

## The Biological Weapons Convention Meeting of States Parties December 2009

As reported in the *Bulletin* 85 (September 2009), 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 Marius Grinius of Canada on 24 to 28 August 2009 to discuss, and promote common understanding and effective action on:

*(v) 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.*

The Meeting of Experts produced a report (BWC/MSP/2009/MX/3 dated 16 October 2009 – this and other official BWC documentation is available at <http://www.unog.ch/bwc>) 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 topic under discussion at the Meeting. The report, as in the reports from the Meetings of Experts 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 2009 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.*’ It should also be noted that, as at the Sixth Review Conference and at the subsequent Meetings of Experts and Meetings of States Parties, Richard Guthrie – on behalf of the BioWeapons Prevention Project (BWPP) in co-operation with the Verification Research, Training and Information Centre (VERTIC) – provided daily reports on the Meeting of States Parties that were made available in hard copy to the delegations as well as electronically. These reports can be found via <http://www.bwpp.org/reports.html>.

This 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 2009 to ‘*discuss, and promote common understandings and effective action*’.

### Preparation for the Meeting of States Parties, 7 to 11 December 2009

The Final Report (BWC/MSP/2009/MX/3 dated 16 October 2009) of the Meeting of Experts comprised a report of 5 pages together with Annex I a 33 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 4 page listing of the documents of the Meeting of Experts. Annex I with its 33 pages addressing a single topic was virtually three-quarters as long as the comparable Annex I from MX08 with its 41 pages which addressed two topics; this reflected the very active participation in MX09 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 Marius Grinius of Canada, wrote to the States Parties on 15 October 2009 to say that, as he had foreshadowed at the close of the meeting, and as had been 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, 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.

On the outcome of the meeting, he said that *we should aim for an action-oriented product that closely resembles past reports and makes use of existing precedents and practices. The common understandings that we reach should be of practical assistance to all States Parties and enable them to take effective action in building capacity for disease surveillance, detection, diagnosis and containment. In particular, the outcome should be of use to those States Parties that are not able to participate in our meetings. I am convinced we must keep in mind the interests and needs of the entire membership of the Convention, especially the smaller States Parties which are often those most in need of assistance and encouragement.*

To this letter was attached the 5 page synthesis document subsequently issued, prior to the Meeting of States Parties, as MSP/2009/L.1 dated 16 October 2009.

Ambassador Grinius subsequently spoke to the group coordinators during the second half of November 2009 saying that *Throughout the year, I have repeatedly stressed the importance of actually building capacity to deal with disease. ... I am keen to ensure that we do not focus solely on a final document but continue to work towards an action-based outcome as well. He also reminded the States Parties of Paragraph 54 of Final Document of 6th Review Conference, which encouraged States Parties to provide*

*appropriate information on how Article X is being implemented to the ISU, and requested the ISU to collate the information for States Parties. The MSP would provide a useful vehicle to make such reports.*

In regard to universalization, Ambassador Grinius had presented an interim report as part of his closing remarks to the Meeting of Experts in August 2009. As in previous years an advance version of the report of the Implementation Support Unit was made available prior to the Meeting of States Parties.

In New York in the First Committee of the United Nations General Assembly, Hungary, on 14 October 2009, introduced a draft resolution (A/C.1/64/L.15) on the BWC which noted with satisfaction the number of States that have become Party to the Convention and in its operative paragraphs 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. The draft resolution continued in its third operative paragraph to say:

*3. Also welcomes the successful holding of meetings as part of the 2007-2010 intersessional process, and in this context also welcomes the discussion aimed at the promotion of common understanding and effective action on topics agreed at the Sixth Review Conference, and urges States parties to continue to participate actively in the remaining intersessional process;*

As in 2007, and 2008 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 28 October 2009. It was subsequently approved by the General Assembly without a vote on 2 December 2009 as A/RES/64/70.

### **Other Preparations**

On the weekend of 5-6 December 2009 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 *Preparing for the Seventh Review Conference*. About 40 participants from 16 countries had a very useful and intense exchange of views which focussed on preparations for the Seventh Review Conference including preparing for a successful outcome, improving the monitoring of the implementation of the Convention, improving the CBM regime, the convergence of chemistry and biology, as well as concrete measures from the intersessional programme.

### **Meeting of States Parties, 7 to 11 December 2009: Opening Plenary Session**

The Meeting of States Parties began on Monday 7 December 2009 in a plenary session when the Chairman, Ambassador Marius Grinius of Canada, welcomed the representatives from the States Parties. He then moved on to the business of the meeting which, as displayed on the screen in the meeting room, had the overall aim of “*From Communication to*

*Cooperation*”. In regard to the adoption of the Agenda (BWC/MSP/2009/1), he noted that this had been circulated in all languages. This was adopted. The programme of work (BWC/MSP/2009/3), which had been developed from that attached to the Chairman’s letter of 15 October 2009, had likewise been circulated. The Chairman said that the majority of the time is devoted to agenda item 6, the topic for 2009. Time had been set aside for the NGOs on Monday afternoon and one aspect of agenda Item 9, the arrangements for the meetings in 2010, would be dealt with on Monday morning. He also added that most of the general debate would be held on the Monday, although this would be re-opened briefly on Wednesday at around midday to allow a senior representative of one State Party to make a statement. With these understandings the programme was adopted. The Chairman then noted that three papers had been issued. First, his synthesis document of 15 October 2009 had been issued in all languages (BWC/MSP/2009/L.1), and an advance copy of the report (BWC/MSP/2009/2) on the Implementation Support Unit (ISU) had been circulated as had an advance copy of his report on universalization activities (BWC/MSP/2009/4). In addition, as had been done in 2008, an additional background document had been issued by the ISU on recent developments in science and technology (BWC/MSP/2009/INF.1). He also noted that as usual all Working Papers would be issued in their language of submission only. Moving on to agenda item 4, adoption of rules of procedure, he proposed that as previously these meetings should continue to 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 two States neither party or signatory – Israel and Angola – had requested observer status and this was so decided. Several international organizations – the European Union, the International Committee of the Red Cross (ICRC), the Organisation for the Prohibition of Chemical Weapons (OPCW) and the World Health Organization (WHO) – 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.

100 States Parties to the Convention participated in the Meeting of States Parties as follows: Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Chile, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia,

Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, and Yemen. This was four more than at the Meeting of Experts as 15 States Parties – Benin, Latvia, Liechtenstein, Luxembourg, Madagascar, Malta, Mauritius, Monaco, Mongolia, Montenegro, Niger, Panama, Rwanda, The former Yugoslav Republic of Macedonia, and Viet Nam – who had not participated at MX09 in August participated at MSP09 in December whilst 11 States Parties – Albania, Botswana, Brunei Darussalam, Burundi, Colombia, Equatorial Guinea, Kazakhstan, Lao People’s Democratic Republic, Swaziland, Tajikistan, and Zambia – who had participated at MX09 in August did not do so at MSP09 in December.

Six Signatory States participated – Côte d’Ivoire, Egypt, Haiti, Myanmar, Syrian Arab Republic and United Republic of Tanzania – two more than at MX09, as Côte d’Ivoire and Egypt participated at MSP09 but did not at MX09. Two States neither Party nor Signatory, Angola and Israel, were granted Observer status; one less than at MX09 when Cameroon participated. Four international organizations were granted observer status: the European Union, the ICRC, the OPCW, and the WHO. This was three less than in August when the European Commission, the European Centre for Disease Prevention and Control (ECDC), the Food and Agriculture Organization of the United Nations (FAO), the International Science and Technology Center (ISTC) and the World Organisation for Animal Health (OIE) participated and the European Union and the OPCW did not. 14 Non-Governmental Organizations and research institutes were present – three less than at MX09. The Convention now has 163 States Parties and 13 Signatory States, unchanged since the accession of the Cook Islands on Friday 5 December 2008.

There were about 470 participants at the Meeting of States Parties, of whom 418 came from States Parties, including some 167 participants from capitals. This compared well with the participation at the Meeting of Experts in August 2009 when there were just over 500 participants, of whom almost 420 came from States Parties, including over 205 from capitals.

Before making his introductory remarks, the Chairman moved on to consideration of Agenda item 9, the arrangements for the Meeting of Experts and Meeting of States Parties in 2010, and in particular the nomination of the Chairman for the 2010 meetings. As he understood that an Ambassador with a particular interest in this matter was about to leave Geneva, the item would be dealt with now. He went on to recall that the Sixth Review Conference had decided that the 2010 meetings would be chaired by a representative of the Non-Aligned Movement and Other States. He therefore invited the coordinator of the group, Cuba, to nominate the NAM candidate for Chairman of the meetings in 2010.

**Cuba** then took the floor and nominated Ambassador Carlos Portales of Chile as Chairman of the Meeting of Experts and Meeting of States Parties in 2010. This was put to the meeting and agreed. Ambassador Portales then spoke thanking the Meeting for appointing him. He said that he looked forward to contributing substantively to the Seventh Review Conference in 2011.

**The Chairman** then made his introductory remarks, noting 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 convert the many ideas and proposals discussed at the Meeting of Experts into a more concise, focused product. We will be working on the same basis as in previous years, on the same understandings about the scope of our mandate. Our task is to “promote common understanding and effective action”, not to negotiate binding agreements. All views and perspectives are welcome. We are not trying to exclude any points of view. States Parties will have different priorities, but all these can be reflected in a fair and transparent manner.*

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 steps to strengthen the Convention by building capacity in the areas of disease surveillance, detection, diagnosis and containment. As I have said, we are 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 acknowledges the role that improved international cooperation, assistance and exchange in biological science and technology can play in strengthening the comprehensive implementation of the Convention and reducing the risks posed to global security by biological weapons;*
- *identifies challenges and needs in the area of capacity-building, as well as practical means of meeting these;*
- *lists ways and means of improving the coordination of cooperation and assistance activities, of better integrating approaches to human, animal and plant diseases, and of increasing the long-term sustainability of capacity-building;*
- *encourages the involvement of all relevant stakeholders, including governments, international organizations, the scientific and medical communities, commercial industry and academia; and*
- *lists practical measures that States Parties can consider and draw upon when developing their own approaches to our topic.*

*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 building capacity in disease surveillance, enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, and ultimately strengthening the Convention as an effective barrier against the development or use of biological weapons.*

He concluded by saying that he was *looking forward to a productive and focused meeting, and to working with you all 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 7 December 2009**

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 saying that *Our Group recognizes the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol and universal adherence to the Convention and reiterates its call to promote international cooperation for peaceful purposes, including scientific and technical exchange.* He went to add that *The Group of NAM Countries and other States Parties to the Biological Weapons Convention would like to emphasize that the Convention forms a whole. It is critical to deal with all of the issues interrelated to this Convention in a balanced and comprehensive manner.*

He continued by saying that *The strengthening of the Biological Weapon Convention cannot exclude inter alia the verification mechanism for the complete elimination of biological and toxin weapons through adopting a legally binding protocol to comprehensively strengthen the BWC.* Furthermore *The BTWC can not disregard the differences between its States Parties regarding the level of development and their national capabilities and resources. Although one of the main purposes of the implementation of Article X of the Convention is precisely to narrow these gaps, the BWC lacks an adequate mechanism for effective implementation of Article X.*

The statement then went on to address Article X in more detail by noting that *our Group presented Working Papers on the establishment of a mechanism for an effective implementation of Article X which could be, among others, a good basis for discussions on this matter. Allow me to reiterate their main elements:*

- *In our view any mechanism aimed at the effective implementation of Article X of the Convention should be open to participation of all States Parties to the Convention; and all the obstacles hampering its full implementation should be identified and overcome;*
- *As a matter of priority, it will be necessary to mobilize resources, including financial resources, to facilitate the widest possible exchange of equipment, material and scientific and technological information regarding the use of bacteriological (biological) and toxin agents for peaceful purposes, in particular from developed to developing States Parties;*
- *The development of human resources in developing States Parties in the implementation of the Convention, taking into account the special situation faced by them should be facilitated;*
- *Coordination of cooperation activities with other relevant international and regional organizations for the financial and technological support of activities*

- for the use of bacteriological (biological) and toxin agents for peaceful purposes will be needed; and*
- *A sponsorship programme to support participation of developing States Parties in the meetings and other activities of the Convention should be established. This programme could also be utilized, depending upon the availability of resources, to enhance participation of non States Parties in order to promote the goal of universality of the Convention.*

The Statement concluded by saying that *The States Parties of NAM have proposed this working paper as a contribution for further consideration of this vital issue in the Meeting of the States Parties and in the forthcoming Review Conference. Our group is ready to consider this and other proposals submitted by States Parties to the Convention individually or as a group with the view to advancing in the preparation of the Seventh Review Conference, taking into account the experiences and facts accumulated or agreements reached since the Convention entered into force.*

[www.unog/bwc accessed on 12 January 2010 shows that Cuba submitted a CBM in 2009]

**Sweden** 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 Ukraine, the Republic of Moldova, Armenia, and Georgia aligned themselves with the statement. He started by saying that *Non-proliferation of weapons of mass destruction is at the forefront of EU foreign policy. Under the EU Strategy against the Proliferation of Weapons of Mass Destruction adopted by the EU Heads of State and Government in 2003 and the new lines for action adopted by the Council of Ministers in December 2008, the European Union is committed to counter proliferation of weapons of mass destruction and their means of delivery on the basis of three principles: Effective multilateralism, prevention and cooperation.* He went on to point out that *The BTWC is the major multilateral treaty related to biological and toxin weapons, hence the cornerstone of multilateral efforts to tackle the risks posed by such weapons. To tackle such risks, effective implementation of the convention by its States Parties is required. Effective implementation means adopting adequate control measures, but also facilitating international cooperation on peaceful uses of biological science and technology.*

The statement went on to say that *Looking forward to the 2011 BTWC Review Conference and beyond, the European Union recalls its commitment to the development of measures to verify compliance with the Convention. It continued by noting that The EU believes that it is important that the work on BTWC issues continues between the regular meetings of States Parties. Therefore, the EU organized a workshop giving an opportunity for dialogue with NAM countries in Brussels in November 2009. By further discussing some of the main themes from the BWC Meeting of Experts in August 2009, we hoped to help develop common understandings and facilitate effective action at the Meeting of States Parties. After describing*

other activities being taken by the EU to promote the Convention including universalization and improving the CBM submissions, the statement concluded by saying:

*Finally, the EU believes that preparations for the 2011 Review Conference should be initiated as soon as possible, including exploring options for strengthening the Convention and improving compliance, taking into account the risks from non-state actors. We should also reflect upon how to improve CBMs. In the run-up to the Seventh Review Conference, we look forward to consulting closely with other States Parties on these issues that will be decisive in shaping the way ahead of the Convention over the next decade.*

[www.unog/bwc accessed on 12 January 2010 shows that Sweden submitted a CBM in 2009]

**Australia** on behalf of the JACKSNNZ group (Japan, Australia, Canada, Republic of Korea, Switzerland, Norway and New Zealand) said that *This year's theme in the BTWC Intercessional process has allowed member states to have productive interaction regarding cooperation in the fields of disease surveillance, detection, diagnosis and containment. The statement went on to add that Another key element that has emerged from this year's theme is the close relationship between the BTWC and the public health communities. There is much to be gained from a coordinated approach to tackling the related threats of both deliberate as well as naturally-occurring human, plant and animal disease. The logical relationship between the BTWC and public health allowed for the enhanced involvement this year of international organizations such as the WHO, the FAO and the OIE. Their involvement in this year's Meetings has proven valuable. Their participation in next year's meetings will also be welcome, when the theme will be: "the provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons"*.

