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## The Biological Weapons Convention Meeting of States Parties December 2010

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### Introduction

As reported in the *Review No 32* (October 2010), 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 Pedro Oyarce of Chile on 23 to 27 August 2010. The purpose of the Meeting was *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/2010/MX/3 dated 8 September 2010 – this and other official BWC documentation is available at <http://www.unog.ch/bwc>) to which were attached two Annexes. 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 2010 and in its consideration of how best to "discuss, and promote common understanding and effective action on" the topic in accordance with the decision of the Sixth Review Conference.*

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 2010 *to discuss, and promote common understandings and effective action.*

### Preparation for the Meeting of States Parties, 6 to 10 December 2010

The Final Report of the Meeting of Experts (BWC/MSP/2009/MX/3 dated 8 September 2010) comprised a report of 4 pages together with Annex I – a 32 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 2 page listing of the documents of the Meeting of Experts. Annex I with its 32 pages addressing a single topic was virtually the same length as the comparable Annex I from MX09 with its 33 pages which also addressed one topic.

The Chairman, Ambassador Pedro Oyarce of Chile, wrote

to the States Parties on 15 October 2010 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 once again 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 relation to our topic: 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, including improving national capabilities for disease surveillance, detection and diagnosis and public health systems.* This 6 page synthesis document was subsequently issued, prior to the Meeting of States Parties, as MSP/2010/L.1 dated 18 October 2010.

During November 2010, Ambassador Oyarce also provided a note to the three regional group coordinators saying that *On the topic of "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 task is to convert the many ideas and proposals discussed at the Meeting of Experts into a more concise, focused product.* He added that *It is hoped the report will provide at least part of the answer to the underlying question: "if a biological weapon were to be used tomorrow, how would we, the States Parties, individually and collectively respond?"* He concluded by asking *the support of all States Parties to develop a report which genuinely promotes effective action towards fulfilling the objectives of the Convention.*

In regard to universalization, Ambassador Oyarce had presented an interim report as part of his closing remarks to the Meeting of Experts in August 2010. His report on universalization activities was made available during the Meeting of States Parties as MSP/2010/4 dated 30 November 2010. The report of the Implementation Support Unit was

made available prior to the Meeting of States Parties as MSP/2010/2 dated 23 November 2010.

On 14 October 2010 in New York in the First Committee of the United Nations General Assembly, Hungary introduced a draft resolution (A/C.1/65/L.20) 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, and, in the third operative paragraph:

*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;*

Unlike the previous comparable resolution in 2009, this one did not, at the end of the third operative paragraph, include the phrase *and urges States parties to continue to participate actively in the remaining intersessional process.*

As expected, the First Committee adopted this draft resolution without a vote on 27 October 2010. It was subsequently approved by the General Assembly without a vote on 8 December 2010 as A/RES/65/92.

### **Other Preparations**

On 24 to 26 September 2010, there was a Wilton Park Conference entitled *Prospects for the 2011 Review Conference of the Biological and Toxin Weapons Convention*. This involved some 61 participants from 20 countries and four international institutions. There was consensus on the topics that would be important at the Seventh Review Conference; these included advances in science and technology, the role of industry, the CBM process, the intersessional process and the future of the ISU, Article X, and compliance. The outcome of this conference was presented at the workshop held in Beijing on 4 – 6 November 2010 (see this paper at [http://www.unog.ch/80256EE600585943/\(httpPages\)/B2986EAA391AB86FC12577D600441ED4?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/B2986EAA391AB86FC12577D600441ED4?OpenDocument)).

During the week of 31 October to 6 November 2010, two workshops were held in Beijing which were both preparing for the Seventh Review Conference of the Biological Weapons Convention to be held in 2011. The first workshop on 31 October to 3 November 2010 was organized by the Chinese Academy of Sciences, the US National Academy of Sciences and the InterAcademy Panel Biosecurity Panel together with the International Union of Microbiological Sciences (IUMS) and the International Union of Biochemistry and Molecular Biology (IUBMB) and was entitled *Trends in Science and Technology Relevant to the Biological and Toxin Weapons Convention*. The second workshop on 4 to 6 November 2010 was organized by the Government of China and the Government of Canada together with the Implementation Support Unit of the Biological Weapons Convention (BWC) and entitled *Strengthening International Efforts to Prevent the Proliferation of Biological Weapons: The Role of the Biological and Toxin Weapons Convention*. A *Special HSP*

*Report from Beijing* describes these two timely workshops.

On the weekend of 4-5 December 2010, in Geneva, before the Meeting of States Parties, the Pugwash Study Group held a workshop on the Implementation of the Chemical and Biological Weapons Conventions entitled *Getting Ready for the Seventh Review Conference in 2011*. Some 60 participants from 20 countries and six international organizations had a very useful and intense exchange of views which focused on preparations for the Seventh Review Conference, including preparing for a successful outcome, improving implementation mechanisms – such as by Annual Meetings, an accountability framework, improving the CBM regime, improving implementation of Article IV and of Article III and Article X and improving awareness, education and outreach, and addressing the enduring challenges to the Convention, as well as looking ahead to beyond 2011.

### **Meeting of States Parties, 6 to 10 December 2010: Opening Plenary Session**

The Meeting of States Parties began on Monday 6 December 2010 in a plenary session when the Chairman, Ambassador Pedro Oyarce of Chile, welcomed the representatives from the States Parties. He then invited Mr. Sergei Ordzhonikidze, the Director-General of the United Nations in Geneva to present a message from the Secretary-General to the Meeting of the States Parties to the Biological Weapons Convention. In this message, the Secretary-General said that the intersessional process *has been very successful in promoting ways to strengthen the implementation of the Convention and to reduce risks posed to global security by biological weapons and bioterrorism. In particular, it has produced common understandings that can serve as the basis for a wide range of national, regional and international actions.* The message went on to say that *Next year, the Seventh Review Conference will consider how to build upon this work. Indeed, that meeting offers the best chance in a decade or more to reach significant agreements on the future of the Convention. With the pace of advances in biological science and technology growing ever quicker, there is a pressing need for a structured and regular means of monitoring developments and assessing their implications.* The statement went on to conclude by saying *I encourage you to work together to develop practical proposals for the Review Conference, and to build on the sense of common purpose that has emerged.*

Ambassador Oyarce then moved on to the business of the meeting. In regard to the adoption of the Agenda (BWC/MSP/2010/1), he noted that this had been circulated in all languages. This was adopted. The programme of work (BWC/MSP/2010/3), which had been developed from that attached to the Chairman's note to the three regional groups in November 2010, had likewise been circulated. The Chairman said that the substantive work had been subdivided into items that corresponded to the subdivisions of the synthesis paper, namely: aims and challenges; building national capacity; preparing effective responses; and international partners and mechanisms. Time had been set aside for NGOs to make brief statements on Monday afternoon. The programme was adopted. The Chairman then noted that several papers had been issued. First, his synthesis document of 15 October 2010 had been issued in all languages (BWC/MSP/2010/L.1), and

copies of the report (BWC/MSP/2010/2) on the Implementation Support Unit (ISU) had been circulated, as would be of his report on universalization activities (BWC/MSP/2010/4). In addition, a document (BWC/MSP/2010/5) of the estimated costs of the Preparatory Committee and of the Seventh Review Conference had been issued. And, as had been done in 2008 and 2009, the ISU had issued an additional background document of scientific and technological developments that may be relevant to the Convention, which provides a report on the IAP/CAS/NAS workshop held in Beijing on 31 October to 3 November 2010 (BWC/MSP/2010/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.

Ninety-two States Parties to the Convention participated in the Meeting of States Parties as follows: Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Holy See, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, 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, Venezuela (Bolivarian Republic of), and the Yemen. This was three more than at the Meeting of Experts as 11 States Parties – Albania, Democratic Republic of the Congo, Dominican Republic, Kazakhstan, Kuwait, Latvia, Liechtenstein, Luxembourg, Malta, Oman, and the Philippines participated at MSP 10 in December whilst 8 States Parties – Bahrain, Benin, Burkina Faso, Cambodia, Kyrgyzstan, Lao People's Democratic Republic, Panama and Uruguay – who had participated at MX10 in August did not do so at MSP10 in December.

Four Signatory States participated – Burundi, Egypt, Haiti and Myanmar – the same number as at MX10, as Burundi and Haiti participated at MSP10 whilst Côte d'Ivoire and the Syrian Arab Republic had participated at MX10 but did not do so at MSP10. One State neither Party nor Signatory, Israel, was granted Observer status; one less than at MX10 when Angola also participated. Six international organizations were granted observer status: The European Union, the International Committee of the Red Cross (ICRC), the International Criminal Police Organisation (Interpol), the Organisation for the Prohibition of Chemical Weapons (OPCW), the World Health Organization (WHO), and the World Organisation for

Animal Health (OIE). This was two less than at MX10 in August when the Food and Agriculture Organization of the United Nations (FAO) and the Organization for Economic Cooperation and Development (OECD) also participated. 16 Non-Governmental Organizations and research institutes were present – the same number as at MX10. 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 460 participants at the Meeting of States Parties of whom 401 came from States Parties, including some 179 participants from capitals. This was similar to the participation at the Meeting of Experts in August 2010 when there were close to 450 participants at the Meeting of Experts of whom over 385 came from States Parties, including some 200 participants from capitals.

**The Chairman** then made his introductory remarks by noting that the synthesis document BWC/MSP/2010/L.1 was more focused than in previous years. He proposed that the Meeting of States Parties should proceed along similar lines to previous years in accordance with our mandate. He recognized that different States Parties would have different priorities and noted that the Meeting of States Parties is not here to negotiate binding agreements. However, he hoped that the outcome would help to strengthen the regime and that standard setting would be promoted as well as cooperation in peaceful uses of biotechnology. He suggested that coordination is the key word. He looked forward to working with States Parties in a constructive atmosphere to agree a useful and practical report that can deliver practical benefits. He hoped this would help to answer the question as to how prepared the States Parties are for alleged use and thereby help to reduce the threat of the use of biological weapons. He concluded by noting that there would be consideration of the reports on universalization and on the ISU. In regard to the Seventh Review Conference he looked forward to delegations informing the Meeting of States Parties of what they planned to do in preparation for the Conference in 2011.

## **General Debate, Monday 6 December 2010**

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, saying that *the Group recognized the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol and universal adherence to the Convention, as well as the strengthening and improving of the effectiveness of the Convention, in order to be in a position to really address this concern* [about the potential use and/or threats of use of biological agents and toxins as an instrument of war and terror]. *Regrettably the long sought aspiration of member States for resumption of the negotiation for convening a legally binding instrument to comprehensively strengthen the Convention was rejected again during the last December meeting. We urge the responsible of that situation to reconsider its policy towards this Convention in the light of persistent request of other Parties.* The statement went on to say that *The Group of the Non-Aligned and other States Parties to the*

*BTWC recognizes the particular importance of strengthening the Convention. We strongly believe that the only sustainable method to achieve this goal is through multilateral negotiations aimed at concluding a non-discriminatory, legally binding agreement, dealing with all Articles of the Convention in a balanced and comprehensive manner that can not exclude the negotiation and establishment of a verification mechanism. The adoption of such a mechanism could minimize the possibility of use of bacteriological (biological) agents and toxins as weapons.*

The statement then noted that although Article X of the Convention is intended to narrow the gaps between different States Parties in regard to their level of development and their national capabilities and resources, *the BTWC lacks an adequate mechanism for effective implementation of Article X.* The topic being considered this year *is of utmost interest not only to our Group but also to all States Parties of the Convention, particularly developing countries.* The statement went on to recall that at the Meeting of Experts in 2009, *our Group introduced a Working Paper on the establishment of a mechanism for an effective implementation of Article X (BWC/MSP/2009/MX/WP.24).* The statement went on to *reiterate the validity of that document* and said that it *contains several proposals that could be good basis for future agreements.* The statement concluded by looking ahead to the Seventh Review Conference, saying that *the outcome of the [Review] Conference should be balanced in addressing the promotional as well as the regulatory aspects of the Convention.* The statement said *we encourage States Parties to prepare and submit their reports on the implementation of Article X of the Convention pursuant to paragraph 54 of the Final Document of the Sixth Review Conference, in advance of the next Review Conference.* It also urged States Parties to use the next Review Conference to tackle the issue of universality and *adopt some coordinated measures to ensure the universality of the Convention.* In addition the next Review Conference *would be an excellent opportunity to make a decision on devising a detailed procedure to facilitate the implementation of obligations under Article VII.* Finally, the statement said that *Discussion on resuming the multi-lateral negotiations on a legally binding instrument to comprehensively strengthen the Convention should clearly be appeared on the agenda of the Conference.*

[www.unog/bwc accessed on 2 January 2011 shows that Cuba submitted a CBM in 2010]

**Belgium** spoke on behalf of the European Union and noted that the candidate countries Turkey, Croatia and the former Yugoslav Republic of Macedonia, and Iceland, 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. The statement said that *The proliferation of weapons of mass destruction and their delivery systems remains one of the greatest threats to international security. Each and every country is affected by the risks posed by the possible development, production, acquisition and use of*

*biological and toxin weapons by states or non-states actors. Under the EU Strategy against the Proliferation of Weapons of Mass Destruction ... the European Union is addressing this threat on the basis of three principles: effective multilateralism, prevention and cooperation.* It went on to say that *The EU strongly supports all multilateral instruments devoted to disarmament and non-proliferation, including the Biological and Toxin Weapons Convention (BTWC).* *The BTWC is a cornerstone of international efforts to prevent biological agents or toxins from ever being developed and used as weapons. We actively promote the universality and national implementation of and full compliance with the Convention. The European Union also remains committed towards identifying effective mechanisms to enhance and possibly verify compliance with the Convention.* The statement continued by saying the EU Action Plan on the BTWC *demonstrates the deep commitment of EU Member States to fulfill their obligations under the Convention. The EU Member States have agreed to submit CBM declarations on a yearly basis as well as to volunteer expertise that the UN Secretary-General can call upon to conduct any investigation of alleged chemical or biological weapons use.* The statement then went on to outline various EU activities being undertaken in support of the Convention particularly in areas relating to the topic being considered at this Meeting of States Parties. The statement concluded by noting that *This week's Meeting of States Parties will be an important milestone on the road to the 7th Review Conference in December 2011, which we see as a great opportunity for strengthening the Convention against the background of a rapid evolution of life sciences. The EU's main goals for the 7th Review Conference are to build confidence in compliance to the Convention, to support its implementation and to promote universal adherence to it. The EU is looking forward to a productive and interesting week here in Geneva and, with a view to the 7th BTWC Review Conference in 2011, we look forward to discussing with States Parties these and other issues, in the margins of the Meeting of States Parties, that will be decisive in shaping the future of the Convention.*

[www.unog/bwc accessed on 2 January 2011 shows that Belgium submitted a CBM in 2010]

**Canada**, on behalf of the JACKSNNZ group (Japan, Australia, Canada, Republic of Korea, Switzerland, Norway and New Zealand) presented a statement that first considered the topic being considered this year and then went on to *highlight a few key subjects that we believe deserve our common attention in the year that remains before the next Review Conference.* In regard to this year's topic, which *speaks directly to Article VII of the Convention*, the statement recalled that *this topic has already been the subject of much useful discussion and common understanding at the Sixth Review Conference* and went on to elaborate what these had been. It continued: *Since 2006, there has been an even greater awareness of the importance of cooperation between the BTWC and related international organisations. In recent years, BTWC meetings have benefited from the support and participation of inter-governmental organizations such as the WHO,*

