged all States Parties to make an annual CBM submission in accordance with the decisions of the respective Review Conferences, seeking assistance through the Implementation Support Unit where required. The Meeting called on States Parties to continue working closely with the Implementation Support Unit in fulfilling its mandate, in accordance with the decision of the Sixth Review Conference.

Final Session

Later in the morning of Friday 5 December 2008, the meeting met in plenary session when the UK announced the Cook Islands had completed their ratification of the Convention bringing the number of States Parties to 163. The meeting then went on to adopt the report of the Meeting of States Parties. The final item of business was to decide on the Chairman for the topic in 2009 and for the dates of the Meetings in 2009.

The Chairman for the 2009 meetings nominated by the Western Group is Ambassador Marius Grinius of Canada. The Meeting of Experts will be held on 24-28 August 2009 and the Meeting of States Parties on 7-11 December 2009. The topic for discussion in 2009 is:

With a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, promoting capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases: (1) for States Parties in need of assistance, identifying requirements and requests for capacity enhancement; and (2) from States Parties in a position to do so, and international organizations, opportunities for providing assistance related to these fields'

Ambassador Grinius thanked the States Parties for endorsing the proposal of the Western Group that he should be Chairman of the meetings in 2009 and said that he would be consulting widely in the New Year with a view to developing a work programme for 2009.

The Chairman then closed the Meeting of States Parties by making some concluding remarks: *I think the work we have done this year has considerably advanced the implementation of the Convention, through promoting effective action on biosafety and biosecurity, and on oversight, education, awareness-raising and codes of conduct. The Meeting of Experts assembled a very impressive array of expertise from a wide range of national and international actors, and produced a wealth of highly relevant material. Then at this Meeting of States Parties, we have succeeded in refining and structuring that material into a package that clearly and concisely records our common understandings, and which will serve as a useful reference to all those – both governments and other actors – who have in interest in taking effective measures in areas related to our two topics.*

As States Parties, I believe we can be satisfied that we are taking the right steps to strengthen the Convention in these areas, in concert with a range of relevant partners. I have been impressed by the strength of common purpose exhibited throughout our work this year. Delegations from across the geographic and political spectrum have worked together in a positive and collegial atmosphere to focus on practical measures, and to strengthen partnerships with other relevant actors.

One highlight of our work this year has been the degree of involvement of the scientific community. As Chairman, I have been privileged to have had the opportunity to collaborate with scientific and professional organizations right from the start of my Chairmanship – when I participated in the 2nd International Forum on Biosecurity in Budapest in March – until the very end, when I will travel this weekend to Beijing to participate in a conference organized by the Chinese Academy of Sciences, and will report on our work here this week. In between, I participated in a range of scientific and academic conferences, in Wilton Park, in Bethesda, in Jakarta, in Como and here in Geneva. I have met a wide range of scientists and professionals from many countries, and I am delighted with the highly positive contribution

they have made to our work. I am also grateful for the support and helpful advice they have given me.

I am pleased too with the progress we have made with engagement with industry. Three important biotechnology and pharmaceutical companies participated in the Meeting of Experts, and this week we heard about the very promising practical measures for screening being undertaken by the Industry Association of Synthetic Biology (IASB). I encourage States Parties to continue to develop links with the scientific community and industry, to give due recognition and credit to their efforts to support the aims of the Convention, and to encourage them to build on and expand these efforts in cooperation with the States Parties.

The Meeting was then closed.

Reflections

The Meeting of States Parties with about 490 participants had almost as many as the over 500 at the Meeting of Experts in August 2008. There was participation by one more State Party. As the Chairman said in his concluding remarks *Delegations from across the geographic and political spectrum have worked together in a positive and collegial atmosphere to focus on practical measures, and to strengthen partnerships with other relevant actors.* The general climate at the Meeting of States Parties was again very positive and constructive and it was evident that the Meeting of States Parties had indeed achieved the aim set out by the Chairman in his opening remarks of achieving *refinement, structure and focus.* The outcome as recorded in the 12 substantive paragraphs in the Final Report was more focused and set out useful concepts relating to biosafety, biosecurity, oversight, education, awareness-raising and codes of conduct. It was, however, evident that the emphasis throughout was that the lead should be taken by national authorities and national governments in accordance with national circumstances with care being taken that there should be no 'one size fits all' event though it should be apparent that national standards can and should be harmonized to the extent possible internationally thereby maximising the benefits for peace and security for all States Parties. The substantive paragraphs included a useful clarification of the terms 'biosafety' and 'biosecurity', although constrained to within the context of the Convention – and provided with a footnote to the effect that *This constitutes an understanding and is not a definition of biosafety and biosecurity. It is not binding on States Parties.* This constraint and definition shows an unwillingness by some States Parties to maximize the benefits from working together with all those organizations concerned with biosafety and biosecurity.