The statement continued by saying that *We have reviewed the proposal from the Group of NAM and Other States for establishment of a mechanism for the full implementation of Article X. The JACKSNNZ support the ultimate goals of improving coordination of assistance and cooperation activities, developing capacity and human resources in a sustainable manner, and sponsoring the participation of developing countries to BTWC meetings. Our experience has been that sustained efforts by the States Parties, with appropriate support from the Implementation Support Unit, are delivering real achievements towards improved coordination of assistance and cooperation activities. We note also that recipient states' focus on self-reliance and attention to the sustainability of capacity building has proved rewarding. We are committed to looking for continued opportunities to work closely with countries to further improve delivery of sustainable capacity building outcomes. The JACKSNNZ also submitted a working paper on this and we would be pleased to discuss this further in the course of this meeting and in the lead-up to the Seventh Review Conference in 2011.*

After reviewing a range of capacity building activities undertaken by JACKSNNZ members over the past 12 months compatible with their article X commitments, the statement concluded by noting *The JACKSNNZ share with other delegations an interest in the opportunity provided by the Seventh Review Conference in 2011 to review and discuss possible means for strengthening the BTWC. Toward this end, the JACKSNNZ contribute for discussion at this Meeting of States Parties and in the lead-up to the Review Conference, the Canadian-sponsored discussion paper "How to approach compliance issues in the Biological and Toxin Weapons Convention: policy issues for the Seventh BTWC Review Conference in 2011"*.

[www.unog/bwc accessed on 12 January 2010 shows that Australia submitted a CBM in 2009]

**Switzerland** then spoke, noting that the Meeting of Experts *highlighted that a maximum of cooperation and assistance is necessary in order to address the transnational challenges of modern biology. Switzerland fully subscribes to strengthening international cooperation and assistance for peaceful cooperation. He went on to thank the Chairman for the synthesis paper and to say that My delegation was reassured that cooperation can be enhanced within the existing framework provided by Article X. We are open and interested to elaborate innovative ways to enhance full implementation of this core pillar of the Convention. At the same time my delegation is not convinced of the benefit and the feasibility of launching negotiations on a legally binding mechanism to implement Article X. We must keep in mind that the BWC is primarily a disarmament and non-proliferation instrument.*

He then went on to look beyond the specific topic for this year and made some more general comments. He said *Next year, we will conclude the second such process [intersessional process (ISP)] and will officially start preparations for the 2011 Review Conference. Emerging from an at times difficult past, the Convention has benefited tremendously from this process. ... However, my delegation is not convinced that a mere continuation of more meetings in the existing format is the only and necessarily the most effective way to implement the BWC and to enhance its effectiveness. We should certainly build on the successful ISP structure and continue to achieve practical results in this constructive atmosphere. At the same time we should create new formats and other mechanisms to ensure this Convention is able to keep pace with a changing security, political and technological context. The fact that the Meetings of States Parties have no mandate to take decisions limits their scope of action. In the lead up to 2011, Switzerland would welcome a discussion on the adoption of a more comprehensive mandate for annual meetings.*

He then said *Let me briefly touch upon compliance and verification, since the BWC covers an entire category of Weapons of Mass Destruction but does not have such a mechanism. Switzerland is of the view that this Convention is in need of stronger mechanisms for resolving concerns about implementation of, and compliance with, the BWC.*

*In fact, Switzerland would welcome a legally binding compliance framework. We are convinced that an informal and forward-looking discussion is required on the kind of compliance mechanism that is needed to address existing and future challenges. In this regard, we would like to refer to the food-for-thought Working Paper submitted by Canada, on behalf of the JACKSNNZ. [BWC/MSP/2009/WP.4] The statement then concluded by considering CBMs and saying *We hope that in 2011 CBMs can be made more universal and more effective and that such progress can contribute to the overall strengthening of the BWC.**

[www.unog/bwc accessed on 12 January 2010 shows that Switzerland submitted a CBM in 2009]

The **Russian Federation** then spoke, saying *Intersessional meetings of the States Parties to the BWC are an important element in developing multilateral mechanism to effectively strengthen the Convention. At this stage, we should focus on comprehensively fulfilling the programme of intersessional meetings and thus implementing the decisions adopted by the Sixth Review Conference of the BWC. A successful completion of this programme will allow us, as a future activity, to look closely at issues still demanding urgent attention both at national and international levels.* The statement went on to address the topic being considered in 2009 and then noted that *A wide spectrum, of biological risks includes emerging infectious diseases, industrial accidents and hostile use of dangerous biological agents and toxins. We think that the greatest risk to the object and purpose of the Convention is presented by the threats directly related to illicit development, proliferation and use of biological agents and toxins in contravention of the provisions of the BWC. The ongoing globalisation increases possibilities for illicit trafficking of dangerous microorganisms, toxins and dual-use biotechnologies thus posing a challenge to international security as regards armed conflicts and terrorism activity. In view of this, reaching universality of the BWC remains a priority.*

The statement concluded by saying *We are confident that international cooperation, confidence-building measures and transparency may go a long way to reaching progress in combating proliferation and implementing the Convention as a whole. We take this opportunity to reaffirm our commitment to complying with all provisions of the Convention and decisions of all its Review Conferences without exception.*

[www.unog/bwc accessed on 12 January 2010 shows that the Russian Federation submitted a CBM in 2009]

**China** then spoke, saying that *The international security situation is undergoing complex and profound changes. World multipolarization is intensifying and science and technology are progressing rapidly. The far-reaching implications of international financial crisis have emerged before our eyes. Traditional and non-traditional security threats are intertwined. Terrorism, proliferation of weapons of massive destruction and prevalence of infectious diseases constitute grave challenges to global*

*security. He went on to say that *To strengthen disease surveillance and control capabilities under the Convention is of great importance to the protection against bio-terrorism, the enhancement of global bio-security and the improvement of the capacity for implementing the Convention.* The statement then set out China's perspectives on strengthening disease surveillance and international cooperation.*

The statement then concluded by noting that *All provisions including Article X of the Convention are equally important and should be fully implemented. To strengthen international cooperation helps improve the implementation capability of States Parties, promote the effectiveness of the Convention and finally enhance the universalization of the Convention. International cooperation and non-proliferation are not contradictory. States Parties should not hamper the international cooperation for peaceful purposes in the name of non-proliferation. In this regard, China fully supports the working paper submitted by the NAM and other States Parties, entitled 'The Establishment of a Mechanism for the Full Implementation of Article X of the Convention'. All restrictions that are contrary to the letter and spirit of the Convention should be removed. We are ready to engage in participative discussions with rest of the States Parties on the establishment of a mechanism for the full implementation of Article X of the Convention, with the aim of mobilizing resources, coordinating cooperation among countries, overcoming the problems and intensifying international cooperation.*

[www.unog/bwc accessed on 12 January 2010 shows that China submitted a CBM in 2009]

**Japan** then spoke, saying that *Today's growing bio-threat is caused by a variety of factors, ranging from natural disease outbreaks due to accidents or negligence to the intentional abuse of biological agents. The statement went on to add that *The BTWC stipulates the importance of international cooperation among the States Parties in the field of bacteriology for the prevention of disease. My delegation would like to stress the importance of the capacity building through international cooperation under Article X, which helps the States Parties in achieving the objectives of the BTWC, that are disarmament and non-proliferation.* He continued by providing examples of cooperation in which Japan had been engaged. He then said that *Based on these experiences, I would like to make a few suggestions of prioritizing programs for effective assistance. First, assistance should be tailored to meet the differing circumstances of each recipient state, such as their capacity for self-reliance and sustainability. Second, such assistance needs to be carried out in a manner that contributes to the non-proliferation of biological weapons. Third, international cooperation in the BTWC context should complement the activities of other relevant international organizations. And lastly, we should promote the bio-safety and bio-security through assistance in education and training. On these points, Japan prepared a working paper, which is supported by JACKSNNZ. [WP.3]. The statement concluded by saying that**



*The Seventh Review Conference is only two years ahead of us, and we should bear in mind that the Meeting of States Parties this year is an important step to create a positive atmosphere towards the Review Conference.*

[www.unog/bwc accessed on 12 January 2010 shows that Japan submitted a CBM in 2009]

**Saudi Arabia** then spoke, recalling that they had recently organized an international conference which had produced positive results on the important issues relating to the Convention and the role that the international community could play in curbing the proliferation of weapons of mass destruction. It also noted that Saudi Arabia had been among the first states to sign and ratify the Biological Weapons Convention of 1972.

[www.unog/bwc accessed on 12 January 2010 shows that Saudi Arabia had not submitted a CBM in 2009]

The **USA** then spoke, noting that *the preparations by my own government for this year's discussions, as well as the Expert's [sic] Meeting, have revealed the importance of engagement by a broad variety of stakeholders from disparate communities. These communities include the WHO, OIE, and FAO, and various regional associations, professional societies, and commercial industry, to name a few. The United States welcomed their participation in the Experts Meeting, side-by-side with our national experts. These discussions also reinforced for my government that there is indeed an important role for our BWC forum in bringing the security and health communities together, including representatives from civil society. He went on to say that The United States welcomed the emphasis during the expert's discussions of cooperative approaches to disease surveillance, detection, diagnosis and containment. These discussions highlighted the value of assistance in building capacity, and the fact that in very concrete and practical terms, assistance provided to States is directly relevant to Article X of the BWC. Capacity building is, of course, what we call "a two way street." It is a cooperative effort and each State has a role to play. This could be to identify needs and requirements and seek to partner with others, or from those in a position to do so, to indicate their willingness to cooperate, assist, and partner.*

The statement concluded by saying *We are also mindful of the Seventh Review Conference of the BWC in 2011. Like others, we are starting to think about this Conference and possible deliverables, and such thinking has been factored into our overall policy review. While it is premature for me to say more at this juncture, I can nonetheless assure you that we will be seeking ways and means to use the BWC better to counter bio-threats, and look forward to working with other States Parties to that end. In closing, Mr. Chairman, I would like to reaffirm the importance the Obama Administration attaches to the BWC, and to this forum, as a primary venue for international coordination of real-world efforts to counter bio-threats. We understand that to build global capacity to combat infectious disease, regardless of cause, prevent bioterrorism and strengthen the BWC, we must all engage*

*actively on a variety of levels, including with the international health and disarmament communities. The United States plans to continue its own significant contributions to furthering these shared objectives. To this end, a senior Administration official will address this forum mid-week to explain the overall United States' approach to countering the biological threat, one of President Obama's top national security priorities.*

[www.unog/bwc accessed on 12 January 2010 shows that the USA submitted a CBM in 2009]

**Germany** then spoke, saying that *While we are equally devoted to all multilateral disarmament and non-proliferation instruments, my delegation believes that due to the dramatic developments in all the fields of life-sciences, the Biological and Toxin Weapons Convention may have to deal in future with greater scientific and technological challenges than other WMD non-proliferation treaties. Making best use of the developments of biosciences and biotechnology by way of cooperation for the benefit of the health and well-being of the people can in our view help to raise awareness in all States Parties for the need of preventing the misuse of life-sciences for weapon purposes. He then went on to note that in regard to this year's topic, A database operated by the ISU describing ongoing and planned assistance projects as well as points of contact and application procedures of available assistance and research programmes could contribute to avoiding duplication of efforts. This is a topic that in Germany's view could be carried over as lesson learned from the BWC 2009 meetings to the 7th Review Conference in 2011, when the discussion of a new mandate for the ISU will be on the agenda. The statement concluded by saying that Transfer of knowledge, equipment, other materials and cooperation between States Parties require full transparency as to their destination and usage. Confidence Building Measures are the Convention's means for creating such transparency, which in turn will make trusting cooperation possible. Regrettably, however, both the number and quality of annually submitted CBMs do not in fact provide the degree of transparency that would indeed facilitate good cooperation. Norway, Switzerland and Germany, together with the Geneva Forum, have started an informal process to review the CBMs with the aim of increasing the participation in the annual exchange by updating the existing CBM forms and procedures. Representatives from all three regional groups and NGOs are involved in this process. We hope that in the margins of the meeting of experts 2010 proposals coming out of this process can be presented. We are confident that a wider audience can be better prepared for taking a decision on the future scope of CBMs at the Review Conference 2011.*

[www.unog/bwc accessed on 12 January 2010 shows that Germany submitted a CBM in 2009]

**Nigeria** then spoke, saying that *Nigeria... remains consistent and untiring in her efforts to ensure the full realization of the objectives of the BWC. He then went on to say in regard to the topic for 2009 that In its effort to develop*

human resources in the area of our assigned topics, Nigeria would be organizing a regional workshop for the west and central African region in the early part of 2010. The Workshop will help to train the needed personnel as well as provide opportunities for contacts and sharing of experiences between professional institutions that would be in attendance. The workshop will also include all those associated with disease surveillance, detection, diagnosis and containment, including technical managers and policy makers.

