

ogies and that the Secretariat should support the creation of a database on such technologies. The SAB also discussed analytical issues and heard that analytical chemistry had not been used to the extent initially foreseen and probably would not be in the future either. On 24–25 May the Secretariat hosted a technical seminar which was attended by the TWG on analytical procedures which is chaired by Dr Marjatta Rautio (Finland). The SAB recommended to the Director-General a work programme for its TWG on equipment issues, which is chaired by Prof Gerhard Matz (Germany). The SAB also had an initial discussion of the request by the Director-General to address the technical criteria to be taken into account by states parties when declaring holdings of adamsite. The SAB recommended that a TWG be established and that a technical seminar be convened to study the issue.

The SAB will meet for its third session during 15–18 November.

Confidentiality Commission The Confidentiality Commission held its third meeting on 18–20 May. With no actual disputes relating to confidentiality to discuss, the Commission spent its time considering its operating procedures and hearing presentations from OPCW staff members and from the IAEA on its confidentiality regime. The new members of the Commission, elected by the third session of the Conference, took office on 23 May. They attended part of the Commission's third meeting in order to elect a chairman and vice-chairmen for the period 1999–2000. Mr Valery Zyablov (Belarus) was elected as chairman, with Mr David William Chikaka (Zimbabwe) from the African group, Prof Masahiko Asada (Japan) from the Asian group, Mr Jesús María Cuevillas Domínguez (Cuba) for the Latin American and Caribbean group, and Dr Ignacio Vignote (Spain) for WEOG as vice-chairmen. The Commission agreed to hold its next annual meeting at a reasonable time prior to the fifth session of the Conference.

Future work

Unresolved issues Informal consultations on a number of issues which were left unresolved by the PrepCom have been held during the period under review. The facilitators appointed by the Committee of the Whole have been encouraged to work towards resolution of their issues and submit draft decisions to the fourth session of the Conference. Draft decisions on simulation equipment, challenge inspection notification timing, the definition of a CWPF and low concentration guidelines have been prepared for submission. The fourth session of the Conference will also have to decide whether to continue with the present procedure for addressing the unresolved issues or to adopt a different approach for the fourth intersessional period.

Preparations for the fourth session of the Conference

The fourth session of the Conference is only a matter of weeks away and attention is now focused on achieving consensus on the 2000 budget. The Council will meet for its sixth session on 23 June specifically to resolve issues for submission to the Conference. Besides the budget, a number of other issues are on the agenda of the sixth meeting, including the staff regulations, the list of approved inspection equipment, the attribution of costs related to inspections of OCW, the Russian conversion request for a Volgograd CWPF and the requirements for reporting information to the Council on verification activities. The Conference will also have to decide whether to begin inspections to DOC plant sites and also agree upon the modalities for such inspections, for which a number of reports need to be prepared by the Secretariat. The provisional agenda of the fourth session of the Conference was approved by the fifteenth session of the Council.

This review was written by Daniel Feakes, the HSP researcher in The Hague

Strengthening the Biological and Toxin Weapons Convention

A two week meeting, the fourteenth session, of the Ad Hoc Group to consider a legally binding instrument to strengthen the Biological and Toxin Weapons Convention (BWC) was held in Geneva from Monday 29 March to Friday 9 April. As in the previous sessions, negotiations focused on the rolling text of the Protocol.

Fifty-seven states parties and four signatory states participated at the fourteenth session; eight fewer state parties than in January as two (Lebanon and Mongolia) participated in March/April whilst ten (Bosnia-Herzegovina, Colombia, Ecuador, Jordan, Kenya, Libya, Mauritius, Nigeria, Oman, and Venezuela) which had participated in January did not in March/April. One fewer signatory state participated in January as Syria participated whilst Gabon and Nepal did not. This reduced participation probably re-

flected the shorter duration of the meeting which was further reduced from two weeks by three public holidays reducing the number of meetings from the usual 20 to 14.

Thirteen new working papers (WP.353 to WP.365) were presented in March/April. As usual these were presented both by states parties (Japan 2, South Africa 2, United Kingdom 2 along with single papers by 3 states and 2 papers by 2 states) and by the Friends of the Chair (2).

Further progress was made in the area of declaration clarification procedures and in Article VII addressing technical cooperation. A new rolling text was produced and attached to the procedural report of the April meeting (BWC/AD HOC GROUP/45, 14 April). This was thus the eighth version of the rolling text – previous versions having been produced in June 1997 (35), July 1997 (36), October

1997 (38), February 1998 (39), June/July 1998 (41), September/October 1998 (43) and January 1999 (44). Although this was again slightly longer (315 pages) than the January version (with previous versions having totalled 113, 167, 241, 241, 251, 278 and 312 pages), there was further progress. Annex IV to the April report again contains papers prepared by the Friends of the Chair of proposals for further consideration in which text modified in a transparent way (~~striking through~~ showing deletions and **bold** proposed new text) is provided. Such text is helpful as it enables delegations to consider both the current rolling text and possible developments thereof.

Of the 14 meetings held, 5 1/3 were devoted to compliance measures, 4 to the investigations Annex, 3 to Article X measures, 5/6 to preamble, 1/3 to seat of the organization and the remaining 1/2 meeting to the AHG. No new Friends of the Chair were appointed.