It was also noteworthy that the importance of maintaining an awareness of developments in science and technology was clearly recognized in the Chairman's first draft: *Having noted the rapidly evolving nature of the biological sciences, States Parties recognised the importance of regularly reviewing the relevance of scientific and technological developments and the necessity of strengthening ties with the scientific community.* However, this unfortunately did not survive unchanged and emerged with the qualification 'within the framework of oversight' in the final wording: *Within*

the framework of oversight, States Parties recognised the value of being informed about advances in bio-science and bio-technology research with the potential of use for purposes prohibited by the Convention and the necessity of strengthening ties with the scientific community. This final wording also was less than it had been in the penultimate draft when the broader language States Parties recognized ... the importance of scientific and technological developments ... was weakened by unnecessarily introducing 'research' and also limiting such research to that 'with the potential of use for purposes prohibited by the Convention' to arrive at the final wording of States Parties recognised the value of being informed about advances in bio-science and bio-technology research with the potential of use for purposes prohibited by the Convention.

A very useful step forward was shown by a number of States Parties and by the message from the UN Secretary-General looking ahead to the Seventh Review Conference in 2011. On a number of occasions it was recognized that the States Parties were halfway through the intersessional process – and that it was timely to start thinking ahead to what might be considered at the Seventh Review Conference.

Of particular value are the steps being taken by Switzerland to focus attention now on how best the Confidence-Building Measures might be strengthened and made more effective at the Seventh Review Conference. As Switzerland correctly pointed out in their working paper (WP. 6): *First and foremost, it is important that States Parties have a common understanding of the challenges ahead. Discussions at the 2006 Review Conference showed how difficult it was to agree on solutions during an already packed agenda. In 2006 it was clear that there was no common understanding of what the challenges with the CBM mechanism were. Switzerland has clearly appreciated that, for progress to be made in improving the CBM mechanism, it is necessary now to prepare the groundwork for its consideration at the Seventh Review Conference. The seminar on CBMs held during the Meeting of States Parties with the support of the French Government shows that other States Parties are interested in achieving an improved CBM process at the Seventh Review Conference and it is to be hoped that such States Parties will take the opportunity at subsequent intersessional meetings to submit working papers on how they would like to see the CBM process improved.*

In addition, the Swiss working papers at both the Meeting of States Parties and at the Meeting of Experts in August provide an excellent **model** which should be followed by any State Party wishing to see substantive progress made at the Seventh Review Conference as new ideas put forward at the Review Conference itself are unlikely to find consensus.

It was also noted that several statements referred to the importance of strengthening the effectiveness and improving the implementation of the Convention. The statement delivered on behalf of the UN Secretary-General specifically encouraged States Parties to start thinking ahead now to the Seventh Review Conference and said:

I also urge you to begin thinking about additional steps that could be taken at the next review conference. You might consider how to increase membership, and how to further develop the implementation support unit. You might also explore the potential for further multilateral

cooperation in the fields of verification, compliance and enforcement of the Convention.

It is notable that some 9 States Parties (Cuba (on behalf of the NAM), Turkey, Russia, Iran, India, Pakistan, Chile, Algeria and Brazil, Iran, India, Morocco, Russia, Algeria and Pakistan) out of the 24 who made statements in the General Debate referred to the importance of a legally binding compliance mechanism. The statement made by Russia was of particular interest:

With the Seventh Review Conference to be held in 2011, the substantive preparations for it to be a success should start now. Real practical measures to strengthen the role of the BWC as a reliable barrier against the development, production and use of biological and toxin weapons are to be developed. We have no doubt in doing so one must make the full use of the valuable experience accumulated in the past by VEREX and the Ad Hoc Group. However, seven years have elapsed since the suspension of multilateral negotiations to develop a legally binding instrument of verification. All this time scientific knowledge has been rapidly advancing. If the future verification mechanism is to encompass all relevant S & T, then this work, vitally important for the success of the Convention, ought to be resumed at the earliest. The emerging favourable environment may encourage us as we make this new attempt.

We are aware of the still circulating opinion that the BWC is inherently unverifiable, and the adoption of an ineffectual verification protocol will create a false sense of security without solving the problem of monitoring compliance. One may recall that the same objection had been raised in the past regarding the Chemical Weapons Convention, which, in the assessment of all its States parties, possessing powerful verification provisions successfully faces the challenges of the prohibition of chemical weapons. It is understandable that verification in multilateral arms control and disarmament may not fully guarantee compliance. However, it is difficult to deny that these verifiable treaties and conventions are the cornerstones of international security and ensure predictability, stability and strengthen confidence among participating nations. We are convinced that the BWC with verification is better off than without it. It is our firm belief that effective non-discriminatory verification mechanism is feasible and as such should be developed and adopted.

The language was much more constructive than in previous statements which had appeared to suggest a resumption of the negotiations from where they had finished.