[www.unog/bwc accessed on 12 January 2010 shows that Nigeria submitted a CBM in 2009]

**India** then spoke, saying that *India believes that norms against biological weapons enshrined in the Convention must be upheld, particularly in view of the threat of bio-terrorism. India fully supports initiatives to strengthen the Convention, ensure its full implementation by all States Parties and to make it universal. We believe that only a multilaterally agreed mechanism for verification of compliance can provide the assurance of observance of compliance obligations by States Parties and act as deterrence against non-compliance. We believe that the decision regarding strengthening of the BWC and its effective implementation should be taken by the Review Conference on the basis of consensus. States Parties should also give consideration to preparations for the next Review Conference.* The statement then went on to say that *India believes that the promotional aspects of Article X are a crucial element in strengthening the BWC and in achieving universal adherence. While there are several examples of international cooperation in disease surveillance and control, it is also a fact that denial of materials, equipment and technology related to peaceful uses of bio-technology continue to exist and hamper legitimate uses of biological materials and should be addressed in the framework of the Convention, The BWC State Parties should facilitate the fullest possible exchange of equipment, materials and scientific and technical information for the uses of bacteriological (biological) agents and toxins for peaceful purposes. This would benefit the developing countries to meet their development needs, including improving public health and build a robust biotechnology industry. It would also promote universality of the Convention and would be instrumental in establishing linkages amongst States Parties leading to a higher level of confidence in the Convention. The strengthened implementation of the provisions of Article III would ensure that the cooperation envisaged under Article X is not abused.*

[www.unog/bwc accessed on 12 January 2010 shows that India had not submitted a CBM in 2009]

**Republic of Korea** then spoke, saying that *The Republic of Korea shares the global concern that the international spread of infectious diseases is resulting in an increasing number of problems and challenges throughout the world since they have no geographical boundaries. In order to address these problems and challenges, the international*

*community should consider various ways to facilitate international and regional cooperation by promoting capacity-building in the field of infectious diseases. The statement concluded by expressing the wish ... that we will be able to carry forward the momentum created at the 6th Review Conference and accelerated by the subsequent success of the intersessional work programs toward further progress at the 7th Review Conference in 2011.*

[www.unog/bwc accessed on 12 January 2010 shows that the Republic of Korea submitted a CBM in 2009]

**Norway** then spoke, saying that the regional workshop organized by Norway and Indonesia in Djakarta in June 2008 to address last year's topics had been followed up in June 2009 by a workshop in Oslo. The statement continued by saying that *The BTWC is part of a broad political partnership for promoting global health. As was also clearly stated at the last review conference, the BTWC should note the role of other agencies, such as the WHO, FAO and the OIE. These are the bodies that survey and combat disease on a daily basis, to the benefit of the health and security of us all. The point is that the BTWC must not seek to duplicate efforts of other institutions, but rather contribute to developing new synergies and building stronger partnerships. This leads me to the next issue that I would like to highlight, which is the need to sustain and further strengthen the global norm to ensure that the ban on biological and toxin weapons is effective. Important in this respect is the full universalisation of the BTWC. In order to ensure full universality, we must continue to encourage and assist States in the process of signing, ratifying and implementing the Convention.* He then went on to say *The lead-up to the 2011 Review Conference provides us an opportunity to deliberate on ways to further strengthen the BTWC, such as measures to verify compliance to the Convention. As part of the exercise leading up to the Review Conference we should consider how to make better use of the confidence building measures (CBM).*

[www.unog/bwc accessed on 12 January 2010 shows that Norway submitted a CBM in 2009]

**Chile** then spoke, saying that an effective verification regime is needed to strengthen the Convention regime. The statement went on to say that Chile was focusing on practical, realistic and appropriate mechanisms and that a Bill had been prepared to comprehensively implement the chemical and biological and radiological treaties and regulations. Chile had a legal instrument with control measures for chemical and biological materials of which copies could be provided. National regulatory frameworks for the peaceful use of biotechnology were the only way to ensure implementation of the Convention and such frameworks should be a priority task for the States Parties. Developments in regulation and cooperation were needed to meet the challenges, together with a system of verification to strengthen cooperation.

[www.unog/bwc accessed on 12 January 2010 shows that Chile submitted a CBM in 2009]



The Chairman then closed the meeting at the end of the morning session by drawing attention to a lunch time event, entitled *International Cooperation, Biosecurity and the Education of Life Scientists*, organized by the US National Academy of Sciences, the University of Bradford, the National Defense Medical College, Japan, and the Landau Network-Centro Volta, Italy. He said that the general debate would resume in the afternoon with a statement by Argentina.

**General Debate: Afternoon Session,  
Monday 7 December 2009.**

**Argentina** said that they stressed *the efforts being made within the framework of the Convention in order to deal with the terms of reference for international cooperation which represent a variety of developments in terms of scientific and technological process and your tasks must be backed from several viewpoints.* The statement went on to add that *The subject of this meeting is directly related to the important obligations contained in Article X of the Convention. We consider that that Article requires constant strengthening but at the same time we need to avoid dispersing or weakening the commitments entered into by the international community in its search for scientific development with peaceful purposes. Argentina attaches great importance to cooperation intended to strengthen national scientific institutions, to training national capacity, as also to scientific and material exchange. Without prejudice to this, this cooperation and exchange should not generate obstacles to technological development in the States Parties but nor can we accept actions which affect the standards covering non-proliferation for weapons of mass destruction and, more particularly, that undermine the objectives of the Convention.* The statement then concluded by outlining some national initiatives undertaken by Argentina.

[www.unog/bwc accessed on 12 January 2010 shows that Argentina submitted a CBM in 2009]

**Mexico** then spoke, saying that *Mexico wishes to reiterate its commitment to full compliance with the Convention, the first multilateral instrument which prohibits a specific type of weapon. Mexico is committed to complying with Article X, which requests that States carry out an exchange concerning equipment, material and scientific and technological information for the peaceful use of biological agents, as also for the development and application of scientific discoveries to prevent diseases.* The statement went on to outline the activities that Mexico had been engaged in nationally and with the WHO in regard to the outbreak of the virus A(H1N1).

[www.unog/bwc accessed on 12 January 2010 shows that Mexico had submitted a CBM in 2009]

**Australia** then spoke, saying *All of us here recognise that in the current, challenging international environment the Biological and Toxin Weapons Convention plays a crucial role. Building the capacity of the BTWC to detect, monitor and respond to biosecurity threats is the shared objective of all of us here. Australia recognises that effective*

*national implementation of the Convention and a robust regulatory regime is fundamental to national and international security. To this end Australia has strengthened its national regulation and continues to work closely with regional partners in the area of biosafety and biosecurity.* The statement continued by noting that *Effective national implementation is reinforced through improved transparency between States Parties. Australia remains committed to providing early and full reporting on domestic biosafety and biosecurity implementation. We believe such voluntary declarations will assist all States Parties, and states seeking to become States Parties.*

[www.unog/bwc accessed on 12 January 2010 shows that Australia submitted a CBM in 2009]

**Pakistan** then spoke, saying that *Pakistan fully associates itself with ... the NAM working paper regarding the effective implementation of Article X of the BWC. Pakistan is committed to the BWC regime and has always supported its implementation in letter and spirit. We were actively involved in negotiations of a Protocol on verification. In 2006, Pakistan, with the help and support of all States Parties as well as international community, achieved a successful outcome of the Sixth BWC Review Conference, which has outlined the intersessional work programme till the next Review Conference in 2011. We must build on the outcome for the next Review Conference in 2011. The 7th Review Conference must also pick up the unfinished work on the Protocol for effective implementation of the Convention.* The statement continued by noting that *However, we strongly believe in the need for greater biosecurity and bio-safety. But this is only one part of the BWC bargain. The other pillar is international cooperation and assistance for peaceful purposes as envisaged in Article X of the Convention. This year's topic ... is related to the implementation of this Article.* The statement concluded by saying that *Your synthesis paper summarizing the discussions of the August meeting rightly recognizes the importance of international cooperation and assistance as a fundamental objective of the Convention. The paper has also focused upon the needs and problems in this regard. What we need now is to work on ways and means to promote and enhance cooperation and assistance. We also need to develop a mechanism to work on these ways and means in a sustained and consistent manner. The Non-Aligned Movement has submitted a working paper suggesting to develop this mechanism as well as identified ways and means in this regard. We urge and encourage other States to support this initiative.*

[www.unog/bwc accessed on 12 January 2010 shows that Pakistan had not submitted a CBM in 2009]

**South Africa** then spoke, saying that *South Africa believes that the strengthening of the implementation of the BTWC is a core element to international peace and security. It is imperative that our common goal of eliminating the threat posed by biological weapons is achieved. The Convention clearly does not only provide a means to strengthen our security, but also contains an important technical co-operation and assistance provision, which enhances the*

*international community's ability to combat the debilitating impact of disease on our peoples and on the socio-economic development of our countries. In order to achieve the total eradication of biological weapons, South Africa believes that greater international coordination and assistance are required to alleviate this burden of threat. Initiatives such as the exchange in biological sciences and technology, the promotion of capacity building in the fields of disease surveillance, detection, diagnosis and containment of infectious diseases, among many others, can be further explored. The statement went on to add that South Africa also strongly believes, in line with Article X, that its implementation should not hamper economic and technological development of the peaceful uses of the bacteriological and toxin agents, but allow the beneficial elements of these agents to be developed to aid humanity. In this regard, Article X is very relevant to public health, particularly in the developing world where resources are often scarce and insufficient, and could provide the overlap between international health, technological advancement and the prevention of the spread of infectious diseases worldwide. South Africa believes that the inherent dynamism of Article X is that it has the potential to better prepare the global community against natural disease outbreaks and against the use of biological weapons by encouraging instead, cooperation amongst nations, the dissemination of valuable information and resources, as well as the development of advanced technologies in this field.*

[www.unog/bwc accessed on 12 January 2010 shows that South Africa had not submitted a CBM in 2009]

**Malaysia** then spoke, saying that *Malaysia recognises the importance for States Parties to undertake serious, persistent efforts as well as concrete actions to strengthen national and international efforts and capabilities as stipulated in the Convention. With regard to fulfilling the aims of the Convention, Malaysia continues to take measures to promote capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases, primarily through enhanced collaborative efforts, regionally and internationally. The statement continued by noting that Malaysia is of the strong view that given the increasing development in the field of biological science, there is a growing need for scientific and technological cooperation between States. Article X of the Convention provides for this. Malaysia firmly believes that Article X can be implemented in such a way allowing States Parties to undertake, to facilitate and 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. Whilst there is no "one-size-fits-all" solution for national implementation and approaches, such collaborative efforts certainly helps in strengthening or complementing existing national frameworks in place.*

[www.unog/bwc accessed on 12 January 2010 shows that Malaysia had not submitted a CBM in 2009]

**Iran** then spoke, saying that *Multilateralism is a principle [sic] policy of the Islamic Republic of Iran. The statement continued by noting that Lack of Universality of the Convention and the failure to establish a legally binding Protocol to comprehensively strengthen the implementation of the Convention and the actions which undermine the international cooperation within the framework of the Convention are among the issues that require to be seriously considered by the States Parties. Since we are approaching to the 7th Review Conference of the States Parties to the Convention in 2011, we need to be more focused on the issues and obstacles hampering the full implementation of the Convention in order to enable the Review Conference to take appropriate decisions. We hope the negotiations would be resumed on a legally binding instrument to comprehensively strengthen the convention including in the area of international cooperation for peaceful purposes. There is a vital need to enhance the role of the Convention in maintaining international and regional peace and security through its universal adherence. This should be done with the particular emphasis on the adherence of the advanced ones in biotechnology and those in volatile regions whose non-adherence to the BWC can pose a serious threat to the regional and international peace and security.*

The statement went on to say that *The Islamic Republic of Iran is of the view that facilitation of and participation in the fullest possible exchange of equipment, material and scientific and technological information regarding the use of bacteriological (biological) and toxin agents, and enhanced international cooperation in the field of peaceful biotechnologies activities, aimed at economic and social development, is a fundamental element in strengthening the implementation of the Convention. The statement continued by saying It should be pointed out that the States Parties have a legal obligation to refrain from imposing restrictions or limitations for transfer that would hamper economic or technological development of States Parties or international cooperation for peaceful applications in the field of biotechnology. To this end, the States Parties should undertake to review national regulations governing international exchanges and transfers in order to ensure its consistency with the objectives of the Convention and specifically the provisions of Article X. It went on to add that The Islamic Republic of Iran strongly believes that any politically motivated measures such as arbitrary export control regimes which restrict transfer, development and promotion of equipment, materials and scientific and technological knowledge, would hamper the economic and technological progress of States Parties and clearly violate Article X of the Convention. My delegation presented a Working Paper to the Expert Meeting in August on the establishment of a standing committee under the Convention to consider the cases of transfer denial (BWC/MSP/2009/MX/WP.22). We believe a State Party to the Convention should have the right to seek to redress the situation and settlement of disputes through institutionalized measure if it is denied by another State Party for receiving equipment and materials for peaceful application of biology and bio-technology. Therefore a mechanism should be established to deal with the issue*

*of settlement of disputes of transfer denial. We believe that this idea would be discussed in our meeting and be reflected in the final report of the present meeting. The statement concluded by saying that Iran had prepared a report on the implementation of Article X which would be distributed by the ISU.*

[www.unog/bwc accessed on 12 January 2010 shows that Iran submitted a CBM in 2009]