FAO, OIE, and Interpol. The JACKSNNZ States believe that our support to the mandates of these and other relevant organizations can and does also support the aims of the BTWC. It is of course these same organizations that would help a State Party, providing assistance and coordination, in the case of an alleged use.... We see great value in supporting further interconnectivity and collaboration with such organisations to address common threats, challenges and priorities. In this regard, JACKSNNZ states believe that the proposal to help 'Strengthen Global Biological Security', developed by Canada for the Global Partnership Program, offers useful suggestions on how and where to work with partner organisations within the 'Health-Security Interface'. The statement went on to say that Looking ahead, this week's Meeting of States Parties also allows us to touch upon some of the issues that we will all need to explore in the year we have before the Seventh Review Conference. It then went on to briefly highlight some of the JACKSNNZ countries' current thinking on five items: the ISU, CBMs, compliance and national implementation, the Review Process and the current arrangement of our meetings, and the role of industry and academia. In regard to the ISU, The JACKSNNZ believe it is of utmost importance that the ISU continues to exist. Indeed, we are in favour of measured enhancement of the ISU in order to further help States Parties to implement the Convention. We believe there is space for the ISU to increase its activities, such as its clearing-house role, in supporting full and effective implementation of the Convention. In regard to CBMs, the statement said that these will remain one of the key instruments to establish confidence in compliance with the treaty obligations. However, the current system has its weaknesses that need to be addressed. It went on to refer to a working paper (MSP/2010/WP.2) by Canada on strengthening the CBM submission and review process. The statement also noted that several JACKSNNZ states already place their CBM submissions on the public section of the ISU website, and the JACKSNNZ support this positive ongoing trend. In regard to compliance and national implementation, the statement said that this should be taken up both at the Review Conference and in the subsequent intersessional process, including how to improve confidence in compliance with the BTWC. Reference is again made to another working paper (MSP/2010/WP.3/Rev.1) on this topic prepared by Canada. The statement then goes on to the Review Process and the current arrangement of our meetings and states that *The JACKSNNZ are of the view that the **current arrangement of Meetings** of Experts and Meetings of States Parties has been useful. We would support the idea of MSPs taking decisions if necessary, without having to wait for Review Conferences. We would also be in favour of the States Parties creating **standing expert groups** to do ongoing work during Meetings of Experts and Meetings of States Parties, and if necessary, between Meetings, on an open-ended and voluntary basis, to discuss and report back on ongoing issues.* [Emphasis in original] The statement then concluded by saying *The JACKSNNZ states recognize that biological science is advancing rapidly, and that the **bio-industry and academia** have an important role in the implementation of the BTWC. Recognising the useful work that has*

*already been done, we would welcome strengthened interaction with **civil society**. We would also need to do a better job involving industry associations and representatives. .... Accordingly, the JACKSNNZ would welcome a collective assessment and discussion by the BTWC community of science and technology developments relevant to the Convention.* [Emphasis in original]

[www.unog/bwc accessed on 2 January 2011 shows that Canada submitted a CBM in 2010]

**Japan** then spoke, saying that Japan fully aligns itself with the JACKSNNZ statement and would like to draw attention to a few additional points of particular interest to Japan. The statement continued: *Japan believes that it is critically important to ensure national implementation ... for ... it is vital for States to apply appropriate controls for biological agents and to establish national response capacities for controlling and mitigating the after effects of disease outbreaks, including surveillance and investigation capabilities. In this light, we believe there is further scope for inter-agency cooperation, particularly between law enforcement agencies and the public health sectors, together with those related to plant and animal health. Japan has prepared a working paper on this (BWC/MSP/2010/WP.4). The statement went on to say that *On the subject of next year's Review Conference, Japan considers it an opportunity to further address the issue of national implementation and the role of the ISU in the context of the strengthening the effectiveness of the Convention. Encouraging the submission of CBM returns is a way to ensure national implementation of the Convention. .... Furthermore, the States Parties should examine ways to improve the utilization of the CBM returns in order to contribute to national implementation. For example, the ISU could further facilitate the matching of States Parties' needs to available resources. Regarding the issue of the strengthening of the Implementation Support Unit, Japan has high regard for the ISU and its assistance to States Parties for the implementation of the provisions of the BTWC. However in order to further enhance the efficient operation of the ISU we should first make clear how to improve the work within the present mandate. Only then we can consider what additional roles the ISU should take on and its possible future modalities.* The statement concluded by noting that *The Seventh Review Conference is just around the corner, and we should bear in mind that the Meeting of States Parties this year is an important step to creating a positive atmosphere towards the Review Conference.**

[www.unog/bwc accessed on 2 January 2011 shows that Japan submitted a CBM in 2010]

**China** then spoke, saying *The Convention has been playing an irreplaceable role in eliminating the threat of biological weapons and preventing their proliferation, combating bio-terrorism and strengthening bio-safety and bio-security. In general, the Convention is being well implemented and has become increasingly universal in its membership. The number of States Parties has reached 163. The Implementation Support Unit (ISU) is functioning*

*smoothly and has gained broad support from States Parties. The enhancement of global bio-safety and bio-security, improvement in States Parties' capability for the implementation of the Convention, and the strengthening of related assistance and cooperation under the Convention contribute to the timely and effective response to the use of biological weapons or bio-terrorist attacks. The statement then set out China's perspective in regard to the various agenda items of this Meeting of States Parties. It concluded by saying *The Seventh Review Conference of the Convention will be held next year. The RevCon will review the implementation of the Convention in the past five years and discuss the future of it. China attaches great importance to the RevCon. To facilitate preparation for the RevCon, China, Canada and the ISU co-hosted an international workshop ... in Beijing in November 2010. The co-chairs summary (BWC/MSP/2010/WP. 1) fully reflects deliberation and constructive proposals put forward during the workshop. China believes that it will contribute to better understanding and bridging differences among all Parties and create conditions for all Parties to reach consensus and achieve constructive outcome of the Seventh RevCon. .... China will stay in touch and work together with all Parties on related issues, to achieve the success of the Seventh Review Conference.**

[www.unog/bwc accessed on 2 January 2011 shows that China submitted a CBM in 2010]

The **Russian Federation** then spoke, saying that *The rapidly developing scientific and technological progress puts the BWC to a serious trial. Utmost efforts must be made to strengthen the Convention in order to continue effective counteracting against the emerging biological risks. The statement then noted that the process of universalization of the Convention has stalled, and that over the past two years not one new State has acceded to the Convention. It continued: *Our common priority is to address the task of making the BWC universal. We believe it necessary to pursue our work with non-parties to the Convention, especially in the conflict risk regions. The statement then went on to say *We continue to believe that one of the key ways to improve the BWC remains the establishment of a legally binding mechanism for verification of compliance by the States Parties with the provisions of the Convention. If we want to make our regime really durable and capable to sustain in the changing environment we cannot achieve this without a comprehensive control mechanism. We are aware of the view of a number of states that it is impossible to develop an effective BWC verification regime, and since it lacks efficiency it can weaken the Convention. We do not share this view. We believe that in any disarmament or non-proliferation regime the essential element is the political will of the states to strictly comply with their obligations. As to the verification mechanism, it will give an additional impetus for the compliance with the BWC provisions and create an atmosphere of enhanced confidence, trust, transparency and, therefore, security. It continued: *We realize in the view of positions taken by a number of countries we will not be able to begin negotiations on the elaboration of a verification protocol to the Convention in the nearest future. Under these****

*circumstances we must think together about alternatives and about what we can do already now to strengthen the BWC regime. The statement then said that *the fulfillment by the states of their obligations under the Convention, particularly Article IV, deserves particular attention. After recalling the steps taken by the Russian Federation in this respect, the statement continued: *Unfortunately, far from all countries have introduced similar legislations. Russia is ready to share its experience in the development of a legal framework to ensure national implementation of the Convention. It then went on to say that *The confidence building measures remain the only transparency mechanism operating in the framework of the BWC. After expressing satisfaction that some 70 submissions have been made in 2010, Russia noted that 70 is less than a half of BWC States Parties, which is disturbing. .... We call upon the countries that failed to submit such declarations to reconsider their position and get involved in this important transparency and confidence building mechanism among the parties to the Convention starting 2011. The statement then noted that this Meeting of States Parties completes another intersessional process and added *However, we believe that our future meetings must be more oriented at the search for the ways toward effective strengthening of the Convention and increasing certainty about compliance rather than address the issues that are quite rightly and successfully dealt with by other specialized international for a and organizations. Despite the efforts already made to strengthen the BWC much is yet to be done. In regard to this year's topic, the statement noted Russia has prepared two working papers (BWC/MSP/2010/WP.7 and BWC/MSP/2010/WP.8). The statement then said *We would like to note competent organization of the intersessional meetings, which is an indicator of productive work done by the small but efficient Implementation Support Unit of the Convention .... We commend its work. It concluded: *Our main task for the nearest future is to prepare and successfully conduct the VII BWC Review Conference. We must take stock of the performance of the Convention during the last five years and design the ways to strengthen it. The issues that we touched on today require important and urgent decisions. There are also other issues that cannot be avoided – such as scientific and technological achievements' impact on the Convention's regime, cooperation in the area of peaceful biological activities, plans of action for the period after the VII Review Conference and many others.*******

[www.unog/bwc accessed on 2 January 2011 shows that the Russian Federation submitted a CBM in 2010]

**Mexico** then spoke, saying *This Convention is unique. Nevertheless, it lacks mechanisms that can help us to guarantee its full compliance. However, we, the Parties, must continue to make efforts to meet the commitments of the Convention. The reports on confidence-building measures are a tool that we currently have to set up a convention compliance regime and this not only in the countries, given the need to coordinate between sectors and between institutions to draft our reports with exactness but also in the context of an international strengthening of security through confidence-building*

measures. In this respect, Mexico would like to urge all Parties to the Convention to present their report on confidence-building measures in a timely fashion and following the right format so that we can continue to strengthen, through transparency, the regime established by the Convention. The statement went on to say that *In the 21st century, the challenges and threats to international security are so diverse – much more diverse than those that prevailed when our Convention was negotiated – and we thus have to meet new challenges that require better, more different responses from us and also NGOs and international organizations and also we need to establish new partnerships between Governments, the private sector and civil society.* It then went on to consider the topic being considered in 2010 by outlining various steps taken by Mexico. The statement concluded by saying that *Mexico would like to underscore that our experience in the area of capacity building and in the area of international cooperation agreements and regional agreements has shown us palpably that these coordination efforts must also be guided by a spirit of transparency without which we believe it would be difficult to implement agreed actions to global threats.*

[www.unog/bwc accessed on 2 January 2011 shows that Mexico submitted a CBM in 2010]

The **United States** then spoke, first addressing several aspects relating to the topic for the 2010 Meeting of States Parties. The statement then reported the results of some of the plans and commitments that Under Secretary of State Ellen Tauscher had outlined in her statement to the Meeting of States Parties in December 2009. One aspect related to CBMs, on which the statement said *Under Secretary Tauscher pledged that the United States would work toward posting future CBM submissions on the public access side of the BWC website. Our 2010 CBM submission is publicly available. We did this without compromising our high standard of transparency: the United States submission remains the most extensive of all national submissions. We urge others to consider making their submissions public as well. We would be happy to consult with any interested State Party about the steps we took to do this and the issues we encountered.* The statement went on to note that some of the efforts outlined by Ellen Tauscher were inspired, in part, by the constructive conferences organized jointly by the Governments of Norway and Indonesia in 2008 and 2009, and by the Geneva Forum's series of workshops on Confidence-Building Measures. *We believe that such efforts are an important way to support and reinforce the work we do here in the formal intersessional meetings, and part of a broader, more networked approach to implementing and supporting the Biological Weapons Convention.* Then, looking ahead to the Seventh Review Conference, the statement noted that *The BWC is sufficiently broad and flexible to address this full spectrum of biological risks; we should work together to do so. At the Seventh Review Conference, we should consolidate and build on our efforts since 2006, and focus BWC efforts on concrete actions to reduce the threat of disease misused as a weapon and address the full spectrum of 21st Century biological risks. Ambassador van den Ijssel of the*

*Netherlands recently described his vision of a successful RevCon as one that marries “consensus and ambition”: either one, without the other, is inadequate. We agree. We need a realistic but ambitious approach that will garner wide support and also allow us to make real progress in strengthening implementation of the Convention.* The statement continued: *Strengthening requires addressing the right issues, including enhancing efforts to strengthen national implementation and measures to counter the threat of bioterrorism, as well as efforts to increase confidence in States Parties' compliance with their Article I obligations. The United States remains convinced that a verification regime is no more feasible than it was in 2001, and perhaps even less so, given the evolution of technology and industry. However, we believe that there are pragmatic and constructive things that can be done to promote transparency and to strengthen mechanisms for consultation and clarification. This would be a constructive area to explore during the next intersessional period. We also need to stay abreast of developments in science and technology. And we need to build capacity and practical arrangements at the health-security interface: this is a critical area of common concern, and one of the most vivid examples we have of Article X in action on a daily basis.* The statement then went on to address Article X, saying that *the United States is deeply committed to implementing the Biological Weapons Convention in its entirety, and that includes Article X. We do a great deal to facilitate the international exchange of equipment, materials, and scientific and technological information for peaceful purposes, and to support the further development and application of scientific discoveries in the life sciences for peaceful purposes. Article X is being vigorously implemented through many different channels and activities around the world. There is value in exploring ways to build awareness of the cooperation that is taking place, and to objectively identify needs that should be addressed.* It continued: *A “consensus and ambition” approach also means getting the process right. The United States believes that we need a strengthened, revitalized intersessional process that builds on the success of the past four years. Such a process would have the following characteristics:*

- *Greater flexibility to address sets of related issues, and to return to specific issues to solve problems instead of delaying resolution for a future intersessional process, including through the establishment of standing working groups to deal with specific issues*
- *Greater authority for the Annual Meetings of States Parties to establish their agendas and adopt decisions. This is an area where we need to proceed thoughtfully. Not every issue we discuss in this forum lends itself to a collective decision. In some cases, consultation and exchange among experts is more productive than any text we could negotiate. This exchange has been the best part of the existing intersessional process, and we should take care not to lose it. But where there is the need for a common approach and the opportunity to reach agreement, we should not be precluded from doing so by our own procedures.*
- *Appropriate institutional arrangements: We need to*

*give careful thought to what we are seeking to achieve, and arrange our method of work accordingly. Similarly, we will need to agree on how we would like the ISU to support our efforts, and structure any modest expansion in staffing or changes in mandate based on those requirements. The question of developments in science and technology also arises here: a number of States Parties have called for the development of a mechanism to ensure that we remain abreast of and respond appropriately to developments in science and technology. This is a reasonable goal. But it seems to us important that we first consider what needs such a mechanism would fulfill, and then design a mechanism that successfully addresses those needs.*

The statement concluded by saying *The United States believes that States Parties agree on far more than they disagree concerning the next Review Conference and the intersessional process to follow. However, reaching our shared vision for the future requires a great deal of work. To achieve the goal of an ambitious, consensus outcome, we will need to create opportunities to consult between now and next December; we will need to share our ideas early, and listen carefully to the ideas of others; we will need to build as much common ground as we can, and then find ways to record that agreement.*

[www.unog/bwc accessed on 2 January 2011 shows that the United States submitted a CBM in 2010]

**Australia** then spoke, saying that *Australia wished to be associated with the statement made by Ambassador Grinius of Canada on behalf of the JACKSNNZ countries. The statement then went on to consider the topic for this year's Meeting of States Parties: Building the capacity of the BWC to deter, and where necessary, detect, monitor and respond to **biosecurity threats** is the shared objective of States Parties. Australia considers that effective national implementation of the Convention and a robust regulatory regime is fundamental to national and international security. To this end, Australia continues to strengthen its national regulation and is working closely with our neighbours in the areas of biosafety, biosecurity and enhanced forensic capability. The statement went on to say Building **confidence** that states remain committed to their obligations under the Convention is reinforced through transparency and cooperation between states. Australia remains committed to providing full and public reporting of information relevant to the Convention through the CBM process. We believe that such information will assist all States Parties to the Convention by providing confidence in our compliance. Ahead of the Review Conference in 2011, we look forward to further consideration of how best to enhance confidence in States Parties' compliance with the Convention. It noted that promoting **universalisation** also remains important for the Convention and looked forward to the President of the Review Conference continuing to support this important work. [Emphasis in original] The statement went on: *Although the 2011 Review Conference is still 12 months away, States Parties are already thinking about the outcomes the Review Conference could and should reach. In this way,**

*the Review itself has already begun. It then concluded by acknowledging the valuable preparatory work already being undertaken ahead of the Review Conference such as the Wilton Park Conference and the two Beijing workshops at the beginning of November.*

[www.unog/bwc accessed on 2 January 2011 shows that Australia submitted a CBM in 2010]