It is very much to be hoped that the States Parties which have expressed a view about the importance of effectively strengthening and improving the implementation of the Convention will follow the example of Switzerland and submit working papers to prepare the ground for the debate at the Seventh Review Conference. It is, however, not a topic that should only be considered by the States Parties which have

made recent statements. It should also be considered by those States Parties who have long demonstrated their support for strengthening and enhancing the Biological and Toxin Weapons Convention – such as the European Union, the JACKSNNZ group and the group of Latin American states. Ideally such a group of States Parties could develop a Working Paper for submission at the forthcoming intersessional meetings or alternatively this could be done by one or more individual States Parties – such as Australia, Canada, Japan, Norway, South Africa, Sweden or Switzerland. The sooner that such a Working Paper is put forward the better, as it will enable other States Parties to consider the concept and for ideas to be formulated and developed.

The www.unog.ch/bwc website created by the ISU is proving to be very useful. They are to be complimented for the material that is posted both prior to, during and after the Meetings – of particular value are the statements made by

States Parties in the order in which they are presented to the Meetings, together with the Chairman's remarks at the start, during and at the end of the Meetings.

Overall the Meeting of States Parties had a successful outcome that continued the momentum created by the successful outcome of the Sixth Review Conference, and it usefully started to look forward towards the Seventh Review Conference in 2011. It is to be hoped that States Parties will follow the example of Switzerland and submit working papers in 2009 setting out their ideas as to how the key issues to be considered at the Seventh Review Conference can best be addressed. This will help to ensure a successful outcome in 2011.

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

News Chronology

May - July 2008

What follows is taken from issue 81 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 HSP Sussex.

May The US National Research Council Committee on Toxicologic and Radiologic Effects from Exposure to Depleted Uranium During and After Combat releases its report. The report reviews the toxicological, radiological, epidemiological, and toxicokinetic data on depleted uranium, and assesses the Capstone Report – released by the Environmental Protection Agency in 2004 – on toxicological and radiological risks to soldiers posed by exposure to depleted uranium. In addition, it considers health-hazard and environmental reports prepared by such bodies as the World Health Organization, the United Nations Environment Programme (regarding the post-conflict situation in the Balkans), the International Atomic Energy Agency, the Agency for Toxic Substances and Disease Registry, and the UK Royal Society. The report also identifies relevant data deficiencies and offers recommendations for future research.

3 May China and the USA are considering conducting joint anti-terrorism drills – possibly including chemical, biological and nuclear ones along the lines of the US-Thailand Cobra Gold annual multilateral war games in Southeast Asia – as part of bilateral military exchanges, so reports Kyodo news agency, quoting an unidentified “US military official”. The proposal for joint drills, which first surfaced during bi-lateral military discussions in Qingdao, China, on 25-26 February, is currently being pursued through diplomatic channels.

3 May In Arkansas, the Pine Bluff chemdemil facility commences the destruction of its stockpile of M23 VX nerve-agent landmines, which marks the beginning of the third of its four phases of chemdemil. The facility destroyed its stockpile of GB nerve-agent-filled rockets three years previously [see 19 May 07] and its stockpile of VX-filled rockets this year [see 29 Feb]. Following the destruction of the VX landmines there will be a changeover period before the destruction of

containers holding mustard gas commences.

Six weeks later, the facility completes the destruction of the landmines. According to the Chemical Materials Agency, the destruction by Pine Bluff of all its VX-filled munitions now means that the Army has safely destroyed approximately 85 per cent of the USA's VX agent stockpile, with only four of the seven remaining storage sites having VX left to be destroyed.

4 May In Abu Dhabi, former US senior adviser to the White House and Secretary of Energy David Heyman gives a lecture at the Emirates Centre for Strategic Studies and Research on the subject of ‘Managing Biological Risks: A Comprehensive, Interdisciplinary and International Approach’. Also speaking at the event is Gerald L Epstein, a senior fellow for science and security at the Centre for Strategic and International Studies.

5-16 May In Helsinki, Finland, a course on the enhancement of skills in analysing chemicals related to the CWC using liquid chromatography-mass spectrometry (LC-MS) takes place at the University of Helsinki [see also 19-30 Mar 07]. The course, which is organized by the Finnish Institute for Verification of the CWC (VERIFIN) with the support of OPCW, is intended for laboratories that are active or plan to become active in the analysis of chemicals related to the CWC and for those that participate or intend to participate in OPCW proficiency testing. On this occasion, the participants come from Bangladesh, Jamaica, Lesotho and the Philippines. The purpose of the course is to improve practical skills in analysing chemicals related to the CWC by focusing on the following elements: preparation of samples; the theory of LC and LC-MS; demonstrations of LC and LC-MS techniques; practical exercises; and quality assurance and maintenance of instruments.