**Turkey** then spoke, saying that *The States Parties have addressed key topics since 2007. We wish to maintain this momentum. The topic of 2009 is one of the fundamental building blocks for the road to the Seventh Review Conference in 2011. Promotion of capacity building in the fields of disease surveillance, detection, diagnosis and containment of infectious diseases is key to our work. This is in line with the international cooperation and assistance provision of the Convention. The statement went on to say that The language and spirit of Article X provides a solid basis for international cooperation. Enhanced implementation of this Article will not only contribute to the development of capacities to prevent and contain epidemics, but will also help to build confidence. International cooperation has also a role in our universalization efforts. Exchange of scientific and technological information among States Parties will promote transparency and thereby contribute to reducing the risks of the use of biological agents and technical equipment for purposes prohibited by the Convention.*

[www.unog/bwc accessed on 12 January 2010 shows that Turkey submitted a CBM in 2009]

**Morocco** then spoke, saying that *Cooperation and exchange of information technology for peaceful ends is one of the most important pillars of the Convention. However, this still does not have an appropriate mechanism to this end. Within this framework, my delegation would like to launch an appeal to Member States in order to take the necessary measures to strengthen North-South and South-South cooperation and we hope that the Seventh Review Conference takes a decision recommending the establishment of a mechanism for the full implementation of Article X. The more and more urgent need to have such a mechanism has been reiterated during previous Review Conferences. The Sixth BWC Review Conference reaffirmed that the existing institutional ways and means for multilateral cooperation between Member States need to be strengthened in order to promote international cooperation for peaceful ends in the fields relevant to the Convention, such as medicine, public health, agriculture and the environment.*

[www.unog/bwc accessed on 12 January 2010 shows that Morocco submitted a CBM in 2009]

**Bangladesh** then spoke, saying that *Rapid advances in the field of life science have made it even more imperative than ever before to remain alert against the threat of biological weapons. The Biological and Toxin Weapons*

*Convention remains key to mobilizing international efforts to prohibit the development, production and stockpiling of such weapons. The Additional Understandings reached through the subsequent Review Conferences have further strengthened the relevance and effectiveness of the Convention. It is for our shared benefit that we must reach common understanding on a legally binding protocol to institute a sound verification regime for ensuring compliance with the Convention. That the lack of a permanent institutional framework for verification is affecting the sound health of the Convention has been felt for too long. We understand that negotiations on this issue would take time. However, we must remain seized with the matter, and use the Seventh Review Conference in 2011 to make positive strides in this regard on the basis of consensus. We also hope that the important lessons drawn from the inter-sessional work programmes would be adequately reflected in the Programme of Work due to be adopted by the Seventh Review Conference. The statement continued by noting that We strongly feel the need to further strengthen the CBM mechanism by taking into account the various proposals made relative to its reform. At the national level, we would like to focus more on strengthening data collection and inter-agency collaboration to better comply with our CBM reporting. We look forward to enlisting the support of ISU in facilitating the process. We stress that the CBMs should pave the way for instituting an effective verification regime. The statement then added that While we underline the need for a balanced and holistic treatment of all aspects of the Convention, we attach particular importance to the effective implementation of Article X with accent on the needs of the developing and least developed countries. We endorse the NAM Working Paper on the Establishment of a Mechanism for an Effective Implementation of Article X. We look forward to having substantive discussions on this and other proposals during the lead up to the Seventh Review Conference.*

[www.unog/bwc accessed on 12 January 2010 shows that Bangladesh had not submitted a CBM in 2009]

**Senegal** then spoke, outlining its position in regard to the Convention and its national implementation. In this respect the statement said that *the Senegalese authorities have taken an inventory of all the national laboratories and scientific research units in the country and have placed them under strict control to avoid any risk of an accident or inappropriate use of biological substances or matters available to them. Furthermore, in order to strengthen the surveillance of our laboratories and research units, a National Laboratory Network was set up by ministerial decree. This Network includes 17 laboratories within the Laboratory of the Pasteur Institute in Dakar which itself is part of the WHO network. The statement went on to say that However, Senegal still has challenges in terms of financial, technical and technological infrastructure and equipment capacity to prevent and react as effectively as it would like to disease outbreaks. Our constraints in this respect, which we share with other States Parties, particularly countries in the South, can be overcome if*

*appropriate measures are taken order to develop international cooperation for peaceful purposes. The BWC from this viewpoint is the ideal framework to promote this cooperation through transfers of technology between and amongst States Parties for peaceful purposes. In particular, it is important to take action to strengthen national capacity for development with epidemiological surveillance through promoting international cooperation, including South-South cooperation. In ratifying the Convention on Bacteriological (Biological) and Toxin Weapons, the States Parties including Senegal have committed under Article X to promoting exchanges for peaceful purposes. A better use of this aspect of the Convention, in other words scientific cooperation and the transfer of technology would make it possible to give a strong impetus to the universalization of the Convention and its implementation.*

[www.unog/bwc accessed on 12 January 2010 shows that Senegal had not submitted a CBM in 2009]

**Madagascar** then spoke, saying that *Madagascar does not have the necessary scientific and technical capacities in the field of epidemiological surveillance and in defence against pathogenic microorganisms and toxins, as recommended in the Convention. We would like to improve our capacities in this field in order to strengthen the measures of biological security and safety in our country. Here my delegation would like to tell you about some of the activities undertaken by the authorities of Madagascar within the framework of United Nations Security Council resolution 1540 and the Cartagena Protocol on preventing biotechnical hazards. At the present time, Madagascar is aiming to strengthen its legal framework and its control system of exports and border controls. In addition, a draft law is being adopted in order to establish a national biosecurity structure aimed at controlling imports, trade, possession and use of biotechnological products that may cause harm to public health and to the environment.* The statement went on to note that *We endorse the recommendation of the Non-Aligned Movement, in particular when it comes to establishing within the framework of the Convention a sponsorship programme to promote the participation of developing States Parties in meetings and other activities under the Convention. My delegation feels that the contribution to the discussions by experts coming from the capitals represents a constructive and fruitful progress in the implementation of the Convention.*

[www.unog/bwc accessed on 12 January 2010 shows that Madagascar had not submitted a CBM in 2009]

This completed the statements made in the General Debate on Monday 7 December 2009 and the Chairman then suspended the meeting, in order to invite NGOs to make statements. Two further statements in the General Debate were made subsequently; one by Kenya in the session on the afternoon of Tuesday 8 December and one by the senior representative from the United States in the morning session of Wednesday 9 December. These are reported here as part of the General Debate before this report goes on the NGO statements.

**Kenya** spoke on Tuesday afternoon, saying that *The topic of this year's BTWC meetings, first discussed by the meeting of experts in August 2009 whose report recommendations are being considered by this convention is of great importance to us. It addresses cooperation among party states in capacity building in the areas of Disease Surveillance, detection, diagnosis and containment which continues to be a challenge not only to Kenya, but majority of countries in the developing world. The statement then went on to outline some of Kenya's experience and its needs in the area related to this year's topic. It also noted that in Kenya A National Biological & Toxins Weapons Committee, which is now in place, is fast tracking on the implementation of BTWC's agreements & treaties.*

[www.unog/bwc accessed on 12 January 2010 shows that Kenya had not submitted a CBM in 2009]

Ellen Tauscher, Under Secretary for Arms Control and International Security, **USA**, spoke towards the end of the morning session on Wednesday, saying that *I have come here today to share with you President Obama's strategy for preventing biological weapons proliferation and bioterrorism. The United States intends to implement this strategy through renewed cooperation and more thorough consultations with our international counterparts in order to prevent the misuse and abuse of science while working together to strengthen health security around the world. When it comes to the proliferation of bio weapons and the risk of an attack, the world community faces a greater threat based on a new calculus. President Obama fully recognizes that a major biological weapons attack on one of the world's major cities could cause as much death and economic and psychological damage as a nuclear attack. And while the United States remains concerned about state-sponsored biological warfare and proliferation, we are equally, if not MORE concerned, about an act of bioterrorism, due to the increased access to advances in the life sciences. She went on to add that *Over the last several months, the Obama administration has engaged in a thorough review of our approach with scientists, academics, NGOs and government officials. We have determined that we have made considerable progress in recognizing and responding to a potential biological attack or outbreak of disease, although we can do more. More importantly, the Administration concluded that there was no comprehensive strategy to address gaps in our efforts to prevent the proliferation of biological weapons and scientific abuse. So just last week President Obama approved a new National Strategy for Countering Biological Threats. Our new strategy has a clear, overarching goal ... to protect against the misuse of science to develop or use biological agents to cause harm.**

The statement then continued to set out the broad goals of the new strategy (available at [http://www.whitehouse.gov/sites/default/files/National\\_Strategy\\_for\\_Countering\\_BioThreats.pdf](http://www.whitehouse.gov/sites/default/files/National_Strategy_for_Countering_BioThreats.pdf) and without President Obama's introduction and slightly edited as MSP/2009/WP.12) as follows: *First, we will work with the international community to promote the peaceful and*

*beneficial use of life sciences, in accordance with the BWC's Article Ten, to combat infectious diseases regardless of their cause. ... Second, we will work toward establishing and reinforcing norms against the misuse of the life sciences. We need to ensure a culture of responsibility, awareness, and vigilance among all who use and benefit from the life sciences to ensure that they are not diverted to harmful purpose. Third, we will implement a coordinated approach to influence, identify, inhibit, and interdict those who seek to misuse scientific progress to harm innocent people. ... Finally, and most relevant to this body, we want to reinvigorate the Biological Weapons Convention as the premier forum for global outreach and coordination. The Biological Weapons Convention embodies the international community's determination to prevent the misuse of biological materials as weapons. But it takes the active efforts of its States Parties – individually, and collectively – to uphold these commitments that continue to bolster the BWC as a key international norm.*

She then went on to add: *But I want to be clear and forthcoming and I hope this will not be a surprise to anyone. The Obama Administration will not seek to revive negotiations on a verification protocol to the Convention. We have carefully reviewed previous efforts to develop a verification protocol and have determined that a legally binding protocol would not achieve meaningful verification or greater security. It is extraordinarily difficult to verify compliance. The ease with which a biological weapons program could be disguised within legitimate activities and the rapid advances in biological research make it very difficult to detect violations. We believe that a protocol would not be able to keep pace with the rapidly changing nature of the biological weapons threat. Instead, we believe that confidence in BWC compliance should be promoted by enhanced transparency about activities and pursuing compliance diplomacy to address concerns. The statement concluded by looking ahead to the Seventh Review Conference in 2011 by providing some information on the US goals. This included the statement that A key consideration related to any treaty is the ongoing need to promote confidence in compliance. We believe that greater emphasis should be placed on voluntary measures to provide increased confidence. We must also increase participation in the existing Confidence-Building Measures. We should work together to review the Confidence Building Measures form to assess their effectiveness and identify areas for improvement. The statement went on to add that In a gesture of our transparency, I want to announce that the United States will ... Work toward posting future annual CBM submissions on the public access side of the Implementation Support Unit website and we will encourage other Parties to follow suit.*

### **NGO Informal Session**

After the statement on Monday afternoon by Madagascar, which completed the list of States Parties wishing to make a statement on the first day of the Meeting of States Parties, the Chairman 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 eleven NGOs:

- University of Bradford, Department of Peace Studies – Graham S. Pearson
- Biosecurity Working Group of the InterAcademy Panel on International Issues –Jo Husbands
- The INES (International Network of Scientists and Engineers for Global Responsibility) Working Group on Biological and Toxin Weapons Control –Kathryn Nixdorff
- Center for Arms Control and Non-Proliferation/Scientists Working Group on Biological and Chemical Weapons – Marie Chevrier
- BioWeapons Prevention Project – Rocío Escauriaza Leal
- VERTIC (Verification Research, Training and Information Centre) – Angela Woodward
- Research Group for Biological Arms Control, University of Hamburg – Gunnar Jeremias
- National Defence Medical College of Japan and University of Bradford – Nariyoshi Shinomiya
- London School of Economics of the University of London – Filippa Lentzos
- Pax Christi International – Trevor Griffiths
- European Biosafety Association – Ursula Jenal

### **Side Events**

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

Monday 7 December 2009: Lunchtime Seminar: US National Academy of Sciences, University of Bradford, UK, National Defense Medical College, Japan, and Landau Network-Centro Volta, Italy, entitled *International Cooperation, Biosecurity and the Education of Life Scientists*.

Tuesday 8 December 2009: Lunchtime Seminar: European Union, entitled *Launch of the Guide to Participating in the Confidence-building Measures of the Biological Weapons Convention*.

Wednesday 9 December 2009: Morning Seminar 0900-1000: Canada/G8 Global Partnership, entitled *International Cooperation to Combat the Global Biological Threat*.

Wednesday 9 December 2009: Lunchtime Seminar: Romania/ISU, entitled *Scientific Research and Exchange - Potential Impact on Non-proliferation Measures for Biological Agents*.

Thursday 10 December 2009: Lunchtime Seminar: VERTIC, entitled *Regulatory Guidelines for National Implementation of the 1972 BWC and Related Requirements of UNSCR 1540*.

Friday 11 December 2009: Lunchtime Seminar: UNICRI (United Nations Interregional Crime and Justice Research Institute), entitled *Biosecurity Risks and Assessment: Illicit Trafficking, Intangible Transfers of Knowledge, Biotechnological Advances*.

## Tuesday 8 December 2009

The Programme of Work (BWC/MSP/2009/3) adopted on Monday had the subjects *Aims and Addressing problems, challenges, needs and restrictions* in respect of the topic for 2009 scheduled for discussion in the morning and afternoon sessions respectively. However, both of these subjects were dealt with in the morning session of Tuesday morning, and so the subject *Developing mechanisms for building capacity* scheduled for the morning session of Wednesday was brought forward to the Tuesday afternoon session.