**Germany** then spoke, first pointing out the obligations under Article VII in the context of the topic of this year's Meeting of States Parties, and saying that *the international community needs to have a workable investigation mechanism to verify possible cases of an alleged use of biological weapons. The statement then went on to deal with other aspects such as preparedness and the availability of vaccines – and the importance of national legislation to allow the import of such vaccines in an emergency. It noted that This is the last Meeting of States Parties before the next Review Conference in 2011. The preparation of substantive issues that may be discussed at the Conference already started in meetings at Wilton Park and Beijing. ... I would like to draw your attention to the issue of Confidence Building Measures. The Final Document of the Sixth Review Conference states in this context “the Conference reviewed the implementation of the CBMs during its session and agrees that the issue merits further and comprehensive attention at the Seventh Review Conference.” The statement then noted that Switzerland, Norway and Germany together with the Geneva Forum had started a process with governmental and civil society experts from all three regional groups to discuss the improvement and update of the Confidence Building Measures. The results were presented in the margins of the August meeting. At that presentation it was announced that an e-mail platform will be set up to refine the middle ground outcome from the workshops. It noted that the outcome would be presented at a side event on Monday 6 December. The statement went on to speak about the obligation under Article XII: *the review of scientific and technological developments. Our discussions in the last two decades were, in the first place, focused on the protocol negotiations, and later on terrorism related issues. We somehow failed to identify and assess the benefits and misuse potential of scientific and technological developments in the life sciences as well as their impact on the Convention. From our point of view scientific and technological developments require a broader platform. Much more is needed than discussing these complex issues at the upcoming Review Conference. Germany therefore suggests to consider new scientific and technological developments to be one of the substantive agenda items in the future intersessional process.**

[www.unog/bwc accessed on 2 January 2011 shows that Germany submitted a CBM in 2010]

**Argentina** then spoke, focusing on the topic for this year's Meeting of States Parties. It said that *From the point of view of security, but also from the point of view of our health response, we have a significant number of tools that need to be identified so that we can strengthen our*



*national, regional and global capacities in the field. The statement went on to say that It is key for the States Parties ... to find ourselves in a position where we can develop effectively contingency policies and to also guarantee the adequate coordination which includes the measures that were adopted in the context of WHO, OIE, FAO and INTERPOL. The building of strategic partnerships which include perspectives from developing countries and developed countries also will be crucial for our work. The statement concluded by saying ... I would like to refer to the Seventh Review Conference which will take place in 2011. This event will be crucial for us to ensure that we can guarantee that we can strengthen an atmosphere of trust to ensure that we have scientific and technological cooperation for peaceful use between the States Parties and to ensure that we have appropriate monitoring of the Convention, which includes the perfecting of the existing mechanisms as well as ensure that there is prompt universalization thereof. The tasks that await us in 2011 will not be easy tasks but we have come a long way since the Sixth Review Conference. This will enable us to tackle the challenges we have before us in such a way that we can strengthen the provisions of our Convention. We are convinced this meeting will ... represent a new opportunity to set the foundation for future agreements which, on the basis of consensus, will enable us to strengthen the cornerstone of the regime of disarmament and non-proliferation and to ensure this cooperation for peaceful use thereof.*

[www.unog/bwc accessed on 2 January 2011 shows that Argentina submitted a CBM in 2010]

**Algeria** then spoke, saying that they aligned themselves with the statement made by Cuba on behalf of the NAM and Other States, and saying *The rapid progress of life sciences, microbiology and their application in the various activities, their possibility of dual use, as well as the modern information and communication technologies, the permeability of borders, together with a terrorist threat, all make the threat of biological weapons an ubiquitous one. In this context, the BWC is indeed the appropriate multilateral legal framework to prevent the proliferation of biological weapons and eliminate these weapons. Despite certain shortcomings, it is indeed the key element for collective peace and security. In this sense, the full respect of the Convention and full and effective implementation of its provisions and its universality will, indeed, protect humanity from this threat.* The statement then went on to address the topic of this year's Meeting of States Parties, saying that *we need to promote international cooperation in order to help countries, especially developing countries, to build their capacities and increase their level of preparedness to react in an effective and early manner in cases of alleged use of biological weapons. It is in this context that Algeria, just like other Non-Aligned Movement countries, insists on the importance of compliance with Article X of the Convention. This Article provides for the facilitation of exchange of equipment, materials and scientific and technical knowledge that have a connection with bacteriological agents and toxins. It also provides for*

*the need to avoid any steps that would undermine the economic and technical development of States. The statement concluded by noting that The cycle of intersessional meetings decided by the Sixth Review Conference has allowed us to raise certain questions related to the Convention and adopt joint positions. It is true that we had in this framework very fruitful discussions that involved States, international organizations and other stakeholders. This exercise should not constitute an end in itself. We would like to translate the recommendations that we agreed to into specific steps and this is the only way that we can give practical meaning to our efforts. These meetings should not be considered as some kind of contingency solution to the need to strengthen the Convention through the verification mechanism. The absence of such a mechanism leads to a climate of mistrust, fear and additional possibilities for the proliferation of biological weapons. On the eve of the Seventh Review Conference, we would like to express the wish that the States Parties reach a compromise in order to promote such negotiations. We need to have a verification mechanism under the Convention in order to ensure compliance with obligations in the area of non-proliferation. These negotiations should also promote cooperation and peaceful use of biological agents.*

[www.unog/bwc accessed on 2 January 2011 shows that Algeria did not submit a CBM in 2010]

**Chile** then spoke, saying that they shared what was said by the Non-Aligned Movement *in particular with regards to the issues of international cooperation and transfer of technology. The statement went on to say It is clear that this key issue must be tackled by us today from a political perspective, so that we can guide our governmental opinions and decisions in an analytical and focused manner. We need to do that to ensure that our 2011 Review Conference becomes an opportunity to reaffirm our commitments and also for us to design a road map that will contribute to the effective implementation of our Convention. It went on to say The very fact that there is scientific complexity, security and health complexity, causes us to have an approach which is comprehensive, multidimensional and interconnected. We need to support, therefore, the Implementation Support Unit. The statement then addressed a number of points: My first thought is that the political context has changed since the Convention was developed. Thus, we must look at the following points. First of all, we have non-State actors today that could potentially use biological and toxin weapons and this incorporates the bioterrorism dimension in our analysis of these themes. We must also be very clear about the fact that the scientific and technological progress has opened up an arena for possible misuse of biological weapons and thus we must strengthen and update our mechanisms for control, containment and early warning. This means that we must consider new forms of reaction, such as changing or bringing up to date our national reports, consider strengthening the confidence-building measures also, and also developing a multilateral verification mechanism that would improve the effective implementation of our Convention. The second point was that*

cooperation continues to be a key theme of this Convention, a key requirement, as it is in any international instrument for disarmament and non-proliferation and in particular if you look at the requirements for assistance to strengthen national capacities for monitoring, for prevention and for response to a possible use of these kind of weapons. In this context, we need to have increased transparency and cooperation also in order to facilitate the broadest exchange of scientific and technological equipment, material and information for peaceful means and also to strengthen national capacity in the area of education and awareness-raising. At the end of the day, we need to aim to ensure that governments, armed forces, industry, the scientific community and civil society become better prepared to react to a possible use of biological weapons. The third point related to the regulatory requirements and promotional requirements. These, in our opinion, should mutually strengthen each other. If they did, and if we could ensure that, we would be responding to the security objectives of the Convention and we would be ensuring that Article X is fully applied. We understand the concern of some delegations that the mechanism for international investigation and responsibility of the Secretary-General could be insufficient in the possible use of biological weapons. In this respect, we share the idea that it would be worth developing multilateral procedures that are precise when it comes to submitting applications for clarification and assistance. This particular point, I believe, should be tackled in our Review Conference. The fourth point was that a biological attack can have different levels of effects, which means that we need to have effective inter-State and inter-agency coordination. We need to analyse the interaction between animal, human and plant health and safety and security. We need to understand the interlinkages between prevention, identification and monitoring and the necessary coordination, which must be national, neighbourly, regional and global. We need to coordinate the work that is carried out by multilateral agencies.

[www.unog/bwc accessed on 2 January 2011 shows that Chile submitted a CBM in 2010]

**Serbia** then spoke, saying that it aligned itself with the statement made by Belgium on behalf of the EU. It then went on to say that *the Parliament of Serbia adopted on 29 May 2009 the Law on the withdrawal of the reservation to the 1925 Geneva Protocol. It continued by saying that With the aim to improve the national legislation..., Serbia has prepared the draft Law for the implementation of the Biological and Toxin Weapons Convention. The draft law, at the beginning of 2009, was submitted to VERTIC for expertise and verification.... In spite of these efforts, as a result of financial constraints which created a new situation, we have not yet adopted the draft Law which was prepared. Instead of the draft Law, the Government adopted in July 2010 the Framework Law for the implementation of the BTWC. The aim of the law is to reiterate again our commitments for full implementation of the obligations under the BTWC. Also, this Law obliged the relevant authorities to restart the preparations for*

*adoption of a new Law, in line with the draft Law which was verified by VERTIC. The statement then went on to say that Serbia is paying due attention to the export control of arms and dual-use goods. The export control system, as one of the main pillars of non-proliferation, is improving further. Within the long term project of assistance to the Western Balkans, the EU has launched a project "Support to Arms Export Control" which has inter-alia, contributed to the harmonization of the national legislation with that of the EU relating to the import, export, transit and transshipment of dual use goods. The statement concluded by underscoring the importance of the activities of the Implementation Support Unit and other international partners for the activities in area of improving of national capacity for the implementation of the BWC.*

[www.unog/bwc accessed on 2 January 2011 shows that Serbia submitted a CBM in 2010]

**Armenia** then spoke, saying that *As we are approaching to the Review Conference to be held next year the significance of this meeting is even more apparent. We believe that the good will and common understanding of the challenges and threats will produce a desired outcome in 2011. At least statements we have heard so far give us certain optimism that the Review Conference will become an important and successful step in making the BWC more efficient and applicable for the main demands of the States Parties. Among them is universality, which remains one of the main concerns. Armenia has its contribution in delivering the message of importance of the BWC while contacting States not parties. Stronger interaction and correlation between the rapidly developing technologies in the life sciences and implementation efforts of the BWC provisions is another crucial concern of many States Parties to the Convention. In fact these two issues are interconnected. Nations not parties to the BWC will be more motivated to join the Convention if they see the real technological advantages that accession to the Convention provides.*

[www.unog/bwc accessed on 2 January 2011 shows that Armenia submitted a CBM in 2010]

**South Africa** then spoke, saying that *South Africa remains committed to the strengthening of the Biological and Toxin Weapons Convention (BTWC) to ensure that our common goal of eliminating the threat posed by biological weapons is achieved. ... South Africa continues to regard the strengthening of the BTWC as a core element of international security. In this regard, we believe that continued efforts towards the universalisation of the BTWC are essential. We therefore call on those countries not yet party to the Convention to join without further delay. The statement went on: As we continue our endeavours to strengthen the BTWC regime. It is vital that we should also focus on the development and co-operation features of the Convention. South Africa, as a member of the Non-Aligned Movement, shares the view that Article X should promote the right of States Parties to participate in the exchange of equipment, materials and scientific information for peaceful purposes. The statement then*

said that *The 7th Review Conference should determine the way forward for the BTWC and it is important that preparations start early.* It then highlighted some of the issues that should be addressed during the Review Conference. *Regarding the intersessional process, South Africa believes the current process has achieved its purpose, but that in going forward, the process should be adapted to accommodate future developments. We are of the opinion that the intersessional process should be utilized to work on specific substantive issues during the period between Review Conferences. This will require that Meetings of States Parties (MSP) must have decision making powers, while the Experts meetings should concentrate on examining specific issues for the MSP to decide upon. The effective and positive processes that were developed during the past ten years can still be put to good use during the Experts meetings.* It then went on to say that *the ISU did invaluable work over the last five years and [we] would like to propose that the mandate of the ISU be fixed for the next five years. To ensure the proper functioning of the unit during this period, we believe that an increase in personnel would be required and that longer term contracts should be considered.* The statement then addresses Confidence Building Measures which have been under discussion for a number of years and the concerns in this regard as well known. *South Africa is of the view that the CBM process as a whole should be evaluated and revisited, to align the formats and information required with the utility thereof, and the effort required to compile the declarations as well as to universalize their value.* The statement then considered Cooperation and Assistance in which South Africa supports the call of the NAM and other States for a cooperation mechanism, which we believe should be developed at the 7th Review Conference. *Efforts in this regard over the last few years, whilst substantial, remain uncoordinated and not well distributed geographically.*

[www.unog/bwc accessed on 2 January 2011 shows that South Africa submitted a CBM in 2010]

**India** then spoke, saying that they were associated with the statement made by Cuba on behalf of the Non-Aligned Movement. The statement continued: *India fully supports initiatives to universalize and strengthen the Convention and ensure full implementation of its provisions by all States Parties. The danger that terrorists could acquire and resort to the use of biological warfare agents and toxins has added a new challenge to the Convention, and we must find effective ways to address it. We believe that only a multilaterally agreed mechanism for verification of compliance can provide the assurance that all States Parties to the BWC are in compliance of their obligations under the Convention and that emerging threats are effectively addressed.* Then, looking ahead to the Review Conference, the statement said *Some events have been held in the past few months to allow us to exchange perspectives and build common ground. India appreciates the initiative of China, Canada and the ISU for holding the Beijing workshop in early November. Such exchanges could continue in a comprehensive and transparent*

*manner. India believes that the Review Conference provides an opportunity to review the implementation of the Convention in its entirety, and consider steps that may contribute to strengthening the Convention, to further its implementation and to promote its universality. Strengthening the BWC in all its aspects is critical for the international community is facing threats emanating from misuse of biological materials and toxins both by States and terrorists. Any decision regarding strengthening of the Convention should be taken by the Review Conference on the basis of consensus. The statement then considered the topic of this year's Meeting of States Parties, noting that International cooperation is an imperative both in investigating alleged use of biological weapons and mitigation and control of the effects of an attack. .... India would like to stress the importance of full and effective implementation of Article X of the Convention. The BWC States Parties must facilitate the fullest possible exchange of equipment, materials and technology related to the use of biological agents and toxins for peaceful purposes consistent with their obligations under the Convention. We believe that strengthened implementation of Article III of the Convention would ensure that the cooperation envisaged under Article X is not abused. The statement went on to say India has formulated national guidelines on biological disasters covering management of epidemics and pandemics and bioterrorism, including agro-terrorism. Emphasis has been laid on biosafety and biosecurity aspects of valuable biological materials. Effective export controls are also essential in ensuring that biological agents and toxins do not fall into the hands of terrorists and are used only for peaceful purposes. India is committed to maintaining effective export controls matching the highest international standards. The export of about 150 micro-organisms is controlled under India's export control regulations.*

[www.unog/bwc accessed on 2 January 2011 shows that India did not submit a CBM in 2010]

**Switzerland** then spoke, beginning with some remarks relating to the topic of this year's Meeting of States Parties. The statement then said *Next year the States party to the Biological Weapons Convention will gather in Geneva for the Seventh Review Conference. We consider it important to seize this opportunity to further strengthen the Convention. In our view, we need to achieve progress in five areas in particular. The first area is **Universality**. Achieving universal adherence to the Convention must remain a key priority. ... stronger efforts are needed. We should reach out more systematically and recalibrate existing efforts with the aim to bringing all countries that remain outside into the Convention. .... **Implementation Support**. The prolongation of the mandate of the Implementation Support Unit is another priority. We hope States Parties can review the current mandate of the ISU at the Review Conference 2011 and decide to enhance the ISU's capacities. .... Therefore, our aim has to be to enable the ISU to further assist States Parties with the implementation of all aspects of the Convention. **Intersessional Programme**. The 7th Review Conference*

needs to consider what the BWC community wants to achieve between 2011 and 2016, when we will meet for the 8th Review Conference. The now well-established Meetings of Experts of the interessional process have been helpful. .... Useful as this is, we would see merit if such meetings could, in the future, go beyond technical discussions. The Meeting of States Parties have to a great extent mirrored the experts' exchange. We are in favour of creating a more flexible meeting format, which is less constrained regarding the agenda, and thus can cover more comprehensively the challenges the Convention faces. We believe such meetings would be an important contribution to ensure that the Convention is able to keep pace with the changing security, political and technological context. We also believe that in order to make meaningful progress we should move from a structure which allows taking decisions only every five years at Review Conferences to a more flexible set-up, in which certain decisions can be taken by the Meeting of States Parties, if necessary. **Confidence-Building Measures.** We see clear need to make progress at the RevCon of the revision of the CBMs. These measures continue to be the only tool to establish some degree of transparency and confidence among the States party to the BWC. Yet, this mechanism has not been reviewed since the Third Review Conference in 1991. It should therefore come as no surprise that the system shows symptoms of aging and reveals a number of shortcomings. .... Switzerland has, together with Germany, Norway and representatives from civil society, launched a process to discuss ways to strengthen the Convention's Confidence Building Measures. .... In our view, it is high time to discuss whether the current mechanism matches the need to establish transparency and confidence between States. **Compliance.** Another issue where we would like to see progress at the BWC Review Conference is how States can demonstrate compliance with the treaty obligations. 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 principle, Switzerland still welcomes working towards a legally binding compliance framework. Yet, we agree that simply copying arrangements that work fine for other conventions may not satisfy our needs regarding this Convention. As an alternative approach, future annual meetings could dedicate time for sessions in which compliance with the convention can be demonstrated, assessed and discussed. It may be beneficial for the BWC community to get inspiration from other multilateral arrangements in order to create such a framework aimed at improving accountability. [Emphasis in original]

[www.unog/bwc accessed on 2 January 2011 shows that Switzerland submitted a CBM in 2010]

The Chairman then closed the meeting at the end of the morning session by inviting the Richard Lennane to advise participants of a lunch-time event organized by the Geneva Forum in association with Germany, Norway and Switzerland, entitled *Opportunities to Enhance the BWC Confidence Building Measures (CBMs)*. The general debate would resume in the afternoon at 3.00 pm.