## Wednesday 9 December 2009

The Programme of Work (BWC/MSP/2009/3) adopted on Monday had the subjects *Developing mechanisms for building capacity* and *Developing the necessary infrastructure* in respect of the topic for 2009 scheduled for discussion in the morning and afternoon sessions respectively and the subjects *Developing human resources* and *Developing standard operating procedures* scheduled for discussion in the morning session of Thursday. In the event, the morning and afternoon sessions of Wednesday saw the completion of all of these subjects apart from one intervention delayed until Thursday because the expert concerned would not arrive until then. The early running of the consideration of these subjects arose from their inter-relationship so that States Parties could readily make their inputs in a single intervention.

At the start of the afternoon session, the Chairman distributed a *Draft Report of the Meeting of States Parties* dated 9 December 2009 which was subsequently issued on Friday morning in a slightly amended form – with expanded versions of paragraphs 33 and 34 on universalization and the ISU respectively – as BWC/MSP/2009/CRP.1 dated 11 December 2009. This draft report addressed the procedural aspects of the meeting.

## Thursday 10 December 2009

The morning session began with a final presentation related to this year's topic and then moved on to consideration of the next agenda items: Agenda Item 7 *Reports from the Chairman and States Parties on universalization activities* and Agenda Item 8 *Report of the Implementation Support Unit (including report on participation in the confidence-building measures)* which had originally been scheduled for the afternoon session on Thursday.

The Chairman's report on universalization (BWC/MSP/2009/4 dated 24 November 2009) noted that *No States have ratified or acceded to the Convention since the 2008 Meeting of States Parties, although Cameroon is reported to have completed all internal steps and is preparing to deposit its instrument of accession. The total number of States Parties now stands at 163; a further 13 states have signed but not ratified the Convention and an additional 19 states have neither signed nor ratified the Convention.* The report goes on to outline what is known about these 32 states. Of these, eight states are reported to be well advanced in the ratification process, and a further four are reported to have begun the process. The eight States reported to be well advanced in the ratification process are Burundi, Cameroon, Comoros, Kiribati, Mozambique, Myanmar, Tuvalu and the United Republic of Tanzania (the same States as in the 2008 report with the addition of the United Republic of Tanzania) whilst the four reported to have begun the process are Côte

d'Ivoire, Haiti, Namibia, and Nepal (the same States as in 2008 with the addition of Haiti). This report of some nine pages again provides useful detail on universalization.

The Report of the ISU (BWC/MSP/2009/2 dated 10 November 2009 together with an addendum BWC/MSP/2009/2/Add.1 dated 10 December 2009) is a 26 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 2009, 62 states (38 per cent of States Parties) had submitted CBMs to cover the calendar year 2008, the same number as submitted the previous year. Of these, 36 submitted their CBM on or before the deadline of 15 April 2009. One State Party, Gambia, submitted a CBM for the first time. Nine States Parties which submitted CBMs in 2008 have not yet done so in 2009.* An analysis of the information provided in Annex III to the ISU report shows that the 9 States Parties which submitted CBMs in 2008 and which have not, as of 1 November 2009, submitted CBMs in 2009 are Bahrain, Chile, Ecuador, Jordan, Kazakhstan, Libyan Arab Jamahiriya, Nigeria, Thailand, and Ukraine. The Addendum shows that as of 10 December 2008, Chile had submitted its CBM in 2009.

At the end of the morning session, the Chairman circulated a draft text for the substantive paragraphs of the report (Chairman, 10 December 2009). In circulating this text, the Chairman reminded States Parties that the adoption of a report text was not a negotiation and that there were no binding commitments contained within it. He appealed to the States Parties to trust his judgement as Chair. He noted that this was the first of the annual meetings of the BWC devoted to Article X of the Convention and therefore it would be important to adopt a substantive document.

When the afternoon session opened it was evident that some States Parties had some difficulties with the proposed substantive paragraphs. Whilst some of the proposed amendments were readily accepted the main point of difficulty related to the use of the term *mechanism*. This had acquired political significance in that the NAM had submitted a Working Paper (MSP/2009/WP.2) entitled *The Establishment of a Mechanism for the Full Implementation of Article X of the Convention* – which was closely similar to the working paper the NAM had submitted at the Meeting of Experts (MSP/2009/MX/WP.24) with the same title. The paragraph in the draft substantive text relating to mechanisms was paragraph 30 *ter* which read as follows:

30 *ter. Recognizing the need to monitor and sustain progress on capacity-building in the fields of disease surveillance, detection, diagnosis and containment, with a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, States Parties noted that the Seventh Review Conference could consider further specific mechanisms to identify needs, identify and overcome obstacles for capacity building, mobilize the necessary financial resources, facilitate the development of human resources, support the participation of developing States Parties in the meetings and other activities of the*



*Convention, and coordinate cooperation with other relevant international and regional organizations.*

Some Western Group States Parties such as the United States considered such text could presuppose that such a mechanism would appear on the agenda of the Review Conference. The UK noted that the MSP report was to highlight common understandings and that the proposal for a mechanism did not meet this criterion. No other Western delegation seems to have expressed a strong concern about the reference. Some NAM States Parties indicated that they would find it extremely difficult to agree to a Final Report that made no reference to the mechanism proposal. A small group of delegates met late into the evening in informal consultations.

### **Friday 11 December 2009**

Most of the final day of the Meeting of States Parties was taken up with efforts to reach an agreed substantive text for the Final Report. This entailed informal consultations in side rooms interspersed with short plenary sessions that reported that some progress was being made. Discussion continued on the use of the word *mechanism* until agreement was reached on text which instead referred to *current and future proposals* that could be considered by the next Review Conference:

*32. Recognizing the need to sustain progress on capacity-building in the fields of disease surveillance, detection, diagnosis and containment, with a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, States Parties noted that the Seventh Review Conference could consider current and future proposals on means of better identifying needs, overcoming challenges to capacity building, mobilizing financial resources, facilitating the development of human resources, supporting the participation of developing States Parties in the meetings and other activities of the Convention, and coordinating cooperation with other relevant international and regional organizations.*

Further discussion then focused on the balance of references to Article X and to Article III of the Convention within the substantive paragraphs.

### **Outcome of the Meeting of States Parties**

During the Meeting of States Parties, 12 Working Papers were submitted: two on behalf of the European Union (WP.1 and WP.6), two on behalf of JACKSNNZ (WP.3 and WP.4) and one on behalf of the NAM (WP.2). There were two by the USA (WP.10 and WP.12) and one by Cuba (WP.11), by France (WP.5), India (WP.8), Iran (WP.7), and Pakistan (WP.9).

The EU working papers provided the Moderators' summary of an international workshop held in Brussels, Belgium on 11-12 November 2009 on improving cooperation under Article X for disease surveillance, detection diagnosis and containment [WP.1] and a paper on striving towards a common format for reporting assistance opportunities and needs from States Parties in areas with relevance for the BTWC [WP.6].

The JACKSNNZ papers addressed international cooperation under Article X of the Convention [WP.3] and a paper outlining policy issues for the Seventh Review Conference [WP.4] – although this paper is listed in Annex II of the MSP Report as being submitted by Canada, the actual paper makes it clear that it is a JACKSNNZ paper].

The NAM paper addressed the establishment of a mechanism for the full implementation of Article X of the Convention [WP.2] whilst the ones by the United States addressed US efforts to support global implementation of the IHR (2005) [WP.10] and the US strategy for countering biological threats [WP.12], the one by Cuba addressed Cuba's national experience in disease surveillance for humans, animals and plants [WP.11], the one by France addressed some priorities in providing international assistance [WP.5], the one by India addressed India's experience in international cooperation and capacity building in disease surveillance, detection, diagnosis, and containment of disease [WP.8], the one by Iran addressed technical assistance, exchange and cooperation undertaken by the Islamic Republic of Iran under Article X of the BWC [WP.7] and the one by Pakistan addressed the needs, hurdles and challenges that need to be considered in enhancing international cooperation and promoting capacity building [WP.9].

The JACKSNNZ working paper on policy issues [WP.4] for the Seventh Review Conference consists of some 21 pages which provide considerable food for thought about the issues that are likely to be considered at the Review Conference in 2011. It makes four proposals:

21. *PROPOSAL ONE: A small group of states parties in conjunction with each other and civil society should undertake a review and audit of all the previous decisions made at review conferences to identify which additional understandings have been successful and effective and which have not in order to assist in the development of future work priorities. This should be done in the period March 2010 to March 2011.*
26. *PROPOSAL TWO: Each state party should submit a comprehensive compliance report to the review conference in 2011. A comprehensive report would require states parties to consider in detail how they achieve compliance nationally and, through the submission of the report, demonstrate to other states parties implementation of the Convention. The report should be precise and provide full details of implementation mechanisms and activities.*
29. *PROPOSAL THREE: Conduct a national review of implementation to develop proposals for the Seventh Review Conference.*
30. *PROPOSAL FOUR: Arrange, or establish, actual or virtual workshops involving states parties and civil society to feed concrete ideas into the preparations for the review conference. This might be coordinated and facilitated by the ISU in Geneva.*

It then goes on to identify a number of agreements might be the outcome of the Review Conference:

- *Agreement on annual one week Meeting of Experts to deal with technical and other information sharing activities.*
- *Agreement on annual formal political Meetings of States Parties*
- *Agreement on annual meeting on special topics*

This paper should be helpful in preparing the ground for Seventh Review Conference.

### **Substantive Paragraphs in the Final Report**

As already noted, the Chairman provided a first set of substantive paragraphs in his paper circulated during the Thursday morning session. This comprised thirteen paragraphs as follows:

20. *Recognizing the fundamental importance of enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, in the interests of achieving comprehensive implementation of the Convention, States Parties agreed on the value of working together to promote capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases. States Parties affirmed that building such capacity would directly support the security and non-proliferation objectives of the Convention, as well as supporting the development of the peaceful applications of biological science and technology in accordance with Article X.*

21. *States Parties recognized that Article X is a useful and appropriate platform for collaboration and that through the full implementation of Article X, States Parties can complement the activities of other forums and promote maximum cooperation and assistance in areas concerning disease surveillance, detection, diagnosis, and containment of infectious diseases.*

22. *States Parties agreed that although disease surveillance, mitigation and response are primarily national responsibilities, infectious diseases know no geographic boundaries and neither should efforts to combat them. States Parties noted that international organizations, such as the FAO, IPPC, OIE and WHO, have a fundamental role to play in addressing disease and recognized the importance of these intergovernmental organizations in supporting and financing relevant national activities. States Parties recognized the value of enhancing the capabilities and coordinating role of these organizations.*

23. *States Parties recognized the importance of developing effective infrastructure for disease surveillance, detection, diagnosis and containment, including in pursuit of requirements in other settings to establish core national health capacities, such as those under the revised International Health Regulations (2005). Such infrastructure could include:*

- (i) Surveillance systems which are sensitive, specific, representative, timely, simple, flexible and acceptable, and which have capabilities for continuously collecting and analyzing data from various sources;*
- (ii) Capacity for rapid detection and identification of pathogens, including improved access to high quality diagnostics and expertise;*

- (iii) Primary health care services and veterinary and phytosanitary services, such as laboratory systems and disease management and treatment capacity;*
- (iv) Emergency and epidemiological response capabilities;*
- (v) Communication capabilities, including for public information and professional collaboration;*

24. *Recognizing that infrastructure is of little use if there are not appropriately trained individuals to use it, States Parties agreed on the value of developing human resources for disease surveillance, detection, diagnosis and containment, including by:*

- (i) Making use of workshops, training courses and conferences at the national, regional and international levels;*
- (ii) Ensuring that training materials are available in native languages;*
- (iii) Taking advantage of both computer-based and hands-on training;*
- (iv) Fostering an interdisciplinary approach to infectious disease problems, incorporating traditional biomedical science with economics, social sciences, demographics and agricultural science;*
- (v) Engaging with all relevant human resources, including technicians, managers, policy makers, and health professionals;*
- (vi) Identifying ways to reduce “brain-drain”, where individuals leave after they have been trained and certified;*
- (vii) Providing the political leadership needed to ensure training and personnel issues are given adequate attention at the national level; and*
- (viii) If in a position to do so, providing sponsorship for training, exchange visits, and travel to expert meetings.*

25. *Recognizing the opportunities for building capacity through sharing practices and procedures, States Parties agreed on the value of implementing standard operating procedures, taking into account their national needs and circumstances, including through:*

- (i) Using standard operating procedures to enhance sustainability, improve trust, build confidence, contribute to quality control, and foster the highest standards of professional performance;*
- (ii) Working at the national level with ministries of health and agriculture and other relevant agencies to develop relevant legislation, standards and guidelines;*
- (iii) Developing and using best practices for surveillance, management, laboratory practice, manufacturing, safety, security, diagnostics, trade in animals and products, as well as associated procedures;*
- (iv) Strengthening international protocols for the rapid sharing of information; and*
- (v) Using case studies of biosecurity considerations, risk assessment and the transportation of dangerous goods and disease management to improve existing practices and procedures.*