## **General Debate: Afternoon Session, Monday 6 December 2009.**

The afternoon session began with **Bangladesh** making a statement that associated them with the statement made by Cuba on behalf of the NAM. It then went on to say that *The additional understandings reached in several Review Conferences have further strengthened the effectiveness of the Convention. Rapid advancement in the field of life sciences to use microbes and toxins have made it imperative to remain alert against the threat of biological weapons even today. This Meeting of States Parties is particularly important for us as it will set the tune of the Seventh Review Conference of the Convention to be held in 2011.* The statement continued: *Bangladesh supports your efforts towards universalization of the Convention and calls upon all the States that are yet to be parties to the Convention to immediately join it. .... It is important to note that several LDCs (Least Developed Countries) are yet to join the Convention. Bangladesh underscores the need for enhanced international cooperation to the LDCs that are yet to join the Convention. This will help them to accede to the Convention at an early date.* It then went on to say *Bangladesh appreciates the role of the Implementation Support Unit (ISU) for promoting universalization and implementation of the Convention, and facilitating exchanges of information among the States Parties. .... We consider the ISU database to be a useful resource tool and encourage its regular updates in the future.* The statement then said *We must develop an effective verification mechanism to respond to the challenges posed by rapid advancement in biological and toxin weapon technology. Pending this goal, the Confidence Building Measures (CBMs) of the Convention need to be strengthened. The ultimate goal of the CBMs should be to achieve a fully verifiable regime as the success of the Convention will depend on the effectiveness of that verification.* It then added that *While recognizing the importance of all the provisions of the Convention, Bangladesh particularly underscores the importance of full and effective implementation of Article X. To this end, we may establish an appropriate mechanism as suggested in the Working Paper submitted by the NAM Group during the 2009 Expert Group Meeting. .... We look forward to substantive discussions and deliberation on these ideas and proposals during the course of the Seventh Review Conference.*

[www.unog/bwc accessed on 2 January 2011 shows that Bangladesh submitted a CBM in 2010]

**Morocco** then spoke, saying that they endorsed the statement made by Cuba on behalf of the NAM. It then went on to say that *This meeting is being held one year from the Seventh Review Conference of the Convention and this means that it is of particular importance. Indeed, this is an important event in the light of the Convention which must be prepared for carefully in order to identify shortcomings in the Convention on Biological Weapons and to find ways of making good these deficiencies without committing ourselves to changing the provisions.* The statement went on to express thanks to China and Canada and the ISU for organizing the workshop/seminar in Beijing in November 2010.

It said that *the conclusion of the seminar was, inter alia, that it was necessary to strengthen States' capacities to manage diseases, regardless of the causes of such diseases. It was also seen as important to improve data exchange and, if necessary, to improve the Support Unit for the Convention and mobilize additional resources for monitoring exports of biological substances. We share these conclusions and will work to include them in the decisions of the Seventh Review Conference.* The statement then went on to say that *the threat of their use by non-State actors has increased because of the worsening of all forms of terrorism. This is a situation of increased risk and means that we all need to make the best possible use of the preparatory process for the Seventh Review Conference to set up measures to prevent terrorist groups from getting bacteriological or toxin weapons that could be used as weapons of mass destruction. We need to think about drawing up a Code of Conduct for the scientific community and for heads of research laboratories, as well as those handling these agents, in order to make them more aware of the risk of proliferation of biological weapons and to develop an effective data exchange mechanism and mechanism for cooperation between States parties to the Convention.* It added that *Article X of the BWC is more relevant than ever. .... Cooperation and exchanges of data and technology for peaceful purposes is one of the most important pillars of the Convention. However, the Convention still does not have an appropriate mechanism to this end. In this connection, my delegation would appeal to States Parties to adopt and implement the recommendations of the Non-Aligned Movement and Other States Parties calling for the establishment of a mechanism for the comprehensive implementation of Article X.*

[www.unog/bwc accessed on 2 January 2011 shows that Morocco submitted a CBM in 2010]

**Indonesia** then spoke, saying that that they associated themselves with the statement made by Cuba on behalf of the NAM. It went on to say that *We believe the individual state is mainly responsible for conducting bio-safety and bio-security concerning its biological agents and facilities within its respective territory. However, we also underscore that international cooperation, assistance and partnership are of paramount importance as the magnitude of the threat is so immense for a state or a region to face.* The statement went on to address the topic of this year's Meeting of States Parties saying *we fully support every effort to encourage and develop collaboration between States Parties and all other parties working in this area. In addition, it is imperative to establish a sufficient mechanism to successfully implement Article X provisions which can better guarantee the effective mobilization and maximum utilization of resources.* It then went on to say *We welcome the upcoming 7th Biological Weapons Convention Review Conference as a means to address the Convention's challenges. It is our view that it should appropriately address various issues pertaining to the Convention, particularly verification as well as cooperation and assistance under Article X in order to strengthen the regime and provide incentives for States to accede to the Convention.*

[www.unog/bwc accessed on 2 January 2011 shows that Indonesia submitted a CBM in 2010]

**Pakistan** then spoke, saying that Pakistan associated itself with the statement made by Cuba on behalf of the NAM. It then went on to say that *One major area requiring renewed attention is Universalization of the Convention. The BWC membership remains static at 163 States Parties. One of the important successes we achieved in the Sixth Review Conference was establishment of the Implementation Support Unit (ISU), which has amply proved its worth in the intersessional process. In our efforts to reinvigorate the drive towards Universalization of the Convention, further strengthening of the ISU can play an important part. If it is given a clearer mandate with appropriate resources, the ISU has the potential to raise awareness and understanding among states not parties to the Convention and support the Chairs in their efforts to promote further adherence to the BWC. For the 13 signatory states that have not yet ratified the BWC and a majority of the 19 non-signatories, the promise of cooperation and assistance, within the purview of this Convention, can be an important element in their decision making vis-à-vis their accession to the BWC. Pakistan has, therefore, always urged for the full implementation of Article X of the Convention.* The statement went on to address the topic of this year's Meeting of States Parties. It said *Our commitment to the BWC is evident from our concerted efforts in the last year in undertaking legal and administrative steps for successful implementation of BWC, nationally as well as internationally. Our newly drafted BWC Implementation Act 2010 is in the final stages of the legislative process. We have finalized a draft legal framework to support public health surveillance, which would soon be enacted after completing our due process. Moreover, the Inter-Agency Task Force on BWC issues has finalized "Guidelines for development of Code of Conduct for the Life Scientists" and circulated them to all our national stakeholders. Copies were made available at MSP 2010.* The statement continued: *In an effort to enable our authorities to prepare our Confidence Building Measures (CBMs), we have established a comprehensive database of our Bio-safety Level-2 and Bio-safety Level-3 Labs in public and private sectors.* The statement concluded by saying that *The 5 year Review cycle of the BWC allows it to adapt to the growing technologies, as well as to evolving consensus on future course of actions. In particular, it provides an opportunity to address the issue of verification protocol and to work towards full implementation of all articles of the Convention. We believe that frank and open discussions can lead to pragmatic solutions and thereby strengthen the Convention.*

[www.unog/bwc accessed on 2 January 2011 shows that Pakistan did not submit a CBM in 2010]

**Tajikistan** then spoke, saying that *Tajikistan supports the importance of the international cooperation in improving national capabilities for disease surveillance, detection and diagnosis and public health systems. We believe that the provision of the assistance should be aimed at capacity enhancement of the recipient countries, including through*

*transfer of technologies and strengthening of human resources. At the same time provision of assistance should take into consideration the level of development, national potential and resources of the recipient countries, their facilities, experience and knowledge. We believe that international cooperation should be based on long term strategy with the objective of reaching sustainable development. The statement went on to say that we are confident that strengthening control over observance of multilateral obligations in the field of disarmament and non-proliferation is a basis of the international security, provides stability and strengthens confidence among the countries. In this regards, we believe that the 7th Review Conference which will be held in 2011, represents a unique opportunity for the states and civil societies to mobilize the efforts for strengthening the BWC as an effective instrument for prohibition of the development, production and stockpiling of biological and toxin weapons.*

[www.unog/bwc accessed on 2 January 2011 shows that Tajikistan did not submit a CBM in 2010]

**Turkey** then spoke, saying that *The inter-sessional programme that we adopted at the Sixth Review Conference has indeed reinvigorated our goal to further strengthen the implementation of the Convention. The programme has been rich, inclusive and fruitful. .... We wish to maintain this momentum. This year's theme is another key building block for the road to the Seventh Review Conference in 2011. In regard to this year's topic the statement said Turkey attaches utmost importance to the issue of international cooperation in the cases of outbreaks of diseases resulting from natural causes, as well as accidental or deliberate release. It added: The world is increasingly becoming interdependent and we have to act in a spirit of partnership and solidarity to ensure a better world, to save human lives and to protect our environment. Bilateral, multilateral, regional and international cooperation significantly enhance our ability not only to minimize the effects of disasters and ensure preparedness, but also to respond effectively and recover easily through the transfer of technology as well as sharing information and resources. The statement then 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 use of biological agents and technical equipment for purposes prohibited by the Convention. It then added that In this connection, I should like to briefly comment on the Confidence Building Mechanism (CBM). Mandated by the Second Review Conference (1986), the CBMs aim at preventing or reducing uncertainties and concerns regarding compliance. Although considerably improved by the Review Conferences of 1991 and 2006, the submission of reports has not increased to a desirable level. I am sure we can accomplish more.*

[www.unog/bwc accessed on 2 January 2011 shows that Turkey submitted a CBM in 2010]

**Iran** then spoke, saying that Iran associated itself with the statement made by Cuba on behalf of the Non-Aligned Movement. It then said in regard to the main topic of this year's Meeting of States Parties *Iran supports the strengthening of the role of the BWC, as the only appropriate convention with specific mandate in the field of provision of assistance and coordination in case of request by member states, there is a need for a clear and detailed procedure for the provision of international assistance in such cases. We would like to insist on the necessity for removing this deficiency in the Convention, by setting up an established procedure to facilitate the prompt response by States Parties in order to dispatch timely emergency and humanitarian assistance to the requesting State Party in case of a threat or use of biological weapons. The statement then went on to say that The next Review Conference would be an excellent opportunity to make a decision on devising a detailed procedure to facilitate the implementation of Article VII, through, inter alia, mandating the United Nations Department of Disarmament Affairs to establish an inventory of the types of assistance that the States Parties could provide pursuant to Article VII if requested. It added that I would like to inform you that the Islamic Republic of Iran has already submitted its CBMs report to cover 2009. As it was previously stated by my delegation, annual exchange of information regime established with the aim of increasing transparency and confidence among States Parties should lead to the promotion of the international cooperation in the field of peaceful biological activities. Otherwise, the interest of States Parties to voluntarily submit the CBMs reports may diminish. The statement went on to say that As we are approaching the seventh BWC Review Conference, my delegation would also like to seize this opportunity to make the following comments for contributing to the successful conclusion of the said Conference. 1 – The outcome of the Conference should be balanced in addressing the promotional as well as regulatory aspects of the Convention. 2 – Due to the pivotal role of the BWC in international and regional peace and security we believe that multilateral negotiations should be resumed on a legally binding instrument to comprehensively strengthen the Convention including in the area of international cooperation for peaceful purposes. Therefore my delegation strongly urges the only Party opposing the above mentioned negotiations, to abide by the wish of international community resuming the multilateral negotiations on a legally binding instrument to comprehensively strengthen the convention should clearly be appeared on the agenda of the Conference. Piecemeal solutions or fragmented proposals are not an option. 3. We are also of the view that the universality of the Convention is of high priority and importance and therefore practical stapes should be taken to achieve this goal. .... 4 – The promotion of international cooperation as provided for in Article X and removing the arbitrary and politically motivated denials should be adequately dealt with in the next Review Conference. In this vein we encourage the States Parties to prepare and*

*submit their reports on the implementation of Article X of the Convention ... in advance of the Next Review Conference. 5 – Intersessional process, with its current mandate, has provided an appropriate framework for exchanging experience and promoting common understanding among the States Parties on the various aspects of the Convention. We believe that any attempts to manipulate the current mandate of the intersessional meetings may lead to the complication of any decision on the continuation of this process. Moreover if the Conference decides the above-mentioned Meetings to continue, ways and means to promote international cooperation should be inserted on the agenda of these meetings. 6 – On the CBMs report, we encourage the States Parties to take the necessary measures to secure its universality. Modifying the existing forms would adversely affect this goal. We are ready to carefully examine any appropriate proposal that deal with this issue based on its real weight and merit. We are hopeful that this issue will not blow out of its proportionality.*

In addition, the statement took the opportunity to express deep concern about a report issued by the Government of Canada in July 2010, saying that this report *decided to impose undue restrictions on several entities, universities and persons based on false and unfounded allegations of BW program. Such irresponsible act on a State Party's peaceful biological program which is in strict observance of the provisions of the BWC is a matter of utmost regret. We call upon Canada to revisit its position. Needless to say, that if anything should be a matter of concern; it is biological cooperation of Canadian biological companies with non-parties to the Convention, in particular with Israeli biotechnology institutes which could help it to develop biological weapons in the volatile region of the Middle East.*

[www.unog/bwc accessed on 2 January 2011 shows that Iran submitted a CBM in 2010]

As might be expected, **Canada** exercised its right of reply by making a statement at the end of the afternoon's session, but reported here for convenience. This statement said that *Canada's Special Economic Measures (Iran) Regulations were enacted to prevent any exports from Canada that could help Iran to develop a nuclear, chemical, biological and/or missile program. These regulations came into effect on July 22, 2010 as a result of Canadian and international concerns about Iran's nuclear program. Canada's sanctions complement measures in UNSCR 1929, which was adopted in June of this same year. Other countries have implemented similar measures. These regulations allow Canada to review all exports of items of concern, in accordance - in this case - with Article III of the BTWC. Canada has serious concerns about Iran's nuclear program. These generate doubt on its compliance with other international obligations, including the Chemical Weapons Convention and Biological and Toxin Weapons Convention. Canada urges Iran to comply fully with all of its international obligations related to disarmament and non-proliferation.*

**Brazil** then spoke, saying that *Brazil reiterates its commitment to the thorough implementation of the Biological Weapons Convention. It continued: there remains a large uncertainty about the effectiveness of the Convention's clauses and mechanisms to ensure States Party. Actions in different levels are required and should be the object of constant improvement. The first level corresponds to national efforts. As can be seen from the database found in the website of the Implementation Support Unit, Brazil has been constantly adding to its legislation and regulation. It has been perfecting internal coordination of public and private sectors, which is crucial in a country with vast dimension and complex economy. .... Another level of action to reinforce the Convention is cooperation among States Parties. This starts with transparency under the form of Confidence Building Measures, a sector where improvements are required. A third level relates to guarantee the full implementation of Article X of the Convention. The rapid development in science and technology in fields of interest to the Convention must be open to all States Parties. Any attempt to restrict the application of Article X will jeopardize the overall implementation of the Convention.* The statement then went on to address the topic of this year's Meeting of States Parties. It then concluded by noting that *As stated by the Non-Aligned Movement, Russia, the European Union, among others, a verification mechanism could be envisaged. At this point, I would say that to transform the BWC into a cooperative mechanism for the development of biological sciences and technology does not solve the problem that the Convention is supposed to address. The challenge before the 2011 Review Conference is to provide a clear and objective political support for these concerns.*

[www.unog/bwc accessed on 2 January 2011 shows that Brazil submitted a CBM in 2010]

**Kenya** then spoke, saying that the statement is focused on *the subject of our deliberations: effective action on the provision of assistance and coordination with relevant organizations upon request in the case of alleged use of biological weapons and toxins is timely.* It went on to set out a number of actions that had been taken by Kenya and added that *In addition ... the government has established a national biological & toxin weapons committee, to fast track the implementation of biological weapons convention.*

[www.unog/bwc accessed on 2 January 2011 shows that Kenya submitted a CBM in 2010]

**Ghana** then spoke, saying that Ghana associated itself with the statement made by Cuba on behalf of the Non-Aligned Movement and other States Parties. It then went on to say *We hope that the depth of the deliberations this week will demonstrate the importance of multilateral negotiations for a legally binding Protocol to strengthen the Convention while we also emphasize the need for its universal adherence. We look forward to fruitful debates that will lead to the establishment of a mechanism for the effective*

implementation of Article X. It is also our hope that the next Review Conference will come out with a decision on a detailed procedure to facilitate the implementation of the obligations under Article VII.