26. States Parties agreed on the value of ensuring the sustainability of capacity building in the fields of disease surveillance, detection, diagnosis and containment, including through: pooling resources; making funding processes longer-term and more predictable (including through the use of mutually-agreed exit strategies); ensuring ownership by the receiving country and the involvement of all relevant stakeholders; addressing needs for day-to-day maintenance of core health capacity; tailoring activities to meet the differing circumstances of each recipient state; taking full advantage of existing resources, networks and institutional arrangements; utilising twinning programmes to strengthen networks of reference laboratories; and using collaborative projects to develop biosafety, biosecurity, basic science, tools and core technologies thereby increasing motivation and support.
27. States Parties agreed on the value of improving integration of capacity-building activities so that scarce resources are used effectively to combat disease irrespective of its cause, including through: ensuring effective communication and coordination among human, animal and plant health sectors; using an interdisciplinary, all-hazards approach drawing on all relevant disciplines; and improving how government departments and agencies work with the private sector, academia and non-governmental experts. States Parties also noted the utility of public-private partnerships in dealing with disease.
28. States Parties recognized the importance of ensuring that there is effective coordination among relevant activities to minimise duplication and ensure a more comprehensive approach to building capacity, including through: improved coordination and information sharing among assistance providers both internationally and among national departments; enhanced communication among States Parties and with international efforts to tackle infectious disease, such as those undertaken by the FAO, IPPC, OIE and WHO; taking advantage of all available routes for assistance – bilateral, regional, and international – to forge North-South, South-South and North-North partnerships; and improving cooperation, communication and networking among national institutions, departments, agencies and other stakeholders.
29. States Parties recognized that there remain challenges to be overcome in developing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes to their full potential, and that many States Parties face considerable obstacles in building sufficient capacity for disease surveillance, detection, diagnosis and containment. States Parties agreed on the value of mobilizing resources, including financial resources, to facilitate the widest possible exchange of equipment, material and scientific and technological information to help overcome challenges to disease surveillance, detection, diagnosis and containment. States Parties agreed that all States have a role to play, calling on those States Parties seeking to build their capacity to identify their specific needs and requirements and seek partnerships with others, and on those States Parties in a position to do so to provide assistance and support.
30. States Parties recalled that the Sixth Review Conference had emphasized that in the interest of facilitating the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxin agents for peaceful purposes, States Parties should not use the provisions of the Convention to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials. States Parties noted in this respect that full implementation of Article III of the Convention would help to facilitate the exchange of equipment, materials and scientific and technological information in accordance with Article X.
- 30 bis. States Parties affirmed the role of the Implementation Support Unit in supporting the capacity-building activities of the States Parties by facilitating communication and partnerships, and acting as a clearing-house for information on needs for and sources of assistance and cooperation. In this context, the States Parties recalled that the Sixth Review Conference had encouraged States Parties to provide appropriate information to the Implementation Support Unit on their implementation of Article X, and welcomed the reports on cooperation activities that were submitted by States Parties during this meeting.
- 30 ter. Recognizing the need to monitor and sustain progress on capacity-building in the fields of disease surveillance, detection, diagnosis and containment, with a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, States Parties noted that the Seventh Review Conference could consider further specific mechanisms to identify needs, identify and overcome obstacles to capacity building, mobilize the necessary financial resources, facilitate the development of human resources, support the participation of developing States Parties in the meetings and other activities of the Convention, and coordinate cooperation with other relevant international and regional organizations.
31. 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/2009/MX/3), as well as the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals contained in BWC/MSP/2009/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 annex was not agreed upon and consequently has no status.

32. 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 2009 Meeting of Experts and the outcome of the 2009 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)).

A further version of the first eleven paragraphs (para 20 to 30 *ter*) was issued at 17.45 on the Thursday afternoon. New language is highlighted in bold and deletions indicated.

20. Recognizing the fundamental importance of enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, in the interests of achieving comprehensive implementation of the Convention, States Parties agreed on the value of working together to promote capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases. States Parties affirmed that building such capacity would directly support the security and non-proliferation objectives of the Convention, as well as supporting the development of the peaceful applications of biological science and technology in accordance with Article X.

21. States Parties stressed the importance of implementation of Article X and recalled that they have a 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 and not to hamper the economic and technological development of States Parties. States Parties recognized that Article X is a ~~useful and appropriate~~ **fundamental** platform for collaboration and that through the full implementation of Article X, States Parties can complement the activities of other forums and promote maximum cooperation and assistance in areas concerning disease surveillance, detection, diagnosis, and containment of infectious diseases.

OR

21. States Parties recognized that **the Convention** is a useful and appropriate platform for collaboration and that through the ~~full~~ **implementation of all articles of the**

**Convention, including** Article X, States Parties can complement the activities of other forums and promote maximum cooperation and assistance in areas concerning disease surveillance, detection, diagnosis, and containment of infectious diseases.

21 *bis*. States Parties were encouraged by and welcomed the broad scope of assistance, cooperation and partnerships already in place to support States Parties in meeting their national obligations under the Convention and in enhancing their disease surveillance, detection, diagnosis and containment capabilities.

22. States Parties agreed that although disease surveillance, mitigation and response are primarily national responsibilities, infectious diseases know no geographic boundaries and neither should efforts to combat them. States Parties noted that international organizations, such as the FAO, IPPC, OIE and WHO, have a fundamental role to play in addressing disease and recognized the importance of these inter-governmental organizations in supporting and financing relevant national activities. States Parties recognized the value of enhancing the capabilities and coordinating role of these organizations.

23. States Parties recognized the importance of developing effective infrastructure for disease surveillance, detection, diagnosis and containment, **taking primarily appropriate action in the Convention**, including in pursuit of requirements in other settings to establish core national health capacities, such as those under the revised International Health Regulations (2005). Such infrastructure could include:

- (i) Surveillance systems which are sensitive, specific, representative, timely, simple, flexible and acceptable, and which have capabilities for continuously collecting and analyzing data from various sources;
- (ii) Capacity for rapid detection and identification of pathogens, including improved access to high quality diagnostics and expertise;
- (iii) Primary health care services and veterinary and phytosanitary services, such as laboratory systems and disease management and treatment capacity;
- (iv) Emergency and epidemiological response capabilities;
- (v) Communication capabilities, including for public information and professional collaboration;
- (vi) **An appropriate regulatory framework, including available resources for its implementation and surveillance activities;**
- (vii) **Treatment of diseases, including availability of diagnostic equipment, vaccines and medicines.**

24. Recognizing that infrastructure is of little use if there are not appropriately trained individuals to use it, States Parties agreed on the value of developing **adequate infrastructure, equipment and technology and human resources** for disease surveillance, detection, diagnosis and containment, including by:

- (i) Making use of workshops, training courses and conferences at the national, regional and international levels;
  - (ii) Ensuring that training materials are available in native languages;
  - (iii) Taking advantage of both computer-based and hands-on training;
  - (iv) Fostering an interdisciplinary approach to infectious disease problems, incorporating traditional biomedical science with economics, social sciences, demographics and agricultural science;
  - (v) Engaging with all relevant human resources, including technicians, managers, policy makers, health professionals **and academia**;
  - (vi) Identifying ways to reduce “brain-drain”, where individuals leave after they have been trained and certified;
  - (vii) Providing the political leadership needed to ensure training and personnel issues are given adequate attention at the national level; and
  - (viii) If in a position to do so, providing sponsorship for training, exchange visits, and travel to expert meetings.
25. Recognizing the opportunities for building capacity through sharing practices and procedures, States Parties agreed on the value of implementing standard operating procedures, taking into account their national needs and circumstances, including through:
- (i) Using standard operating procedures to enhance sustainability, improve trust, build confidence, contribute to quality control, and foster the highest standards of professional performance;
  - (ii) Working at the national level with ministries of health and agriculture and other relevant agencies to develop relevant legislation, standards and guidelines;
  - (iii) Developing and using best practices for surveillance, management, laboratory practice, manufacturing, safety, security, diagnostics, trade in animals and products, as well as associated procedures;
  - (iv) Strengthening international protocols for the rapid sharing of information; and
  - (v) Using case studies of biosecurity considerations, risk assessment and the transportation of dangerous goods and disease management to improve existing practices and procedures.
26. States Parties agreed on the value of ensuring the sustainability of capacity building in the fields of disease surveillance, detection, diagnosis and containment, including through: pooling resources; making funding processes longer-term and more predictable (including through the use of mutually-agreed exit strategies); ensuring ownership by the receiving country and the involvement of all relevant stakeholders; addressing needs for day-to-day maintenance of core health capacity; tailoring activities to meet the differing circumstances of each recipient state; taking full advantage of existing resources, networks and institutional arrangements; utilising twinning programmes to strengthen networks of reference laboratories; and using collaborative projects to develop biosafety, biosecurity, basic science, tools and core technologies thereby increasing motivation and support.
27. States Parties agreed on the value of improving integration of capacity-building activities so that scarce resources are used effectively to combat disease irrespective of its cause, including through: ensuring effective communication and coordination among human, animal and plant health sectors; using an interdisciplinary, all-hazards approach drawing on all relevant disciplines; and improving how government departments and agencies work with the private sector, academia and non-governmental experts. States Parties also noted the utility of public-private partnerships in dealing with disease.
28. States Parties recognized the importance of ensuring that there is effective coordination among relevant activities to minimise duplication and ensure a more comprehensive approach to building capacity, including through: improved coordination and information sharing among assistance providers both internationally and among national departments; enhanced communication among States Parties and with international efforts to tackle infectious disease, such as those undertaken by the FAO, IPPC, OIE and WHO; taking advantage of all available routes for assistance – bilateral, regional, and **international multilateral, including through the Convention** – to forge North-South, South-South and North-North partnerships; and improving cooperation, communication and networking among national institutions, departments, agencies and other stakeholders.
29. States Parties recognized that there remain challenges to be overcome in developing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes to their full potential, and that many States Parties ~~face considerable obstacles~~ **have problems** in building sufficient capacity for disease surveillance, detection, diagnosis and containment. **Keeping in mind Article X**, States Parties agreed on the value of mobilizing resources, including financial resources, to facilitate the widest possible exchange of equipment, material and scientific and technological information to help overcome challenges to disease surveillance, detection, diagnosis and containment. States Parties ~~agreed that all States have a role to play, calling on~~ **stressed that** those States Parties seeking to build their capacity **should** identify their specific needs and requirements and seek partnerships with others, and **that** those States Parties in a position to do so **should** provide assistance and support.
30. States Parties recalled that the Sixth Review Conference had emphasized that in the interest of facilitating the fullest possible exchange of equipment, materials and scientific and technological information for the use

of bacteriological (biological) agents and toxin agents for peaceful purposes, States Parties should not use the provisions of the Convention to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials. States Parties noted in this respect that **assistance must take place in the context of Article III and that full implementation of Article III of the Convention would help to facilitate the exchange of equipment, materials and scientific and technological information in accordance with Article X.**

30bis. States Parties affirmed the role of the Implementation Support Unit, **consistent with its mandate**, in supporting the capacity-building activities of the States Parties by facilitating communication and partnerships, and acting as a clearing-house for information on needs for and sources of assistance and cooperation. In this context, the States Parties recalled that the Sixth Review Conference had encouraged States Parties to provide appropriate information to the Implementation Support Unit on their implementation of Article X, and welcomed the reports on cooperation activities that were submitted by States Parties during this meeting.

30 ter. Recognizing the need to monitor and sustain progress on capacity-building in the fields of disease surveillance, detection, diagnosis and containment, with a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, States Parties noted that the Seventh Review Conference could consider further specific mechanisms to identify needs, identify and overcome obstacles to capacity building, mobilize the necessary financial resources, facilitate the development of human resources, support the participation of developing States Parties in the meetings and other activities of the Convention, and coordinate cooperation with other relevant international and regional organizations.

OR

30 ter. Recognizing the need to ~~monitor and~~ sustain progress on capacity-building in the fields of disease surveillance, detection, diagnosis and containment, with a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, States Parties noted that the Seventh Review Conference could consider ~~further specific mechanisms~~ **proposals for specific mechanisms, including a proposal for establishment of a mechanism for full implementation of Article X** to identify needs, identify and overcome obstacles to capacity building, mobilize the necessary financial resources, facilitate the development of human resources, support the participation of developing States Parties in the meetings and other activities of the Convention, and coordinate cooperation with other relevant international and regional organizations.

OR

30 ter. **Recognizing States Parties recognized the need to monitor and sustain progress on capacity-building in the fields of disease surveillance, detection, diagnosis and containment, with a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes.**

OR

30 ter. Recognizing the need to **monitor review** and sustain progress on capacity-building, assistance and exchange in the fields of disease surveillance, detection, diagnosis and containment, ~~with a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes~~, States Parties noted that the Seventh Review Conference could ~~further specific mechanisms to identify needs, identify and overcome obstacles to capacity building, mobilize the necessary financial resources, facilitate the development of human resources, support the participation of developing States Parties in the meetings and other activities of the Convention~~ **examine opportunities for facilitating progress in these fields** and coordinate cooperation with other relevant international and regional organizations.

A further version of the first eleven paragraphs (para 20 to 30 ter) was issued at 21.00 on the Thursday evening in which a single version of 30 ter. replaced the four alternatives in the previous version. New language is highlighted in bold and deletions indicated.

20. Recognizing the fundamental importance of enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, in the interests of achieving comprehensive implementation of the Convention, States Parties agreed on the value of working together to promote capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases. States Parties affirmed that building such capacity would directly support the security and non-proliferation objectives of the Convention, ~~as well as supporting the development of the peaceful applications of biological science and technology in accordance with Article X.~~ **and would also contribute to enhancing health security.**

21. **in this connection**, States Parties recalled that the Sixth Review Conference stressed the importance of implementation of Article X and recalled that ~~the States Parties~~ **they** have a 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 and not to hamper the economic and technological development of States Parties. States



Parties recognized that Article X is a **useful and appropriate fundamental** platform for collaboration and that through the full implementation of Article X, States Parties can complement the activities of other forums and promote maximum cooperation and assistance in areas concerning disease surveillance, detection, diagnosis, and containment of infectious diseases.

22. States Parties agreed that although disease surveillance, mitigation and response are primarily national responsibilities, infectious diseases know no geographic boundaries and neither should efforts to combat them. States Parties noted that international organizations, such as the FAO, IPPC, OIE and WHO, have a fundamental role to play in addressing disease and recognized the importance of these inter-governmental organizations in supporting and financing relevant national activities. States Parties recognized the value of enhancing the capabilities and coordinating role of these organizations.

23. States Parties recognized the importance of developing effective infrastructure for disease surveillance, detection, diagnosis and containment, **taking primarily appropriate action in the Convention, including in pursuit of requirements in other settings to establish core national health capacities, such as those under the revised International Health Regulations (2005).** Such infrastructure could include:

- (i) Surveillance systems which are sensitive, specific, representative, timely, simple, flexible and acceptable, and which have capabilities for continuously collecting and analyzing data from various sources;
- (ii) Capacity for rapid detection and identification of pathogens, including improved access to high quality diagnostics and expertise;
- (iii) Primary health care services and veterinary and phytosanitary services, such as laboratory systems and disease management and treatment capacity;
- (iv) Emergency and epidemiological response capabilities;
- (v) Communication capabilities, including for public information and professional collaboration;
- (vi) An appropriate regulatory framework, including available resources for its implementation and surveillance activities;
- (vii) Treatment of diseases, including availability of diagnostic equipment, vaccines and medicines.