[www.unog/bwc accessed on 2 January 2011 shows that Ghana did not submit a CBM in 2010]

This completed the afternoon session of the Plenary Debate. Before going on to the informal statements by NGOs, the Chairman invited the intergovernmental organization the **World Organisation for Animal Health (OIE)** to make its statement. OIE said that it is *an intergovernmental organisation with 177 Members standing to improve animal health, veterinary public health and animal welfare worldwide*. It continued: *Animal diseases are a threat to human and animal health; many of them are able to infect humans directly or have the potential to evolve into human pathogens. Of course animal diseases are an ever present threat to agriculture and food security. Outbreaks of animal disease result in huge economic losses which are felt particularly by developing countries where agriculture forms a greater proportion of the economic output. .... Most agents that have been used as bioweapons are animal or zoonotic pathogens. Animal disease agents may be attractive owing to the ease with which they can be acquired, propagated and transported undetected internationally. The OIE believes that 'day to day preparedness against ordinary disease outbreaks offers the best protection against unusual, deliberate, and accidental releases'. Investments in mechanisms to prevent and respond to natural disease events will protect against accidental and deliberate release, and ultimately this is more sustainable in terms of justifying resource mobilisation.* The statement then went on to outline examples of the way in which the OIE cooperates with the FAO and with the WHO and concluded by saying that *The OIE remains committed to global bio-threat reduction and collaboration with its international partners including BTWC/ISU and UNODA, WHO, FAO and other partners*

### NGO Informal Session

After the statement on Monday afternoon by World Organisation for Animal Health (OIE) which completed the statements made in the Plenary Debate on the first day of the Meeting of States Parties, the Chairman then suspended the afternoon session in order to reopen the meeting in informal session to enable NGOs to make short statements. Statements were made by the following twelve NGOs:

- University of Bradford, Division of Peace Studies – Graham S Pearson
- London School of Economics of the University of London – Nicholas Sims
- INES (International Network of Scientists and Engineers for Global Responsibility) – Kathryn Nixdorff
- Defence Medical College of Japan and Bradford Disarmament Research Centre – Judi Sture
- Pax Christi International – Trevor Griffiths

- VERTIC (Verification Research, Training and Information Centre) – Samir Mechken
- Biosecurity Working Group of the InterAcademy Panel on International Issues – Jo Husbands
- Research Group for Biological Arms Control, University of Hamburg – Gunnar Jeremias
- Wilton Park, United Kingdom – Mark Smith
- BioWeapons Prevention Project – Marie Chevrier
- Center for Biodefense, Law and Public Policy, Texas Tech University – Victoria Sutton
- European Biosafety Association – Isabel Hunger-Glaser

It should 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) 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>.

During the week, a three-page document headed *Middle East Informal Working Group Biological Weapons Issues Report* of December 2010 appeared at the back of the room on the table where extra copies of national statements and NGO statements are placed. However, this document did not have any further details as to who is involved in the Working Group or a point of contact, other than to say a group of scholars from nearly all countries in the Middle East have met regularly. The paper includes ideas for proposed BWC confidence building measures in the categories of awareness, prevention, detection and surveillance and response. Inquiries of delegates from some States Parties in the Middle East provided no further information. However, further such documents with information on who is involved could be a useful development.

### Side Events

There were a number of side events during the Meeting of States Parties – there was one at lunchtime each day and others on Tuesday, Wednesday and Thursday from 0900 to 1000 am prior to the morning session. The side events were as follows:

Monday 6 December 2010: Lunchtime Seminar: Geneva Forum: *Opportunities to Enhance the BWC Confidence Building Measures (CBMs)*

Tuesday 7 December 2010: Morning Seminar 0900-1000: VERTIC: *(1) Launch of new legislation database and website; (2) Calls for a NIM action plan, amendment of the Rome Statute, and removal of Geneva Protocol reservations*

Lunchtime Seminar: Geneva Forum and the BWC Implementation Support Unit: *Synthetic Biology: Building a Secure Future*

Wednesday 8 December 2010: Morning Seminar 0900-1000:



InterAcademy Panel on International Issues and the US National Academies of Science: *Trends in Science and Technology Relevant to the BTWC*

Lunchtime Seminar: World Organization for Animal Health: *Beyond the Global Eradication of Rinderpest*

Thursday 9 December 2010: Morning Seminar 0900-1000: Organization for the Prohibition of Chemical Weapons: *ASSISTEX III*

Lunchtime Seminar: University of Bradford, Division of Peace Studies and InterAcademy Panel on International Issues: *The Global Network of Science Academies: Part 1: Preparing for the Seventh Review Conference and Part 2: Dual-Use Education*

Friday 10 December 2010: Lunchtime Seminar: BioWeapons Prevention Project: *BioWeapons Monitor*

## **Tuesday 7 December 2010**

The Programme of Work (BWC/MSP/2010/3) adopted on Monday had the subject *Agenda Item 9: Arrangements for the Seventh Review Conference and its Preparatory Committee in 2011* scheduled for the morning session of Tuesday and *Agenda Item 6: (Aims and Challenges)* as the topic for 2010 scheduled for discussion in the afternoon session of Tuesday.

The Chairman opened consideration of *Agenda Item 9: Arrangements for the Seventh Review Conference* and gave the floor to the United Kingdom, who said that on behalf of the Depositaries they wished after consultation to propose the dates of Wednesday 13 to Friday April 2011 for the Preparatory Committee and the dates of Monday 5 December to Thursday 22 December 2011 for the Review Conference. It was noted that Friday 23 December was a United Nations holiday and thus was not proposed. The Chairman put these dates to the Meeting and it was so decided. The Chairman then noted that, following rotation between the three regional groups, it was now the turn of the Western Group to nominate the President for the Seventh Review Conference. Australia as the Western Group Coordinator said that they had met on 28 July 2010 and endorsed the nomination of Ambassador Paul van den IJssel of the Netherlands as the President for the Seventh Review Conference in 2011. They consequently formally nominated him. This was put to the Meeting and it was so decided. The Chairman said that he wished to be the first to congratulate Ambassador Paul van den IJssel whom he then invited to take the floor.

**Ambassador Paul van den IJssel** then spoke, thanking all States Parties for their *support for the Netherlands candidature of the Presidency of the BTWC Review Conference in 2011*. He went on to say that *The Netherlands sees the BTWC as one of the most important arms control and disarmament agreements. .... The main aim of the Netherlands for the Review Conference is to secure a positive outcome and to further strengthen the Convention. Let me stress here that in my view a positive outcome means two things: consensus, but also ambition. I hope we all*

*agree that we should be guided by ambition when we are determining our aims for the RevCon. At the same time we should keep an eye on what is doable and realistic. Ambitious realism will be my guiding principle in the coming year, as I hope it will be for you as well.* He then went on to note that the dates had just been decided, and said that *By December, we will need to have a clear idea of the proposals on the table and the scope of a possible outcome. There is of course very little chance of developing agreements from scratch during a three-work conference: proposals need to be developed in advance. This means that we need to use our time carefully, especially the period between the PrepCom and the Review Conference. We must take every opportunity to share ideas, discuss proposals, and prepare the ground for agreement. The workshop in Beijing last Month and the Wilton Park seminar last September were a good start, and I encourage all of you to consider organizing similar workshops and seminars in the course of next year.* He mentioned that the Netherlands are planning a seminar on proposals for the Review Conference in September 2011, added *I also encourage you to provide proposals and analyses to the Implementation Support Unit, for posting on the ISU website.* He continued: *I think communication and early sharing of ideas, both among States Parties, and between States Parties and the broader BTWC community, such as relevant international organizations, the scientific community, NGOs and academia is key to a successful outcome of the Review Conference. States Parties certainly need to develop their ideas and proposals nationally. But such proposals have less chance of attracting consensus if their first international exposure is at the Review Conference itself. .... So I would strongly recommend sharing and discussing your ideas as early as possible, even before they are approved at national level. You can use bilateral channels, or regional or ad hoc groupings, or pass material to the ISU for circulation via the website. We should also use the resources of the broader BTWC community: consult academics and NGOs, biosafety associations and academies of science, the private sector and others.* He then went on to say *One of the most valuable features of the intersessional process has been the collegial and practical approach, with States Parties working together in the common interest of improving the effectiveness of the Convention. If we can retain this approach throughout the preparations for the Review Conference, and during the Conference itself, I am confident that we can succeed in delivering a comprehensive consensus outcome that substantially improves the operation of the Convention. Be assured that I will do everything possible to contribute to this positive atmosphere.* He concluded by saying *I am convinced that we all share the goal that the BTWC deserves our undiminished support and that we need to further strengthen the BTWC regime. I am convinced that it is possible to find the right mix between realism and ambition. I am convinced that we the States Parties can make the BTWC RevCon a success. So let's put our minds and perhaps sometimes our hearts to it. The BTWC is worth it.*

The Chairman then invited Richard Lennane, Head of the ISU, to introduce BWC/MSP/2010/5 *Estimated costs of the*

*Preparatory Committee and Seventh Review Conference.* This, as is traditional in all UN estimates of cost documents, is calculated in US Dollars, even though much of the actual expenses will be in Swiss Francs. Richard Lennane said that the estimated total of just over \$2 M was substantially greater than that for the Review Conference in 2006 which had cost \$1.3 M. The increased costs resulted from two factors: first, the change in the US Dollar/Swiss France exchange rate from the 1 \$/ 1.29 CHF in 2006 to the current 1 \$/ 0.98 CHF; and secondly, the costs of the Implementation Support Unit which had not existed in 2006.

In subsequent discussion, the United States said that this explanation was very helpful as there had been some surprise in Washington DC at the increase. There was no doubt about the value of the Review Conference but the US would like to explore with the ISU and others the basis of the costs. The US asked for time to consult and reflect on the estimated costs and to consider, for example, whether summary records needed to be retained. Japan also thanked the ISU for the explanation and said that they would be grateful for consultation. Iran said that they would like to be involved in any consultations. The Chairman then suggested that Ambassador van den IJssel might take on as his first task the consultations with the delegations who have spoken and with the Secretariat. This was agreed. The UK made reference to how well the ISU had prepared for this Meeting and looked forward to their advice. The UK agreed with Ambassador van den IJssel that *The BTWC is worth it*.

The Chairman then opened the floor for a general discussion on preparing for the Review Conference.

**China** spoke first congratulating Ambassador van den IJssel on his nomination. China said that the Seventh Review Conference was of great significance and it was of great importance to prepare for it. China went on to refer to the workshop held in Beijing in early November organized by China, Canada and the ISU. China referred to the joint working paper (MSP/2010/WP.1) that had been prepared with Canada and the ISU. China encouraged workshops, seminars and proposals and said they would remain in contact with the President of the 7th Review Conference.

**Canada** also referred to the Beijing workshop saying that Canada was enormously pleased with the results. Canada mentioned that the Global Partnership Programme had helped with the funding. Canada suggested that this might be a useful model for other regional workshops.

**The ISU** felt that interesting ideas had emerged from the Beijing workshop and that these had been captured in the co-chairs summary (MSP/2010/WP.1). Very much the same areas were highlighted as had been at Wilton Park: namely, verification/compliance; CBMs; cooperation and assistance; science and technology; universality; and the Implementation Support Unit.

**Germany** congratulated Ambassador van den IJssel and mentioned that one of the proposals for the 7th Review Conference concerned CBMs, on which there had been a side event at Monday lunchtime. CBMs had been one of the

unresolved areas in 2006. Work was continuing and Germany said that a draft Working Paper would be prepared in the margins of the PrepCom and with the aim of being available before the Review Conference itself. Germany also referred to the e-platform for CBMs as an alternative approach to having meetings.

**Pakistan** said that the Review Conference was a very important event next year. The Wilton Park and Beijing workshops had been very helpful. Pakistan intended to bring its own perspective to the Review Conference and looked forward to the PrepCom and assured Ambassador van den IJssel of their full support.

**Chile** said that they gave their full support and cooperation to the President of the Review Conference. The Sixth Review Conference in 2006 had had a positive outcome and Chile felt that this should be continued further at the Seventh Review Conference. The ISU was essential to the Convention. It had been set up in 2006 and needed to be strengthened at the Seventh Review Conference. Until there was an effective verification regime, CBMs will continue to play their part. CBMs should be continued and also further developed. In regard to science and technology, Chile felt that there should be an annual meeting with a flexible agenda rather than having to wait five years until the next Review Conference. Chile also felt that there was a role for standing groups to do intersessional work. It was also important to include participation by civil society, as all contribute in an important way.

**Brazil** said that they had participated in Beijing. Such workshops were very good for developing ideas. The co-chairs' summary document was much appreciated.

**The UK** said that they agreed that seminars and workshops were very important in developing the way ahead. The UK suggested that the ISU should be notified if any such event was being planned as this might enable some coordination both in regard to timing and to content.

**The Philippines** welcomed the ideas of proposals being put forward as soon as possible. It was evident that concrete and specific ideas need to be put forward. They said that regional workshops with Australia and the US had been very helpful, as had Wilton Park, the Beijing workshop and the Pugwash workshop held in Geneva the weekend prior to the Meeting of States Parties. The Philippines felt that there was much synergy among all the stakeholders – States Parties, international organizations such as the OPCW, and civil society.

**Algeria** said they supported the idea of such workshops, as they could have an impact and help to enrich the Review Conference in 2011. Algeria considered that the process of annual meetings could be developed, as they felt there needs to be a more concrete point to the annual Meetings. It should be possible for the Review Conference to agree that annual Meetings could agree commitments that States Parties would implement. It was also important for the Review Conference to reaffirm the role of cooperation under the Convention.

The Chairman adjourned the consideration of Agenda item 9 at 11.25 and said that the meeting would resume at 12.15 with the consideration of the afternoon topic *Agenda Item 6: (Aims and Challenges)*. This continued into the afternoon session.

### Wednesday 8 December 2010

The Programme of Work (BWC/MSP/2010/3) adopted on Monday had the subjects *Agenda item 6 (Building national capacity)* and *Agenda item 6 (Preparing effective responses)* in respect of the topic for 2010 scheduled to be discussed on Wednesday morning and afternoon respectively. The morning session on Thursday was scheduled for discussion of *Agenda item 6 (International partners and mechanisms)*. In the event, however, the morning and afternoon sessions of Wednesday saw the completion of the first two subjects and a start made on the third topic. 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.

In addition, during the morning session the **Republic of Korea** made a contribution to the Plenary Debate held on the Monday. In its statement, the Republic of Korea described the *Bioterrorism preparedness activities for the G-20 Seoul Summit* held in November 2010. The statement concluded by noting that *The G-20 Summit was a great opportunity to look into our capacity to respond to various risks related to bioterrorism. It also contributed to raising public awareness on the importance of terrorism preparedness. We strongly believe that the efforts made in the area of bioterrorism response will fortify our capacity in dealing with other outbreaks in the future.*

During the afternoon session, the Chairman circulated a draft (*Chairman, Draft Report of the Meeting of States Parties, 8 December 2010*) of the procedural elements of the final report of the Meeting of States Parties. This was introduced during the Wednesday afternoon session by Richard Lennane of the ISU who said that this had been drafted exactly as in previous years. If there were any technical questions, then he invited States Parties to approach the Secretariat. **Algeria** said that they noted that there had been no mention of the informal session with civil society on Monday afternoon. The Chairman said that they would endeavour to reflect the comment. The draft procedural report was subsequently re-issued on the Friday morning as BWC/MSP/2010/CRP.1 dated 10 December 2010 with an added sentence to paragraph 16 saying *Following the general debate, during an informal session the Meeting hears statements from 12 non-governmental organizations and research institutes.* The re-issued draft report also included expanded versions of paragraphs 33 and 34 on universalization and the ISU respectively.