24. Recognizing that infrastructure is of little use if there are not appropriately trained individuals to use it, States Parties agreed on the value of developing ~~adequate infrastructure, equipment and technology~~ and human resources for disease surveillance, detection, diagnosis and containment, including by:

- (i) Making use of workshops, training courses and conferences at the national, regional and international levels;
- (ii) Ensuring that training materials are available in native languages;

- (iii) Taking advantage of both computer-based and hands-on training;
- (iv) Fostering an interdisciplinary approach to infectious disease problems, incorporating traditional biomedical science with economics, social sciences, demographics and agricultural science;
- (v) Engaging with all relevant human resources, including technicians, managers, policy makers, health professionals and academia;
- (vi) Identifying ways to reduce “brain-drain”, where individuals leave after they have been trained and certified;
- (vii) Providing the political leadership needed to ensure training and personnel issues are given adequate attention at the national level; and
- (viii) If in a position to do so, providing sponsorship for training, exchange visits, and travel to expert meetings.

25. Recognizing the opportunities for building capacity through sharing practices and procedures, States Parties agreed on the value of implementing standard operating procedures, taking into account their national needs and circumstances, including through:

- (i) Using standard operating procedures to enhance sustainability, improve trust, build confidence, contribute to quality control, and foster the highest standards of professional performance;
- (ii) Working at the national level with ministries of health and agriculture and other relevant agencies to develop relevant legislation, standards and guidelines;
- (iii) Developing and using best practices for surveillance, management, laboratory practice, manufacturing, safety, security, diagnostics, trade in animals and products, as well as associated procedures;
- (iv) Strengthening international protocols for the rapid sharing of information; and
- (v) Using case studies of biosecurity considerations, risk assessment and the transportation of dangerous goods and disease management to improve existing practices and procedures.

26. States Parties agreed on the value of ensuring the sustainability of capacity building in the fields of disease surveillance, detection, diagnosis and containment, including through: pooling resources; making funding processes longer-term and more predictable (including through the use of mutually-agreed exit strategies); ensuring ownership by the receiving country and the involvement of all relevant stakeholders; addressing needs for day-to-day maintenance of core health capacity; tailoring activities to meet the differing circumstances of each recipient state; taking full advantage of existing resources, networks and institutional arrangements; utilising twinning programmes to strengthen networks of reference laboratories; and using collaborative projects to develop biosafety, biosecurity, basic science,

tools and core technologies thereby increasing motivation and support.

27. States Parties agreed on the value of improving integration of capacity-building activities so that scarce resources are used effectively to combat disease irrespective of its cause, including through: ensuring effective communication and coordination among human, animal and plant health sectors; using an interdisciplinary, all-hazards approach drawing on all relevant disciplines; and improving how government departments and agencies work with the private sector, academia and non-governmental experts. States Parties also noted the utility of public-private partnerships in dealing with disease.

28. States Parties recognized the importance of ensuring that there is effective coordination among relevant activities to minimise duplication and ensure a more comprehensive approach to building capacity, including through: improved coordination and information sharing among assistance providers both internationally and among national departments; enhanced communication among States Parties and with international efforts to tackle infectious disease, such as those undertaken by the FAO, IPPC, OIE and WHO; taking advantage of all ~~available~~ **appropriate** routes for assistance – bilateral, regional, **international** and multilateral, including ~~through~~ the Convention – to forge North-South, South-South and North-North partnerships; and improving cooperation, communication and networking among national institutions, departments, agencies and other stakeholders.

28 bis. States Parties welcomed the range of assistance, cooperation and partnerships already in place to support States Parties in meeting their national obligations under the Convention and in enhancing their disease surveillance, detection, diagnosis and containment capabilities.

29. States Parties recognized, **however**, that there remain challenges to be overcome in developing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes to their full potential, and that **these challenges restrict the ability of many States Parties have problems in building to build** sufficient capacity for disease surveillance, detection, diagnosis and containment. Keeping in mind Article X, States Parties agreed on the value of mobilizing resources, including financial resources, to facilitate the widest possible exchange of equipment, material and scientific and technological information to help overcome challenges to disease surveillance, detection, diagnosis and containment. **Recognizing that all States Parties have a role to play**, States Parties stressed that those States Parties seeking to build their capacity should identify their specific needs and requirements and seek partnerships with others, and that those States Parties in a position to do so should provide assistance and support.

30. States Parties recalled that the Sixth Review Conference had emphasized that in the interest of facilitating the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxin agents for peaceful purposes, States Parties should not use the provisions of the Convention to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials. States Parties noted in this respect that ~~assistance must take place in the context of Article III and that full implementation of Article III of the Convention would help to facilitate the exchange of equipment, materials and scientific and technological information in accordance with Article X.~~

30 bis. States Parties affirmed the role of the Implementation Support Unit, consistent with its mandate, in supporting the capacity-building activities of the States Parties by facilitating communication and partnerships, and acting as a clearing-house for information on needs for and sources of assistance and cooperation. In this context, the States Parties recalled that the Sixth Review Conference had encouraged States Parties to provide appropriate information to the Implementation Support Unit on their implementation of Article X, and welcomed the reports on cooperation activities that were submitted by States Parties during this meeting.

30 ter. **Recognizing the need to sustain progress on capacity-building in the fields of disease surveillance, detection, diagnosis and containment, with a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, States Parties noted that the Seventh Review Conference could consider means of better identifying needs, overcoming challenges to capacity-building, mobilizing financial resources, facilitating the development of human resources, supporting the participation of developing States Parties in the meetings and other activities of the Convention, and coordinating cooperation with other relevant international and regional organizations.**

The final version of the substantive paragraphs was circulated at 15.00 on the Friday afternoon, 11 December 2009, and adopted later the same afternoon. This contains some changes from the third draft as indicated in the version provided below with new language in bold and deletions indicated:

20. **Recognizing the fundamental importance of enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, in the interests of achieving comprehensive implementation of the Convention, States Parties agreed on the value of working together to promote capacity building in the fields of disease surveillance, detection, diagnosis, and containment of infectious diseases. States Parties affirmed that building such**

capacity would directly support the security and non-proliferation objectives of the Convention. ~~and would also contribute to enhancing health security.~~

21. ***in this connection, States Parties recalled that the Sixth Review Conference stressed the importance of implementation of Article X and recalled that the States Parties they have a 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 and not to hamper the economic and technological development of States Parties. States Parties recognized that the Convention Article X is a useful and appropriate platform for collaboration and that through the full implementation of the Convention, including Article X, States Parties can complement the activities of other forums and promote maximum cooperation and assistance in areas concerning disease surveillance, detection, diagnosis, and containment of infectious diseases.***

22. *States Parties agreed that although disease surveillance, mitigation and response are primarily national responsibilities, infectious diseases know no geographic boundaries and neither should efforts to combat them. States Parties noted that international organizations, such as the FAO, IPPC, OIE and WHO, have a fundamental role to play in addressing disease and recognized the importance of these inter-governmental organizations in supporting and financing relevant national activities. States Parties recognized the value of enhancing the capabilities and coordinating role of these organizations.*

23. *States Parties recognized the importance of developing effective infrastructure for disease surveillance, detection, diagnosis and containment. ~~taking primarily appropriate action in the Convention, including in pursuit of requirements in other settings to establish core national health capacities, such as those under the revised International Health Regulations (2005).~~*

***(a) Such infrastructure could include:***

- (i) Surveillance systems which are sensitive, specific, representative, timely, simple, flexible and acceptable, and which have capabilities for continuously collecting and analyzing data from various sources;*
- (ii) Capacity for rapid detection and identification of pathogens, including improved access to high quality diagnostics and expertise;*
- (iii) Primary health care services and veterinary and phytosanitary services, such as laboratory systems and disease management and treatment capacity;*
- (iv) Emergency and epidemiological response capabilities;*
- (v) Communication capabilities, including for public information and professional collaboration;*

*(vi) An appropriate regulatory framework, including available resources for its implementation and surveillance activities;*

*(vii) Treatment of diseases, including availability of diagnostic equipment, vaccines and medicines.*

***(b) States Parties noted that developing such infrastructure could also contribute to the fulfillment of their other respective international obligations and agreements, such as the revised International Health Regulations (2005).***

24. *Recognizing that infrastructure is of little use if there are not appropriately trained individuals to use it, States Parties agreed on the value of developing human resources for disease surveillance, detection, diagnosis and containment, including by:*

*(i) Making use of workshops, training courses and conferences at the national, regional and international levels;*

*(ii) Ensuring that training materials are available in native languages;*

*(iii) Taking advantage of both computer-based and hands-on training;*

*(iv) Fostering an interdisciplinary approach to infectious disease problems, incorporating traditional biomedical science with economics, social sciences, demographics and agricultural science;*

*(v) Engaging with all relevant human resources, including technicians, managers, policy makers, health professionals and academia;*

*(vi) Identifying ways to reduce “brain-drain”, where individuals leave after they have been trained and certified;*

*(vii) Providing the political leadership needed to ensure training and personnel issues are given adequate attention at the national level; and*

*(viii) If in a position to do so, providing sponsorship for training, exchange visits, and travel to expert meetings.*

25. *Recognizing the opportunities for building capacity through sharing practices and procedures, States Parties agreed on the value of implementing standard operating procedures, taking into account their national needs and circumstances, including through:*

*(i) Using standard operating procedures to enhance sustainability, improve trust, build confidence, contribute to quality control, and foster the highest standards of professional performance;*

*(ii) Working at the national level with ministries of health and agriculture and other relevant agencies to develop relevant legislation, standards and guidelines;*

*(iii) Developing and using best practices for surveillance, management, laboratory practice, manufacturing, safety, security, diagnostics, trade in animals and products, as well as associated procedures;*

*(iv) Strengthening international protocols for the rapid sharing of information; and*

*(v) Using case studies of biosecurity considerations,*

*risk assessment and the transportation of dangerous goods and disease management to improve existing practices and procedures.*

26. States Parties agreed on the value of ensuring the sustainability of capacity building in the fields of disease surveillance, detection, diagnosis and containment, including through: pooling resources; making funding processes longer-term and more predictable (including through the use of mutually-agreed exit strategies); ensuring ownership by the receiving country and the involvement of all relevant stakeholders; addressing needs for day-to-day maintenance of core health capacity; tailoring activities to meet the differing circumstances of each recipient state; taking full advantage of existing resources, networks and institutional arrangements; utilising twinning programmes to strengthen networks of reference laboratories; and using collaborative projects to develop biosafety, biosecurity, basic science, tools and core technologies thereby increasing motivation and support.

27. States Parties agreed on the value of improving integration of capacity-building activities so that scarce resources are used effectively to combat disease irrespective of its cause, including through: ensuring effective communication and coordination among human, animal and plant health sectors; using an interdisciplinary, all-hazards approach drawing on all relevant disciplines; and improving how government departments and agencies work with the private sector, academia and non-governmental experts. States Parties also noted the utility of public-private partnerships in dealing with disease.

28. States Parties recognized the importance of ensuring that there is effective coordination among relevant activities to minimise duplication and ensure a more comprehensive approach to building capacity, including through: improved coordination and information sharing among assistance providers both internationally and among national departments; enhanced communication among States Parties and with international efforts to tackle infectious disease, such as those undertaken by the FAO, IPPC, OIE and WHO; taking advantage of all appropriate routes for assistance – bilateral, regional, international and multilateral, including the Convention – to forge North-South, South-South and North-North partnerships; and improving cooperation, communication and networking among national institutions, departments, agencies and other stakeholders.

29. States Parties ~~welcomed~~ **recognized** the range of **bilateral, regional and multilateral** assistance, cooperation and partnerships already in place to support States Parties in meeting their national obligations under the Convention and in enhancing their disease surveillance, detection, diagnosis and containment capabilities. States Parties recognized, however, that there remain challenges to be overcome

*in developing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes to their full potential, and that **addressing such problems, challenges, needs and restrictions will help these challenges restrict the ability of many States Parties to build sufficient capacity for disease surveillance, detection, diagnosis and containment.** Keeping in mind Article X, States Parties agreed on the value of mobilizing resources, including financial resources, to facilitate the widest possible exchange of equipment, material and scientific and technological information to help overcome challenges to disease surveillance, detection, diagnosis and containment. Recognizing that all States Parties have a role to play, States Parties stressed that those States Parties seeking to build their capacity should identify their specific needs and requirements and seek partnerships with others, and that those States Parties in a position to do so should provide assistance and support.*

30. **Recalling the agreements on Article X and Article III reached at the Sixth Review Conference**, States Parties recalled that the ~~Sixth Review~~ Conference had emphasized that in the interest of facilitating the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxin agents for peaceful purposes, States Parties should not use the provisions of the Convention to impose restrictions and/or limitations on transfers for purposes consistent with the objectives and provisions of the Convention of scientific knowledge, technology, equipment and materials. States Parties noted in this respect that full implementation of Article III of the Convention would help to facilitate the exchange of equipment, materials and scientific and technological information in accordance with Article X.

30 bis. States Parties affirmed the role of the Implementation Support Unit, consistent with its mandate, in supporting the capacity-building activities of the States Parties by facilitating communication and partnerships, and acting as a clearing-house for information on needs for and sources of assistance and cooperation. In this context, the States Parties recalled that the Sixth Review Conference had encouraged States Parties to provide appropriate information to the Implementation Support Unit on their implementation of Article X, and welcomed the reports on cooperation activities that were submitted by States Parties during this meeting.

30 ter. Recognizing the need to sustain progress on capacity-building in the fields of disease surveillance, detection, diagnosis and containment, with a view to enhancing international cooperation, assistance and exchange in biological sciences and technology for peaceful purposes, States Parties noted that the Seventh Review Conference could consider means of better identifying needs, overcoming challenges to capacity-building, mobilizing financial resources, facilitating the development of human resources, supporting the

*participation of developing States Parties in the meetings and other activities of the Convention, and coordinating cooperation with other relevant international and regional organizations.*

The subsequent two further paragraphs that had been unmodified throughout then continued in the final version of the report.

33. ~~31.~~ *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/2009/MX/3), as well as the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals contained in BWC/MSP/2009/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 annex was not agreed upon and consequently has no status.*

34. ~~32.~~ *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 2009 Meeting of Experts and the outcome of the 2009 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 afternoon of Friday 11 December 2009 and at that session agreed their final report, issued as BWC/MSP/2009/5. In addition to the substantive paragraphs as indicated above, the final report contained a paragraph on universalisation and another on the Implementation Support Unit:

35. *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/2009/4), 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.*

36. *The Meeting of States Parties also considered the Report of the Implementation Support Unit (BWC/MSP/2009/2), 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 levelled off over the past two years, 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. Recalling the decision of the Sixth Review Conference that the Implementation Support Unit would be funded by States Parties for the period from 2007-2011, the Meeting requested the United Nations Office for Disarmament Affairs to ensure, in accordance with the terms of General Assembly resolution 63/88, that the administrative arrangements for the Unit, including employment contracts for the staff of the Unit, appropriately reflect the full duration of the Unit's mandate.*

### **Final Session**

Later on the afternoon of Friday 11 December 2009, the meeting met in plenary session to adopt the report of the Meeting of States Parties. The final item of business was to decide on the dates of the Meetings in 2010.

As already noted, the Chairman for the 2010 meetings had been nominated by the NAM and Other States Group earlier in the week as Ambassador Carlos Potaes of Chile. The Meeting of Experts will be held on 23-27 August 2010 and the Meeting of States Parties on 6-10 December 2010. The topic for discussion in 2010 is: ‘

*Provision of assistance and coordination with relevant organizations upon request by any State Party in the case of alleged use of biological or toxin weapons, including improving national capabilities for disease surveillance, detection and diagnosis and public health systems.*

The Chairman then closed the Meeting of States Parties by making some concluding remarks which focused on the three areas that he had addressed throughout the year – *our efforts to deal with disease: second, the exchange of CBMs; and third, progress in expanding the membership of the Convention* – by looking back on them in reverse order.

On universalization, he noted that although there had been no new accessions, there were *a couple of states teetering on the edge of joining*.

On CBMs, he said *I have been pleased by our efforts to make it easier to participate in the CBM process. I am happy that we have managed to put out a guide for taking part during my Chairmanship. I noted with considerable interest plans for the future, including the EU's support to improve the BWC's website for electronic submissions, and the statement from Undersecretary of State Ellen Tasucher that the US will work together with other States Parties to review the CBMs.*

On the topic of dealing with disease, he said that now that the report has been agreed *I think we should take a moment to reflect on its comprehensiveness. I am sure that this document will stand the test of time and act as a useful bridge into the next review conference. I think it captures where the common understandings lie between States Parties on these issues. Our work this year illustrates that States Parties do take all their responsibilities under this Convention seriously and that a treaty that deals with biological weapons can contribute to our efforts to deal with disease.*

*As I have been prompting you all year, I was keen to make sure that our outputs for this year were broader than just our final document. I wanted to ensure we had action-based outcomes. To that I end, the ISU have produced several practical tools which I hope will help. They have published a paper listing the contact details of sources of assistance – making it easier to get in touch with those who can hopefully provide what you need. The ISU has also published details of national approaches, need and offers in the Compendiums of National Approaches, allowing you ongoing access to critical resources. Finally, the ISU will naturally continue its role as a clearing house for assistance under the Convention, and will therefore, continue to be a useful first port of call.*

He then went on to add: *In my opening remarks, I noted that I had not seen as many examples of brokering of assistance as I had hoped to do. I am still convinced there are opportunities we are not taking. I would encourage all States Parties to reflect, in the lead up to the next review conference, on the databases, common formats and mechanisms that have been proposed throughout the course of this year.*

*In conclusion, my experience this year has shown, that we can find common understandings, and we can work together, and that when we do, there is very little that we cannot achieve. It was a real pleasure to be in the chair when the BWC received its first high-level address since 2006 and I think it is fitting to leave you with one of the remarks we heard here on Wednesday morning. It seems to sum up very nicely what we have been doing here this year, namely “increasing the availability and access to knowledge and products of the life sciences to help reduce the impact from outbreaks of infectious diseases whether of natural, accidental or deliberate origin”.*

The Meeting was then closed.

## Reflections

The Meeting of States Parties with about 470 participants had almost as many as the over 500 at the Meeting of Experts in August 2009 – the number of representatives from the States Parties was virtually the same: almost 420 at both meetings. There was participation by 100 States Parties – four more than at the Meeting of Experts. The meeting was open throughout, as had been the Meeting of Experts in both 2008 and in 2009, thus enabling all those present to follow the developments and to better understand the issues that presented difficulties to some delegations. There can only be benefit in all stake-holders being present throughout such meetings as this significantly enhances the understanding of all concerned.

The participation and statement by a senior member of the US administration was of particular interest. This was primarily to introduce the new US national strategy to counter biothreats which was issued the same day by President Obama. In regard to the BWC, the US national strategy includes the following:

### ***Revitalizing the Biological and Toxin Weapons Convention (BWC)***

*The BWC is a uniquely important venue through which we can promote and globally advance our objectives for non-proliferation and risk management of biological threats. The membership of the BWC, however, is not universal and concerns remain that some treaty partners may be developing biological weapons. As the central international forum dedicated to mitigating risks posed by the development and use of biological weapons, the BWC can help focus attention on the evolving nature of biological threats, increase attention to and promote international efforts to prevent proliferation and terrorism, and build tighter linkages between the health and security sectors. We will seek to utilize the BWC as our premiere forum for global outreach and coordination on the full scope of risk management activities by:*

*Promoting confidence in effective BWC implementation and compliance by its States Parties, inter alia, by promoting transparency about legitimate activities and pursuing compliance diplomacy to address concerns;*

*Promoting universal membership in the Convention; Ensuring that our participation in BWC meetings is broadly inclusive of relevant departments and agencies and headed by an appropriately senior representative;*

*Advancing a substantive agenda that emphasizes topics and activities consistent with the objectives of this Strategy with broad potential to enhance global risk management;*

*Seeking to renew existing relationships while building new, broader coalitions of “like-minded” BWC States Parties; and*



*Encouraging stronger partnerships between security and public health communities by focusing on activities that improve global capabilities to counter infectious disease in a manner that mitigates risks from natural, accidental, and deliberate outbreaks.*

There are some useful ideas expressed in the strategy – notably the undertakings to *utilize the BWC as our premiere forum for global outreach and coordination*, and to *renew existing relationships while building new, broader coalitions of “like-minded” BWC States Parties* as well as the goal of *promoting transparency about legitimate activities and pursuing compliance diplomacy*. It is, however, notable that although the national strategy document makes no mention of the words verification or protocol or legally-binding, the statement to the Meeting of States Parties made it clear that *The Obama Administration will not seek to revive negotiations on a verification protocol to the Convention. We have carefully reviewed previous efforts to develop a verification protocol and have determined that a legally binding protocol would not achieve meaningful verification or greater security*. It is interesting to compare this with what President Obama said at the Climate Change Conference taking place in Copenhagen at the same time, 7 to 18 December 2009, as the Meeting of States Parties in Geneva. In his Copenhagen statement, he said

*Second, we must have a mechanism to review whether we are keeping our commitments, and exchange this information in a transparent manner. These measures need not be intrusive, or infringe upon sovereignty. They must, however, ensure that an accord is credible, and that we’re living up to our obligations. Without such accountability, any agreement would be empty words on a page.*

*I don’t know how you have an international agreement where we all are not sharing information and ensuring that we are meeting our commitments. That doesn’t make sense. It would be a hollow victory.*

There would thus appear to be support at a high level for an accountability framework such as that originally proposed in the context of the BWC by Canada at the Sixth Review Conference (BWC/CONF.VI/WP.1), and well worthy of further consideration in the run up to the Seventh Review Conference in 2011.

As the Chairman said in his concluding remarks *Our work this year illustrates that States Parties do take all their responsibilities under this Convention seriously and that a treaty that deals with biological weapons can contribute to our efforts to deal with disease*. The general climate at the Meeting of States Parties was again positive and constructive although it was clear in the final discussions that there were differing views in regard to whether reference to a mechanism in the final language could attract consensus. It was evident that although the NAM Working Paper (BWC/MSP/2009/WP.2) in its second paragraph made it clear – *Nevertheless we hope that a decision can be adopted in the Seventh BWC Review Conference in 2011 recommending negotiations on a legally binding Protocol to comprehensively strengthen the implementation of the*

*Convention including in the area of international cooperation for peaceful purposes*. – that the proposals for a mechanism for the implementation of Article X were again set in the context of a legally binding Protocol to comprehensively strengthen the implementation of the Convention, some delegations had concerns that there were already a wide range of mechanisms and consequently the negotiation of a mechanism solely for the implementation of Article X would utilize resources and political will that might be better spent elsewhere.

A good step forward was shown by the fact that all the group statements (the European Union, the JACKSNNZ group, and the NAM and Other States group) as well as over half of the 29 States Parties that made a statement said that they were looking ahead to the Seventh Review Conference in 2011. In addition, some ten statements expressed views about the strengthening of the implementation of the Convention through a legally-binding mechanism. Thus, Cuba (on behalf of the NAM) said *The strengthening of the Biological Weapon Convention cannot exclude inter alia the verification mechanism for the complete elimination of biological and toxin weapons through adopting a legally binding protocol to comprehensively strengthen the BWC*. Sweden (on behalf of the EU) said *Finally, the EU believes that preparations for the 2011 Review Conference should be initiated as soon as possible, including exploring options for strengthening the Convention and improving compliance, taking into account the risks from non-state actors*. Australia (on behalf of the JACKSNNZ group) said *The JACKSNNZ share with other delegations an interest in the opportunity provided by the Seventh Review Conference in 2011 to review and discuss possible means for strengthening the BTWC. Toward this end, the JACKSNNZ contribute for discussion at this Meeting of States Parties and in the lead-up to the Review Conference, the Canadian-sponsored discussion paper “How to approach compliance issues in the Biological and Toxin Weapons Convention: policy issues for the Seventh BTWC Review Conference in 2011”*.

Switzerland said *Switzerland is of the view that this Convention is in need of stronger mechanisms for resolving concerns about implementation of, and compliance with, the BWC. In fact, Switzerland would welcome a legally binding compliance framework. We are convinced that an informal and forward-looking discussion is required on the kind of compliance mechanism that is needed to address existing and future challenges*. India said *We believe that only a multilaterally agreed mechanism for verification of compliance can provide the assurance of observance of compliance obligations by States Parties and act as deterrence against non-compliance. We believe that the decision regarding strengthening of the BWC and its effective implementation should be taken by the Review Conference on the basis of consensus*. Norway said *The lead-up to the 2011 Review Conference provides us an opportunity to deliberate on ways to further strengthen the BTWC, such as measures to verify compliance to the Convention*. Chile said an effective verification regime is needed to strengthen the Convention regime. Pakistan said *The 7th Review Conference must also pick up the unfinished work on the Protocol for effective*

*implementation of the Convention. Iran said We hope the negotiations would be resumed on a legally binding instrument to comprehensively strengthen the convention including in the area of international cooperation for peaceful purposes. And Bangladesh said That the lack of a permanent institutional framework for verification is affecting the sound health of the Convention has been felt for too long. We understand that negotiations on this issue would take time. However, we must remain seized with the matter, and use the Seventh Review Conference in 2011 to make positive strides in this regard on the basis of consensus.*

It is apparent that the majority of the States Parties, who are active in the annual Meetings of States Parties, are showing that they are ready at the Seventh Review Conference to start consideration of how best to strengthen the implementation and improve the effectiveness of the Convention. There is a widespread appreciation that such a process needs to start from the Convention today and to seek to build on areas in which there is consensus – it is not a question of trying to go back to where the previous negotiations ended and to carry on from there. The international situation has developed over the past decade and it is time to start afresh.

What is clear is that ideas on how to move forward need to be put forward during the coming year, ideally as Working Papers submitted to the Meeting of Experts in 2010. Some ideas have already been put forward and it will be far better for States Parties to respond to those ideas as well as putting forward developments or modified ideas in Working Papers this year. Leaving the putting forward of ideas and responding to ideas already put forward until the start of the Seventh Review Conference is unlikely to lead to consensus, and will make the Review Conference a more difficult occasion on which to make progress.

The steps being taken by Switzerland, Germany and Norway to prepare the groundwork for the consideration of the CBM mechanism and how this might be enhanced and

augmented at the Seventh Review Conference are commendable. The Working Paper on policy issues for consideration at the Seventh Review Conference submitted by Canada on behalf of the JACKSNNZ group opens up a range of topics for consideration. It is very much to be hoped that the other groups – notably the EU, the NAM and other States and the group of Latin American states – will consider these topics along with any others that they consider important and submit Working Papers in 2010 setting out how they see them being taken forward by the Seventh Review Conference. And the same is true for individual States Parties.

It is fair to say that the time for encouraging statements is fast reaching the point at which concrete proposals need to be put forward now so that all States Parties can start their preparations for the Seventh Review Conference.

The [www.unog.ch/bwc](http://www.unog.ch/bwc) website created by the ISU continues 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. It was evident that many of the delegations have started to look forward towards the Seventh Review Conference in 2011. It is to be hoped that other groups of States Parties as well as individual States Parties will follow the example of the JACKSNNZ group and submit working papers in 2010, 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.

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*This review was written by Graham S. Pearson,  
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