### Thursday 9 December 2010

The morning session began with a final presentation related to this year's topic by Nikita Smidovitch of the **United Nations Office for Disarmament Affairs**. The presentation was on the Secretary-General's Mechanism for investigation of alleged use and was part of the consideration of *Agenda item 6 (International partners and mechanisms)* scheduled

for the morning session of Thursday.

The Thursday morning session also saw consideration of *Agenda Item 7: Reports from the Chairman and States Parties on universalization activities* and of *Agenda Item 8: Report of the Implementation Support Unit (including report on participation in the confidence-building measures)*. In addition, the start of the afternoon session saw the provision of the first draft of the substantive paragraphs for the report as *Chairman 9 December 2010 15.00 Paragraphs for Inclusion into Draft Report*. This first draft consisted of 14 paragraphs on four pages.

The session on *Agenda Item 7: Reports from the Chairman and States Parties on universalization activities* saw the introduction by the Chairman of BWC/MSP/2010/4 in which he reported that although no States have ratified or acceded to the Convention since the 2008 Meeting of States Parties, *Cameroon and Malawi are reported to have completed all internal steps and are preparing to deposit their respective instruments of accession.* He hoped that these might be completed in weeks or days. The Chairman also said that Angola was also very close as just one signature is required. The Chairman encouraged any States Parties or any of the three co-Depositaries to encourage Cameroon, Malawi, and Angola to accede prior to the PrepCom. The report BWC/MSP/2010/4 provides information on each of the 32 States that have yet to accede.

In subsequent discussion, Germany noted that only a few States Parties are interested in approaching non-States Parties to encourage them to accede. It was important to keep talking to non-States Parties, and for regional groups to be involved so that States Parties in the region could also be involved in encouraging accessions. Iran commenting on the lack of progress said that one needed to look for political reasons why States are outside the BWC. Iran suggested that there was free access to all biotechnology to states not party whereas some States Parties have some restrictions on access to biotechnology. Kenya also spoke in support of greater efforts being made to achieve universalization.

In the next part of the session on *Agenda Item 8: Report of the Implementation Support Unit (including report on participation in the confidence-building measures)* the Chairman invited Richard Lennane to introduce BWC/MSP/2010/2, the report of the Implementation Support Unit. This had been prepared as in previous years; the substance of the report consisted of some six pages together with various annexes. Richard Lennane pointed out that the number of CBMs received in 2010 was 70 – the highest number ever – however, a further 93 States Parties have yet to submit their CBMs. He also said that at the Review Conference it would be necessary for the States Parties to decide what should be done about the ISU. If no decision was taken at the Review Conference then the ISU would cease to exist. The report showed what could be done by three members of staff. He pointed out that if there were to be an increase in staff, then the cost implications would need to be considered.

In subsequent discussion, Norway commended the ISU on their report, and expressed the gratitude of Norway to the ISU for what they had achieved in the past four years. They considered that the mandate of the ISU should be renewed at the Review Conference and that consideration should be given to further elaboration of the ISU. Germany congratulated the ISU for the work that they had done. In regard to Annex

III on the Confidence-Building Measures, Germany encouraged more States Parties to make their CBMs generally available on the ISU website. Switzerland commended the ISU on its annual report which provided an excellent overview of what had been achieved. The professional work of the ISU had contributed to the positive development of the Convention. Switzerland, like the JACKSNNZ group of States Parties, favoured extending the ISU as with additional capacity the ISU could do more within its mandate. In regard to CBMs, Switzerland emphasized that participation is politically binding and is by no means voluntary. Switzerland called to all States Parties to the BWC to make the effort and submit CBMs in 2011. A round of applause, an unusual event in UN meetings, was then given for the work of the ISU.

The start of the afternoon session saw the provision of *Chairman 9 December 2010 15.00 Paragraphs for Inclusion into Draft Report*. This first draft consisted of 14 paragraphs on four pages. The meeting was then adjourned until 4.30 pm. The Chairman then invited any comments on the draft paragraphs. Initial comments from various States Parties such as Brazil, China, Iran and Cuba, expressed concern that the some paragraphs appeared to be more substantive than in previous years and it was important not to prejudge any decisions that the Seventh Review Conference might make on the topic of this year's Meeting of States Parties. It was suggested that the text might be shortened. Other States Parties, such as the UK, the USA, Germany and Belgium expressed satisfaction with the draft paragraphs. They argued that it was necessary to be very cautious about any radical reduction in the report as this would send the wrong message to the Review Conference. This part of the report brings out what has been achieved and the use of language such as "States Parties agreed on the value of" brings out what has been achieved, and is very different from saying that the "States Parties had agreed" to a particular policy. The general flavour of the debate was that the NAM States and China felt that the proposed paragraphs were different in character from what had been proposed in previous MSP reports and that a more procedural report was needed. On the other hand, the western States Parties felt that the proposed paragraphs were consistent to what had been proposed in previous MSP reports and wished to maintain the level of substantive detail.

[The first draft of the **Paragraphs for Insertion into Draft Report** for MSP/2009 consisted of 15 paragraphs on four pages and the draft included six places where the "States Parties agreed on the value of". This is to be compared to the first draft of the **Paragraphs for Insertion into Draft Report** for MSP/2010 which consisted of 14 paragraphs on four pages and the draft included ten places where the "States Parties agreed on/recognized the value of". The two first drafts are thus largely comparable.]

The Chairman said that a revised version would be made available for Friday morning. It would be a more succinct revised version but using last year's template. There was further discussion by several States Parties reiterating the points already made. The afternoon session was completed by the Chairman saying that he sought a balanced Final Report

and that the next draft would be available at 09.00 on Friday morning with the meeting resuming an hour later.

### Friday 10 December 2010

At 9.00 am copies were made available to all delegations of the document *Chairman 10 December 2010 09.00 Paragraphs for Inclusion into Draft Report*. This second draft consisted of 14 paragraphs on three pages. The final morning session then began at 10.00 am. The Chairman introduced the new draft and explained some of the modifications that had been incorporated. Algeria, Mexico, India, Iran, China were among the States Parties that commented, with some making some detailed suggestions for amendment. China felt that the revised draft was factual and technical and held no difficulties. The Chairman said that a further draft would be provided at 11.30 and adjourned the meeting until then.

At 11.30 copies were made available to all delegations of the document *Chairman 10 December 2010 11.30 Paragraphs for Inclusion into Draft Report*. This third draft consisted of 14 paragraphs on three pages. The Chairman put this to the meeting and it was evident that this third draft was acceptable.

The Chairman then recalled that there was a procedural item that had yet to be completed – namely the estimated costs for the PrepCom and the Review Conference in 2011. He invited Ambassador Paul van den IJssel to advise the meeting of the outcome of his consultations. Ambassador van den IJssel said he had had good discussions with the help of the ISU and had looked at the budget to see whether there was any possibility of saving money. The proposal of not creating summary records had been considered but had not found consensus. A revised version of the estimated costs (BWC/MSP/2010/5/Rev.1) had been prepared. This included an additional footnote relating to the *In-session Translation of Documentation* that read as follows *b. National Papers submitted by States Parties to the Review Conference will only be translated if requested by any State Party. As the cost figures are unchanged, the revised estimates are unchanged at \$ 2.01 M.*

The Chairman then put the *Revised Estimates* to the Meeting and these were adopted.

The Chairman then introduced the draft Final Report BWC/MSP/2010/CRP.1. He pointed out that the paragraphs on universalization and the ISU had been expanded and the point raised by Algeria in regard to paragraph 16, concerning the informal session with NGO statements, had been addressed. As there were no further comments, the draft report CRP.1 was adopted.

The Chairman then made some closing remarks in which he thanked the Regional Coordinators for the consultations that they had had in a cordial environment and their cooperation and mutual respect. He also expressed his thanks to all the States Parties and to the Secretariat who had achieved a great deal with limited staffing and limited resources.

Other closing remarks were made by Iran, the USA, Belgium (on behalf of the EU), Australia (on behalf of the Western Group), Cuba (on behalf of the NAM and other States), the Russian Federation and Pakistan. The Chairman then closed the Meeting of States Parties at 1.00 pm.

## Outcome of the Meeting of States Parties

During the Meeting of States Parties, 8 Working Papers were submitted: two on behalf of Canada (WP.2 and WP.3/Rev.1), one by Japan on behalf of JACKSNNZ (WP.4) and one on behalf of China, Canada and the ISU (WP.1). There were two by the USA (WP.5 and WP.6) and two by the Russian Federation (WP.7 and WP.8).

The first Canadian working paper (WP.2) provided *Proposals to strengthen the existing confidence-building measure submission and review process* which include translating the CBMs into additional UN languages, making the submissions publicly available, and requests for clarification about CBMs being submitted to the ISU. The second working paper (WP.3/Rev.1) is a concept paper on *National implementation of the BTWC: compliance assessment*, in which it is proposed that a broader approach to assessing compliance be adopted in cases when the national implementation program is being examined rather than individual facilities within a State Party's boundaries.

The paper (WP.4) on behalf of JACKSNNZ addresses *Strengthening response capabilities in the case of alleged use of biological or toxin weapons*.

The working paper (WP.1) on behalf of China, Canada and the ISU is the *Co-chairs summary of the international workshop* held in Beijing in early November 2010.

The first working paper (WP.5) by the USA is *United States Government law enforcement efforts to strengthen cooperation and collaboration among security, health, and science communities*, which outlines various activities being undertaken by the FBI. The second working paper (WP.6) by the USA is *United States initiatives building on the 2007-2010 BWC work program* which highlights some of the actions the United States has taken in support of intersessional program topics outside of the formal BWC meeting process. It concludes by noting that *The BWC is the only multilateral forum that successfully brings together the health, law enforcement, scientific and security communities, and this gathering of experts and exchange of ideas has provided a foundation for a host of international activities. .... Looking toward the Review Conference in 2011, it will be important to address ways to strengthen the intersessional process, such as increased flexibility and decision making authority, but it will also be important to retain the atmosphere and collaborative approach of the current Work Program.*

The first working paper (WP. 7) by the Russian Federation is on *Timely pathogens diagnosis as a basis for preventing and minimizing epidemics of natural or intentional origin* which describes various techniques being used for this in Russia. The second working paper (WP. 8) by the Russian Federation is on *Organization of prevention and elimination of potential outbreaks of dangerous infectious diseases in the Russian Federation*, which outlines the Russian approach to organizing sanitary and epidemiological surveillance.

Thus, of these eight working papers, four (WP.4, WP.5, WP.7 and WP.8) relate primarily to the topic of the Meeting of States Parties and the other four (WP.1, WP.2, WP.3 and WP. 6) are relevant for the Review Conference in 2011.

## Substantive Paragraphs in the Final Report

As already noted, the Chairman provided a first set of substantive paragraphs in his paper *Chairman 9 December 2010 15.00 Paragraphs for Inclusion into Draft Report*, which was circulated at the start of the Thursday afternoon session. This comprised fourteen paragraphs as follows:

20. *On 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, States Parties recognized that this is an issue that has health and security components, at both the national and international levels. States Parties agreed on the value of pursuing initiatives in this area as a joint venture through effective and sustainable partnerships between all relevant stakeholders, between developed and developing countries, between developed and developed countries, and between developing and developing countries. States Parties noted the importance of ensuring that efforts undertaken are effective irrespective of whether a disease outbreak is naturally occurring or deliberately caused, and cover diseases and toxins that could harm humans, animals, plants or the environment. States Parties also recognized that capabilities to detect, quickly and effectively respond to, and recover from the alleged use of a biological or toxin weapon need to be in place before they are required.*

21. *Recognising that developing effective measures for the provision of assistance and coordination with relevant organizations to respond to the use of a biological or toxin weapon is a complex task, States Parties agreed on the value of responding to the following challenges: the lack of clear procedures for submitting requests for assistance or for responding to a case of alleged use of biological or toxin weapons; the political aspects of situations in which there may be use or alleged use of biological or toxin weapons; a lack of resources in the human and animal health fields, and most acutely in the area of plant health, particularly in developing countries; significant differences between responding to a natural outbreak of disease and an outbreak resulting from hostile use of a biological agent or toxin; the time lag between recognising an outbreak of disease and establishing whether or not the outbreak was intentional; the potentially complex and sensitive interface between an international public health response and international security issues; as well as the public health and humanitarian imperatives of a prompt and timely response.*

22. *States Parties noted that there are differences among States Parties in terms of their level of development, national capabilities and resources, and that these differences affect national and international capacity to respond effectively to an alleged use of a biological or toxin weapon. States Parties, taking into account*

*Article X, agreed on the value of those in a position to do so assisting other States Parties, including by:*

- (a) enhancing relevant capabilities, including through promoting the generation, transfer, acquisition upon agreed terms and voluntary sharing, of new knowledge and technologies, consistent with national law and international agreements, as well as of materials and equipment;*
- (b) strengthening human resources; identifying opportunities for collaborative research and sharing advances in science and technology;*
- (c) identifying and resolving legal, regulatory, and other barriers to effective multilateral cooperation;*
- (d) sharing appropriate and effective practices for biorisk standards in laboratories handling biological agents and toxins.*

*23. Given their commitments under the Convention, in particular under Article VII, States Parties recognized that they bear the primary responsibility for providing assistance and coordinating with relevant organizations in the case of alleged use of biological or toxin weapons. States Parties agreed on the value of assistance being provided immediately, upon request, to any State Party that has been exposed to a danger as a result of the use, or alleged use, of a biological or toxin weapon. As national preparedness contributes to international capabilities and cooperation, States Parties recognised the importance of working to build their national capacities according to their specific needs and circumstances, including by: developing and maintaining national action and contingency plans; developing procedures and practices to assess national needs and capacity to provide assistance in the case of an alleged use of a biological or toxin weapons, and to communicate these needs and capacity quickly, clearly and effectively to the international community so that the provision of requested assistance can be prompt, targeted and effective; strengthening, maintaining and regularly reviewing relevant structures, capacities, human resources and standard operating procedures; taking advantage of advances in science and technology; fostering relevant education, outreach, awareness raising and codes of conduct activities; as well as assuming responsibility for the safety and security of high-risk biological materials and facilities in their territory or under their control.*

*24. Recognizing the importance of disease detection and surveillance efforts as well as rapid and accurate diagnostic services for detecting, identifying and confirming the cause of outbreaks, States Parties agreed on the value of working to ensure that their own capacities and those of other States Parties include: a capability to diagnose relevant diseases; the use of rapid chemical and biological detection*

*techniques; modern tools for sampling, epidemiological intelligence and investigation; regular reviews of diagnostic and detection techniques, tools and equipment; establishing and supporting, on a voluntary basis, regional cooperative networks and collaborations with industry and international partners; the presence of adequate technical expertise; a well-developed diagnostic capacity; quality assessment of relevant facilities, including certification against international standards; and a forensic information-gathering capability.*

*25. Given the importance of investigating, and mitigating the potential impact of, an alleged use of biological or toxin weapons, States Parties agreed on the value of, in accordance with national laws and regulations: adopting best practices and a whole-of-government approach in emergency management; addressing the full range of possible implications; establishing clear channels of communication, information flow and command; accessing expert advice, for both first responders and decision makers; training and exercises; adopting a communication strategy that ensures clear, prompt communication of the most accurate information available to the public, press and international community; as well as enabling coordination across sectors through the provision of sufficient financing.*

*26. Noting that an effective response requires efficient coordination, as well as mutual respect and understanding, among relevant actors, States Parties agreed on the value of promoting regular communication between, and joint exercises involving, all relevant actors at local, national, regional and international levels, including: government agencies; international organizations; academic institutions; all operators handling high-risk materials and working in high-risk facilities; first responders; and the private sector.*

*27. Recognising the particular importance of ensuring a coordinated response from the law enforcement and health sectors, States Parties agreed on the value of working, in accordance with national laws and regulations, to improve effective cooperation between these sectors, including by: establishing a lead agency; fostering mutual awareness, understanding, and improved information exchange; developing and implementing protocols for working together in such activities as: exchanging information; conducting risk and threat assessments; and carrying out interviews; using formal agreements to reinforce informal personal contacts and formalise concepts and principles for conducting joint investigations; identifying, in advance, the limits of routine laboratory support for diagnostic purposes versus requirements for forensic work; and developing appropriate mechanisms for the timely sharing of information between relevant domestic and international agencies in the event of a possibly deliberate release of a biological agent or toxin.*

28. *On the role to be played by the Convention in the provision of assistance and coordination with relevant organizations, States Parties noted that the Convention is an appropriate and capable body for: bilateral, regional or multilateral consultations prior to an allegation of use being lodged with the Security Council, and for recommending to the Security Council the best way to act in response to an allegation; developing clearer and more detailed procedures for submitting requests for assistance, and for promptly providing assistance following an allegation of use; and developing a comprehensive range of information on sources of assistance, and/or a mechanism to request assistance. Consequently, States Parties agreed on the value of informing the ISU in the case of the alleged use of biological or toxin weapons to facilitate the exchange of information and the provision of assistance.*
29. *On the role of international actors in the provision of assistance and coordination, such as the United Nations, the World Health Organization, the Food and Agriculture Organization, the World Organization for Animal Health, the World Customs Organization, and the International Criminal Police Organization, States Parties recognized the value of encouraging these organizations to work together more closely, within their respective mandates, to address specific relevant aspects of the threats posed by the use of biological and toxin weapons, including by: assessing the strengths and weaknesses of, and improving, international, regional and national laboratory networks; developing relevant standards, standard operating procedures and best practices; communicating real-time risk assessments and recommendations to States Parties; intensifying their efforts to help States Parties to enhance relevant capacity; coordinating and complementing relevant response assistance, upon request, to States Parties; improving information-sharing within and among organizations; harmonizing procedures, regulations and the use of resources and equipment; and coordinating cooperation, especially with developing countries, on research and development of vaccines and diagnostic reagents, and between International Reference Laboratories and research institutions.*
30. *The States Parties noted that the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution 45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons. Taking note of the aspects discussed at the Meeting of Experts and reflected in the synthesis paper, the States Parties further noted that the Seventh Review Conference would need to consider this issue further.*
31. *The States Parties noted that the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease. The States Parties noted that such aims are consistent with objectives of the Convention, and that despite their different scopes and purposes, the effective implementation of both regimes can be mutually reinforcing. States Parties agreed on the value of the International Health Regulations as a means of building capacity for: the early diagnosis of disease and detection of disease causing agents; the provision of appropriate reactions based on well-founded risk assessments; international cooperation and assistance; timely, accurate information exchange; and technology exchanges in the field of disease surveillance, detection, diagnosis and containment.*
32. *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/2010/MX/3), as well as the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals contained in BWC/MSP/2010/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 bis. *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 2010 Meeting of Experts and the outcome of the 2010 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)).*
- As noted elsewhere in this report, there was disagreement by a number of the NAM states with this first set of draft paragraphs for insertion. A revised version (Chairman 10 December 2010 09.00) was issued at 09.00 on the Friday morning. Changes from the first version are indicated in the revised version below:
20. *On 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, States Parties recognized that this is an issue that has health and security components, at both the national and international levels. States Parties **highlighted the importance of** ~~agreed on the value of~~ pursuing initiatives in this area ~~as a joint venture~~ through effective **cooperation** and sustainable partnerships ~~between all relevant stakeholders,~~*

~~between developed and developing countries, between developed and developed countries, and between developing and developing countries.~~ States Parties noted the importance of ensuring that efforts undertaken are effective irrespective of whether a disease outbreak is naturally occurring or deliberately caused, and cover diseases and toxins that could harm humans, animals, plants or the environment. States Parties also recognised that capabilities to detect, quickly and effectively respond to, and recover from the alleged use of a biological or toxin weapon need to be in place before they are required.

21. Recognising that developing effective measures for the provision of assistance and coordination with relevant **international** organizations to respond to the use of a biological or toxin weapon is a complex task, States Parties **noted** ~~agreed on the value of responding to the following challenges:~~

(a) ~~the lack of clear procedures for submitting requests for assistance or for responding to a case of alleged use of biological or toxin weapons;~~

~~the political aspects of situations in which there may be use or alleged use of biological or toxin weapons;~~

(b) ~~a lack of resources in the human and animal health fields, and most acutely in the area of plant health, particularly in developing countries;~~

~~significant differences between responding to a natural outbreak of disease and an outbreak resulting from hostile use of a biological agent or toxin;~~

~~the time lag between recognising an outbreak of disease and establishing whether or not the outbreak was intentional;~~

(c) ~~the potentially complex and sensitive interface between an international public health response and international security issues; and as well as~~

(d) ~~the public health and humanitarian imperatives of a prompt and timely response.~~

22. States Parties noted that there are differences among States Parties in terms of their level of development, national capabilities and resources, and that these differences affect national and international capacity to respond effectively to an alleged use of a biological or toxin weapon. States Parties, taking into account **their commitments under Articles VII and X, emphasized the value of** ~~agreed on the value of those in a position to do so~~ assisting other States Parties, including by:

(a) ~~enhancing relevant capabilities, including through promoting the generation, transfer, acquisition upon agreed terms and voluntary sharing, of new knowledge and technologies, consistent with national law and international agreements, as well as of materials and equipment;~~

(b) ~~strengthening human resources; identifying opportunities for collaborative research and sharing advances in science and technology;~~

(c) ~~identifying and resolving legal, regulatory, and other barriers to effective multilateral cooperation;~~

(c) ~~sharing appropriate and effective practices for biorisk standards in laboratories handling biological agents and toxins.~~

23. Given their commitments under the Convention, in particular under Article VII, States Parties recognized that they bear the primary responsibility for providing assistance and coordinating with relevant organizations in the case of alleged use of biological or toxin weapons. States Parties **underlined the importance** ~~agreed on the value of~~ assistance being provided **promptly immediately**, upon request, to any State Party that has been exposed to a danger as a result of the use, or alleged use, of a biological or toxin weapon. As national preparedness contributes to international capabilities and cooperation, States Parties recognised the importance of working to build their national capacities according to their specific needs and circumstances including by: ~~developing and maintaining national action and contingency plans; developing procedures and practices to assess national needs and capacity to provide assistance in the case of an alleged use of a biological or toxin weapons; and to communicate these needs and capacity quickly, clearly and effectively to the international community so that the provision of requested assistance can be prompt, targeted and effective; strengthening, maintaining and regularly reviewing relevant structures, capacities, human resources and standard operating procedures; taking advantage of advances in science and technology; fostering relevant education, outreach, awareness raising and codes of conduct activities; as well as assuming responsibility for the safety and security of high-risk biological materials and facilities in their territory or under their control.~~

24. Recognizing the importance of **disease surveillance and detection efforts for disease detection and surveillance efforts as well as rapid and accurate diagnostic services for detecting**, identifying and confirming the cause of outbreaks, States Parties **emphasised the need to work to improve their own capacities in this area, and cooperating, upon request, to build the capacity of other States Parties. This could include the development of:** ~~agreed on the value of working to ensure that their own capacities and those of other States Parties include~~

(a) ~~diagnostic capacity for relevant diseases; a capability to diagnose relevant diseases;~~

~~the use of rapid chemical and biological detection techniques;~~

(b) ~~modern tools for sampling, epidemiological~~



*intelligence and investigation;*

- (c) ~~regular reviews of diagnostic and detection techniques, tools and equipment;~~

~~establishing and supporting, on a voluntary basis, regional cooperative networks and collaborations with industry and international partners;~~

- (d) ~~the presence of adequate technical expertise.~~

~~a well-developed diagnostic capacity; quality assessment of relevant facilities, including certification against international standards;~~

~~and a forensic information-gathering capability.~~

25. ~~Given the importance of investigating, and mitigating the potential impact of, an alleged use of biological or toxin weapons, States Parties agreed on the value of, in accordance with national laws and regulations: adopting best practices and a whole-of-government approach in emergency management; addressing the full range of possible implications; establishing clear channels of communication, information flow and command; accessing expert advice, for both first responders and decision makers; training and exercises; adopting a communication strategy that ensures clear, prompt communication of the most accurate information available to the public, press and international community; as well as enabling coordination across sectors through the provision of sufficient financing.~~

26. ~~Noting that an effective response requires efficient coordination, as well as mutual respect and understanding, among relevant actors, States Parties recognised the particular importance of ensuring a coordinated response from the law enforcement and health sectors. States Parties agreed on the value of working, in accordance with their national laws and regulations, to improve effective cooperation between these sectors, including by fostering mutual awareness, understanding, and improved information exchange, and by undertaking joint training activities. agreed on the value of promoting regular communication between, and joint exercises involving, all relevant actors at local, national, regional and international levels, including: government agencies; international organizations; academic institutions; all operators handling high-risk materials and working in high-risk facilities; first responders; and the private sector.~~

27. ~~Recognising the particular importance of ensuring a coordinated response from the law enforcement and health sectors, States Parties agreed on the value of working, in accordance with national laws and regulations, to improve effective cooperation between these sectors, including by: establishing a lead agency; fostering mutual awareness, understanding, and improved information exchange; developing and implementing protocols for working together in such~~

~~activities as: exchanging information; conducting risk and threat assessments; and carrying out interviews; using formal agreements to reinforce informal personal contacts and formalise concepts and principles for conducting joint investigations; identifying, in advance, the limits of routine laboratory support for diagnostic purposes versus requirements for forensic work; and developing appropriate mechanisms for the timely sharing of information between relevant domestic and international agencies in the event of a possibly deliberate release of a biological agent or toxin.~~

28. *On the role to be played by the Convention in the provision of assistance and coordination with relevant organizations, States Parties noted that the Convention is an appropriate and capable **instrument body** for:*

- (a) ~~bilateral, regional or multilateral consultations prior to an allegation of use being **presented to lodged** with the Security Council, and for recommending to the Security Council the best way to act in response to an allegation;~~

- (b) ~~developing clearer and more detailed procedures for submitting requests for assistance, and for promptly providing assistance following an allegation of use; and~~

- (c) ~~developing a comprehensive range of information on sources of assistance, and/or a mechanism to request assistance.~~

~~Consequently, States Parties agreed on the value of informing the ISU in the case of the alleged use of biological or toxin weapons to facilitate the exchange of information and the provision of assistance.~~

28 bis. *The States Parties recalled that the Sixth Review Conference took note of desires expressed that, should a request for assistance be made, it be promptly considered and an appropriate response provided, and that in this context, pending consideration of a decision by the Security Council, timely emergency assistance could be provided by States Parties if requested.*

29. *States Parties recognised the role played by relevant international organisations in the provision of assistance and coordination, including, inter alia, the United Nations, the World Health Organization, the Food and Agriculture Organization, the World Organization for Animal Health, the World Customs Organization, and the International Criminal Police Organization. States Parties noted ~~On the role of international actors in the provision of assistance and coordination, such as the United Nations, the World Health Organization, the Food and Agriculture Organization, the World Organization for Animal Health, the World Customs Organization, and the International Criminal Police Organization, States Parties recognized the value of encouraging these~~*

organizations to work together more closely, **strictly** within their respective mandates, to address specific relevant aspects of the threats posed by the use of biological and toxin weapons, including by:

(a) ~~assessing the strengths and weaknesses of, and improving, international, regional and national laboratory networks;~~

(b) developing relevant standards, standard operating procedures and best practices;

~~communicating real-time risk assessments and recommendations to States Parties;~~

(c) intensifying their efforts to help States Parties to enhance relevant capacity;

~~coordinating and complementing relevant response assistance, upon request, to States Parties;~~

(d) improving information-sharing within and among organizations;

~~harmonizing procedures, regulations and the use of resources and equipment;~~

and

(e) coordinating cooperation, especially with developing countries, on research and development of vaccines and diagnostic reagents, and between international reference laboratories and research institutions.

30. **The States Parties recognized the importance of effectively investigating cases of alleged use of biological or toxin weapons, using appropriate expertise, both from experts and laboratories, and taking into account developments in biological science and technology.** The States Parties noted that the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution 45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons. **Recognizing the difference in views on this issue, Taking note of the aspects discussed at the Meeting of Experts and reflected in the synthesis paper,** the States Parties **further** noted that the Seventh Review Conference would need to consider it further.

31. The States Parties noted that the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease. The States Parties noted that such aims are consistent with objectives of the Convention, and that despite their different scopes and purposes, the effective implementation of both **instruments** can be mutually reinforcing. ~~States Parties agreed on the value of the International Health~~

~~Regulations as a means of building capacity for: the early diagnosis of disease and detection of disease causing agents; the provision of appropriate reactions based on well-founded risk assessments; international cooperation and assistance; timely, accurate information exchange; and technology exchanges in the field of disease surveillance, detection, diagnosis and containment.~~

32. 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/2010/MX/3), as well as the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals contained in BWC/MSP/2010/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 bis. 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 2010 Meeting of Experts and the outcome of the 2010 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 final revised version (Chairman 10 December 2010 11.30) was issued at 11.30 on the Friday morning. This had relatively minor changes from the second version and this final revised version was adopted later on Friday morning. Changes from the second version are indicated in the revised version below:

20. On 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, States Parties recognized that this is an issue that has health and security components, at both the national and international levels. States Parties highlighted the importance of pursuing initiatives in this area through effective cooperation and sustainable partnerships. States Parties noted the importance of ensuring that efforts undertaken are effective irrespective of whether a disease outbreak is naturally occurring or deliberately caused, and cover diseases and toxins that could harm humans, animals, plants or the environment. States Parties also recognised that capabilities to detect, quickly and

effectively respond to, and recover from the alleged use of a biological or toxin weapon need to be in place before they are required.

21. Recognising that developing effective measures for the provision of assistance and coordination with relevant international organizations to respond to the use of a biological or toxin weapon is a complex task, States Parties noted the following challenges:

- (a) the **need for** ~~lack of~~ clear procedures for submitting requests for assistance or for responding to a case of alleged use of biological or toxin weapons;
- (b) **the need for** ~~a lack of~~ **additional** resources in the human and animal health fields, and most acutely in the area of plant health, particularly in developing countries;
- (c) the potentially complex and sensitive interface between an international public health response and international security issues; and
- (d) the public health and humanitarian imperatives of a prompt and timely response.

22. States Parties noted that there are differences among States Parties in terms of their level of development, national capabilities and resources, and that these differences affect national and international capacity to respond effectively to an alleged use of a biological or toxin weapon. States Parties, taking into account their commitments under Articles VII and X, emphasised the value of assisting other States Parties, including by:

- (a) enhancing relevant capabilities, including through promoting **and facilitating** the generation, transfer, **and** acquisition upon agreed terms ~~and voluntary sharing~~, of new knowledge and technologies, consistent with national law and international agreements, as well as of materials and equipment;
- (b) strengthening human resources; identifying opportunities for collaborative research and sharing advances in science and technology;
- (c) sharing appropriate and effective practices for biorisk standards in laboratories handling biological agents and toxins.

23. Given their commitments under the Convention, in particular under Article VII, States Parties recognized that they bear the primary responsibility for providing assistance and coordinating with relevant organizations in the case of alleged use of biological or toxin weapons. States Parties underlined the importance of assistance being provided promptly, upon request, to any State Party that has been exposed to a danger as a result of **violation of the Convention the use, or alleged use, of a biological or toxin weapon**. As national preparedness contributes to international

capabilities and cooperation, States Parties recognised the importance of working to build their national capacities according to their specific needs and circumstances.

24. Recognizing the importance of disease surveillance and detection efforts for identifying and confirming the cause of outbreaks, States Parties **recognized emphasized** the need to work, **in accordance with their respective circumstances, national laws and regulations**, to improve their own capacities in this area, and cooperating, upon request, to build the capacity of other States Parties. This could include the development of:

- (a) diagnostic capacity for relevant diseases;
- (b) tools for sampling, epidemiological intelligence and investigation;
- (c) diagnostic and detection techniques, tools and equipment;
- (d) adequate technical expertise;
- (e) **international, regional and national laboratory networks**;
- (f) **relevant standards, standard operating procedures and best practices**;
- (g) **effective information-sharing**; and
- (h) **cooperation, especially with developing countries, on research and development of vaccines and diagnostic reagents, and between international reference laboratories and research institutions**.

25. Given the importance of investigating, and mitigating the potential impact of, an alleged use of biological or toxin weapons, States Parties **noted agreed on** the value of, in accordance with national laws and regulations: a **coordinated** ~~whole-of-~~ government approach in emergency management; addressing the full range of possible implications; establishing clear channels of communication and command; accessing expert advice; training and exercises; adopting a communication strategy; as well as enabling coordination across sectors through the provision of sufficient financing.

26. Noting that an effective response requires efficient coordination among relevant actors, States Parties recognised the particular importance of ensuring a coordinated response from the law enforcement and health sectors. States Parties agreed on the value of working, in accordance with their national laws and regulations, to improve effective cooperation between these sectors, including by fostering mutual awareness, understanding, and improved information exchange, and by undertaking joint training activities.

28. On the role to be played by the Convention in the provision of assistance and coordination with relevant organizations, **affirming the consultation procedures agreed at previous Review Conferences**, States Parties noted that the Convention is an appropriate and capable instrument for:
- (a) bilateral, regional or multilateral consultations for **the provision of prompt and timely assistance**, prior to an allegation of use being presented to the Security Council;
  - (b) developing clearer and more detailed procedures for submitting requests for assistance, and for promptly providing assistance following an allegation of use; and
  - (c) developing a comprehensive range of information on sources of assistance, and/or a mechanism to request assistance.
- 28 bis. The States Parties recalled that the Sixth Review Conference took note of desires expressed that, should a request for assistance be made, it be promptly considered and an appropriate response provided, and that in this context, pending consideration of a decision by the Security Council, timely emergency assistance could be provided by States Parties if requested.
29. States Parties **noted recognised** the role played by relevant international organisations, **in close cooperation and coordination with the States Parties under the provisions of the Convention**, in the provision of assistance and coordination, including, inter alia, the United Nations, the World Health Organization, the Food and Agriculture Organization, the World Organization for Animal Health, the World Customs Organization, and the International Criminal Police Organization. States Parties noted the value of encouraging these organizations to work together more closely, strictly within their respective mandates, to address specific relevant aspects of the threats posed by the use of biological and toxin weapons, **and to assist States Parties to build their national capacities. including by:**
- ~~(a) improving, international, regional and national laboratory networks;~~
  - ~~(b) developing relevant standards, standard operating procedures and best practices;~~
  - ~~(c) intensifying their efforts to help States Parties to enhance relevant capacity;~~
  - ~~(d) improving information-sharing within and among organizations; and~~
  - ~~(e) coordinating cooperation, especially with developing countries, on research and development of vaccines and diagnostic reagents, and between international reference laboratories and research institutions.~~
30. The States Parties **noted recognised** the importance of effectively investigating cases of alleged use of biological or toxin weapons, using appropriate expertise, both from experts and laboratories, and taking into account developments in biological science and technology. The States Parties **reaffirmed the relevant mechanism established by Article VI of the Convention and** noted the relevant mechanism established by Article VI of the Convention and noted that the Secretary-General's investigation mechanism, set out in A/44/561 and endorsed by the General Assembly in its resolution 45/57, represents an international institutional mechanism for investigating cases of alleged use of biological or toxin weapons. Recognizing the **various difference in** views on this issue, the States Parties noted that the Seventh Review Conference would consider it further.
31. The States Parties noted that the International Health Regulations (2005) are important for building capacity to prevent, protect against, control and respond to the international spread of disease. The States Parties noted that such aims are complementary with the objectives of the Convention. ~~and that despite their different scopes and purposes, the effective implementation of both instruments can be mutually reinforcing.~~
32. 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/2010/MX/3), as well as the synthesis of these considerations, lessons, perspectives, recommendations, conclusions and proposals contained in BWC/MSP/2010/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 bis. 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 2010 Meeting of Experts and the outcome of the 2010 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)).
- [The final version of the substantive paragraphs agreed for the Final Report of the 2010 Meeting of States contained one instance of "States Parties ... emphasised the value of" (in

para 22 of the version above) and one instance of “States Parties noted the value of” (in para 25 of the version above) in contrast to the six instances on which “States Parties agreed on the value of” were agreed in the Final Report of the 2009 Meeting of States Parties which also had an instance of “States Parties recognised the value of”.]

### **Adoption of Final Report**

The Meeting of States Parties met for the final time late on the morning of Friday 10 December 2010, and at that session agreed their final report, issued as BWC/MSP/2010/6. In addition to the substantive paragraphs as indicated above, the final report contained a paragraph on universalization and another on the Implementation Support Unit:

33. *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/2010/4), 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.*

34. *The Meeting of States Parties considered the Report of the Implementation Support Unit (BWC/MSP/2010/2), 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 satisfaction that participation in the confidence-building measures had increased to the highest level ever, but expressed concern that more than half the States Parties had not participated. The Meeting 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.*

It is interesting to note that although there was much attention paid throughout the Meeting of States Parties 2010 to the forthcoming Seventh Review Conference in 2011, the actual reference to the Review Conference in the Report of the Meeting of States Parties is limited to the following single paragraph:

35. *The Meeting of States Parties considered the arrangements for the Seventh Review Conference and*

*its Preparatory Committee in 2011. The Meeting decided that the Review Conference would be held in Geneva from 5 to 22 December 2011 and that the Preparatory Committee would be held in Geneva from 13 to 15 April 2011. The Meeting approved the nomination by the Western Group of Ambassador Paul van den IJssel of the Netherlands as President of the Review Conference and Chairman of the Preparatory Committee. The Meeting also approved the estimated costs for the Review Conference and the Preparatory Committee, as set out in document BWC/MSP/2010/5/Rev.1.*

### **Reflections**

There were about 460 participants at the Meeting of States Parties of which 401 came from States Parties, including some 179 participants from capitals. This was similar to the participation at the Meeting of Experts in August 2010, when there were close to 450 participants of whom over 385 came from States Parties, including some 200 participants from capitals. The numbers were also similar to those at the Meeting of States Parties in 2009, when there were about 470 participants of which 418 came from States Parties, including some 167 participants from capitals. In 2010, three more States Parties participated at the Meeting of States Parties than at the Meeting of Experts. The meeting was open throughout, as had been the Meeting of States Parties in 2009 and the Meeting of Experts in 2008, 2009 and 2010, and this enabled 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 general climate at the Meeting of States Parties was again positive and constructive, particularly in statements made looking ahead to the Seventh Review Conference in 2011. However, it was evident in the final sessions, when the substantive paragraphs on this year's topic were being considered for the report of the Meeting of States Parties, that several States Parties were reluctant to accept language that had been accepted at the Meeting of States Parties in 2009, which said that *The States Parties agreed on the value of...* Although language for the substantive paragraphs was eventually agreed which included a single instance of *The States Parties agreed on the value of...*, it is unfortunate that some States Parties appeared to be focusing on one paragraph of the mandate for the intersessional meetings which states:

*(e) The Seventh Review Conference will consider the work and outcome of these meetings and decide on any further action.*

whilst apparently overlooking the earlier paragraph which states:

*(d) All meetings, both of experts and of States Parties, will reach any conclusions or results by consensus.*

together with the general mandate that the annual meetings shall be to discuss, and promote common understanding and effective action on the topics assigned for each year.

There is nothing in the mandate taken as a whole to suggest that the States Parties are precluded from reaching conclusions and acting on them. Accordingly, they are free to record agreement on – or agree on the value – of taking certain steps to improve the situation in regard to the annual topic being considered. And, in so doing, this in no way prejudices the ability of the Seventh Review Conference to *decide on any further action*.

As might be expected, the Meeting of States Parties was looking ahead to the Seventh Review Conference in 2011. The nomination of Ambassador Paul van den IJssel of the Netherlands as President of the Review Conference was approved, as were the cost estimates for the Review Conference. In his statement to the Meeting on Tuesday 7 December 2010, Ambassador van den IJssel said that *Ambitious realism will be my guiding principle in the coming year, as I hope it will be for you as well*. He also pointed out that *By December, we will need to have a clear idea of the proposals on the table and the scope of a possible outcome. There is of course very little chance of developing agreements from scratch during a three-work conference: proposals need to be developed in advance. This means that we need to use our time carefully, especially the period between the PrepCom and the Review Conference. We must take every opportunity to share ideas, discuss proposals, and prepare the ground for agreement*. He concluded by saying *I am convinced that we all share the goal that the BTWC deserves our undiminished support and that we need to further strengthen the BTWC regime. I am convinced that it is possible to find the right mix between realism and ambition. I am convinced that we the States Parties can make the BTWC RevCon a success. So let's put our minds and perhaps sometimes our hearts to it. The BTWC is worth it*.

That most States Parties are indeed looking ahead to the Seventh Review Conference was shown by the fact that on the preceding day, Monday 6 December 2010, all the group statements (the European Union, the JACKSNNZ group, and the NAM and Other States group) as well as over three-quarters of the 26 States Parties that made a statement said that they were looking ahead to the Seventh Review Conference in 2011. In addition, some fourteen 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 Group recognized the particular importance of strengthening the Convention through multilateral negotiations for a legally binding Protocol and universal adherence to the Convention, as well as the strengthening and improving of the effectiveness of the Convention,... Regrettably the long sought aspiration of member States for resumption of the negotiation of the negotiation for convening a legally binding instrument to comprehensively strengthen the Convention was rejected again during the last December meeting. We urge the responsible of that situation to reconsider its policy towards this Convention in the light of persistent request of other Parties*. The statement went on to say that *The Group of the Non-Aligned and other States Parties to the BTWC recognizes the particular importance of strengthening the Convention. We strongly believe that the only sustainable method to achieve this*

*goal is through multilateral negotiations aimed at concluding a non-discriminatory, legally binding agreement, dealing with all Articles of the Convention in a balanced and comprehensive manner that can not exclude the negotiation and establishment of a verification mechanism. The adoption of such a mechanism could minimize the possibility of use of bacteriological (biological) agents and toxins as weapons*. **Belgium** (on behalf of the EU) said *The European Union also remains committed towards identifying effective mechanisms to enhance and possibly verify compliance with the Convention*. **Canada** (on behalf of the JACKSNNZ group) said in regard to *compliance and national implementation, that this should be taken up both at the Review Conference and in the subsequent intersessional process, including how to improve confidence in compliance with the BTWC*.

In the statements made by individual States Parties, the **Russian Federation** said *We continue to believe that one of the key ways to improve the BWC remains the establishment of a legally binding mechanism for verification of compliance by the States Parties with the provisions of the Convention. If we want to make our regime really durable and capable to sustain in the changing environment we cannot achieve this without a comprehensive control mechanism. We are aware of the view of a number of states that it is impossible to develop an effective BWC verification regime, and since it lacks efficiency it can weaken the Convention. We do not share this view. We believe that in any disarmament or non-proliferation regime the essential element is the political will of the states to strictly comply with their obligations. As to the verification mechanism, it will give an additional impetus for the compliance with the BWC provisions and create an atmosphere of enhanced confidence, trust, transparency and, therefore, security. It then goes on to say *We realize in the view of positions taken by a number of countries we will not be able to begin negotiations on the elaboration of a verification protocol to the Convention in the nearest future. Under these circumstances we must think together about alternatives and about what we can do already now to strengthen the BWC regime*. The **United States** said that *Strengthening requires addressing the right issues, including enhancing efforts to strengthen national implementation and measures to counter the threat of bioterrorism, as well as efforts to increase confidence in States Parties' compliance with their Article I obligations. The United States remains convinced that a verification regime is no more feasible than it was in 2001, and perhaps even less so, given the evolution of technology and industry. However, we believe that there are pragmatic and constructive things that can be done to promote transparency and to strengthen mechanisms for consultation and clarification. This would be a constructive area to explore during the next intersessional period*. **Algeria** said that *These [intersessional] meetings should not be considered as some kind of contingency solution to the need to strengthen the Convention through the verification mechanism. The absence of such a mechanism leads to a climate of mistrust, fear and additional possibilities for the proliferation of biological weapons. On the eve of the**

Seventh Review Conference, we would like to express the wish that the States Parties reach a compromise in order to promote such negotiations. We need to have a verification mechanism under the Convention in order to ensure compliance with obligations in the area of non-proliferation. These negotiations should also promote cooperation and peaceful use of biological agents. **Chile** said This means that we must consider new forms of reaction, such as changing or bringing up to date our national reports, consider strengthening the confidence-building measures also, and also developing a multilateral verification mechanism that would improve the effective implementation of our Convention. **India** said We believe that only a multilaterally agreed mechanism for verification of compliance can provide the assurance that all States Parties to the BWC are in compliance of their obligations under the Convention and that emerging threats are effectively addressed. **Switzerland** said Another issue where we would like to see progress at the BWC Review Conference is how States can demonstrate compliance with the treaty obligations. 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 principle, Switzerland still welcomes working towards a legally binding compliance framework. Yet, we agree that simply copying arrangements that work fine for other conventions may not satisfy our needs regarding this Convention. As an alternative approach, future annual meetings could dedicate time for sessions in which compliance with the convention can be demonstrated, assessed and discussed. It may be beneficial for the BWC community to get inspiration from other multilateral arrangements in order to create such a framework aimed at improving accountability. **Bangladesh** said We must develop an effective verification mechanism to respond to the challenges posed by rapid advancement in biological and toxin weapon technology. Pending this goal, the Confidence Building Measures (CBMs) of the Convention need to be strengthened. The ultimate goal of the CBMs should be to achieve a fully verifiable regime as the success of the Convention will depend on the effectiveness of that verification. **Indonesia** said We welcome the upcoming 7th Biological Weapons Convention Review Conference as a means to address the Convention's challenges. It is our view that it should appropriately address various issues pertaining to the Convention, particularly verification as well as cooperation and assistance under Article X in order to strengthen the regime and provide incentives for States to accede to the Convention. **Pakistan** said that The 5 year Review cycle of the BWC allows it to adapt to the growing technologies, as well as to evolving consensus on future course of actions. In particular, it provides an opportunity to address the issue of verification protocol and to work towards full implementation of all articles of the Convention. **Iran** said that Due to the pivotal role of the BWC in international and regional peace and security we believe that multilateral negotiations should be resumed on a legally binding instrument to comprehensively strengthen the Convention including in the area of

international cooperation for peaceful purposes. Therefore my delegation strongly urges the only Party opposing the above mentioned negotiations, to abide by the wish of international community resuming the multilateral negotiations on a legally binding instrument to comprehensively strengthen the convention should clearly be appeared on the agenda of the Conference. Piecemeal solutions or fragmented proposals are not an option. **Brazil** said that As stated by the Non-Aligned Movement, Russia, the European Union, among others, a verification mechanism could be envisaged. At this point, I would say that to transform the BWC into a cooperative mechanism for the development of biological sciences and technology does not solve the problem that the Convention is supposed to address. **Ghana** said We hope that the depth of the deliberations this week will demonstrate the importance of multilateral negotiations for a legally binding Protocol to strengthen the Convention while we also emphasize the need for its universal adherence.

It is evident that the majority of the States Parties who are active in the annual Meetings of States Parties are showing that they are looking ahead to the Seventh Review Conference. A number of States Parties are keen to start consideration of how best to strengthen the implementation and improve the effectiveness of the Convention – or, in other words, how to move forward towards a legally-binding mechanism. However, it seems to be widely appreciated that it is unrealistic to return to the point where the previous negotiations ceased and carrying on from there. It has to be recognized that the world today – 20 years after the start of the earlier process – is quite different. It would be a good solution to look ahead to a world a decade hence and to create a working group that looks ahead to what sort of regime would be appropriate and desirable for that time – a 2020 working group that looks ahead and identifies where there is consensus and builds on that.

Another topic that needs to be addressed concerns international cooperation. The NAM have put forward a proposal for a mechanism to implement Article X of the Convention. It is evident from the statements made at the Meeting of States Parties that there is no consensus that effort needs to be put into creating and implementing such a mechanism. It is becoming apparent that there are a vast range of cooperation activities already in place between States Parties and that these activities are implementing Article X already. Rather than making calls for a mechanism to implement Article X, it would appear to be a much better use of resources to create a clearing house mechanism, probably based on the Implementation Support Unit. States Parties who are engaged in cooperation with another States Parties would simply notify the ISU of such collaboration and of the agencies involved in the collaboration, and the ISU would post this on the [unog.ch/bwc](http://unog.ch/bwc) website, making such information available to all States Parties who could then make further inquiries where appropriate.

Another point that was very clearly made in the discussions relating to the Seventh Review Conference was that ideas need to be put forward sooner rather than later. It was very evident that ideas put forward at the Review Conference itself would be unlikely to lead to consensus and would make the Review Conference a difficult occasion on which to make

progress. States Parties and others are encouraged to put forward their ideas as early as possible in 2011 and to make full use of the Think Zone in the unog.ch/bwc website. Although the Preparatory Committee meeting on 13 to 15 April 2011 is primarily an occasion to address procedural aspects, it is recalled that at the Preparatory Committee for the Sixth Review Conference in 2006, one State Party took the opportunity to submit a working paper on ideas for the Review Conference itself.

Overall the Meeting of States Parties, after some hesitation, had a successful outcome that continued the momentum created by the successful outcome of the Sixth Review Conference and the subsequent Meetings of the States Parties.

It was evident that virtually all the delegations have started to look forward towards the Seventh Review Conference in 2011. It is to be hoped that groups of States Parties as well as individual States Parties will use the opportunities early in 2011 to set 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.

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

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