The AHG meeting as usual saw the presentation and distribution by the Department of Peace Studies at the University of Bradford of a further two Briefing Papers in its series: No 20 *Visits: An Essential Portfolio* and No 21 *Outbreaks of Disease: Current Official Reporting*. (Copies of these together with their Executive Summaries are available on the Bradford website www.brad.ac.uk/acad/sbtwc). In addition, two Quaker lunches were again hosted within the Palais des Nations to discuss key issues relating to visits and why a portfolio of such visits are essential for the future Protocol.

Political Developments

The last week of the March/April AHG session saw a formal statement to the AHG by the Permanent Representative of the Netherlands to the Conference on Disarmament which, on behalf of the Foreign Minister, Jozias van Aartsen, formally announced the candidature of the Hague for the seat of the future BWC Organization. In his statement, he said that:

the presence of the OPCW, as well as a range of other international organizations like the International Court of Justice, the Permanent Court of Arbitration and in the near future the International Criminal Court, makes The Hague a logical choice for the seat of the organization.

He went on to say that the Netherlands was developing their bid and:

Of course, we will take the OPCW experience to heart in our preparations in order to come with an attractive and convincing offer.

In mentioning that several options are under consideration, he said that:

one of the options is an existing and very suitable building in the immediate vicinity of the OPCW.

The Emerging Regime

The distribution of the meetings in the March/April session shows that virtually all the time available was spent on compliance measures, the investigations Annex, and on Article X measures.

Compliance Measures The March/April session focused on visits and made some progress in respect of the language in *Article III. D. Declarations II. Follow-up after Submission of Declarations [B. [Declaration Clarification Procedures][and Voluntary Visit]]*. The alternative language coming from WP.347 and from WP.338 which had been incorporated as alternatives in the January rolling text was discussed and consolidated into a single text. Additional language from WP.358 was added, without discussion, as a proposed replacement for paragraphs 64 to 71 in the section on *Voluntary Visit*. In addition, a further reading was given to the text in Section E *Consultation, Clarification and Cooperation*.

Insofar as [*B. [Declaration Clarification Procedures][and Voluntary Visit]*] is concerned, the current draft Protocol makes provision for the Technical Secretariat either at the request of a state party or as a result of its own examination, if it considers there is an:

ambiguity, uncertainty, anomaly or omission concerning any declared facility [or activity] of a State Party [or identifies any facility which it believes meets the criteria for declaration...and that facility has not been included in the declaration(s) concerned]

to submit a written request for clarification to the state party concerned. This shall be provided in writing no later than 20 days after receipt of the request. If within 14 days after receipt of the written response either the state party making the original request or the Technical Secretariat considers that the response does not resolve the matter, the Technical Secretariat may submit a written request to the state party concerned for a consultative meeting between the Technical Secretariat and representatives of the state party in order to resolve the matter. Such a meeting shall begin:

no later than [10] days after receipt of the request for such a meeting and its duration shall not exceed 48 hours.

Should the consultative meeting not resolve the matter then the Technical Secretariat may propose that a clarification visit be conducted at the facility concerned. The requested state party shall:

no later than [48][72] hours after receipt of the request for a clarification visit

inform the Director-General whether the visit should proceed as proposed, the proposal for the clarification visit should be submitted to the Executive Council for review:

at [its next regular][a special] session

or the clarification visit be declined:

if the requested State Party considers that it has made every reasonable effort to resolve the matter

through these procedures. In the last case, the Executive Council shall be so informed by the Director-General:

within [12] hours of receipt of the requested State Party's response.

In addition, the language also makes provision for the requested state party, at its own discretion and at any stage during the clarification procedures, to invite the Technical Secretariat to make a voluntary visit with a view to resolving the matter which has been raised.

The section on *Voluntary Visits* now contains additional alternative language taken from UK WP.358. A conference room strikethrough text paper by the FOC suggests how the several different texts that occur in the rolling text and WP.358 might be merged. Unfortunately, this paper has not been incorporated into the Annex IV text.

Annex B Visits was not discussed during the March/April meeting; a South African working paper (WP.360) provided suggested text for part of Annex B. A working paper by Iran, WP.361, noted that over 400 routine inspections for verifying the accuracy of the submitted declarations have been carried out by the OPCW since the entry into force of the CWC and that this experience could help the AHG negotiators to “concentrate on objective perceptions, particularly on visit and investigation procedures”. It proposes that the Director-General of the OPCW should be invited to brief the AHG on “their assessment of the realities that we should consider in our endeavour to conclude an effective and feasible Protocol for the BWC”.

Annex IV in Part II contains in FOC/14 and FOC/17 a strikethrough text version for Article III D Declarations which provides language for *I. Submission of Declarations, II. Follow-up after Submission of Declarations* — which includes transparency and clarification visits but not voluntary assistance visits — and for the whole of Article III G Investigations.

Annex D on Investigations Further progress was made on the Investigations Annex. The *II. [Field] Investigations [of Alleged Use of BW]* section was developed with good progress made in removing square brackets and streamlining the text. The language on sampling and identification has been developed to include the requirement for the Director-General to “establish a stringent regime governing the collection, handling, storage, transport and analysis of samples” and to “select from among the designated and certified laboratories those which shall permit analytical or other functions in regard to the investigation”. It is also clear that duplicate sealed samples are to be maintained in case further clarification is necessary. Following a UK working paper WP.357, language is now included for the establishment of additional investigation area(s) to those originally specified in order to fulfil its mandate.

Annex IV in Part II provides strikethrough text for *III [Facility] Investigations [of Any Other Alleged Breach of Obligations under the Provisions of the Convention]*.

Definitions Although there were no meetings on Definitions during the March/April meeting, strikethrough text prepared by the FOC is provided in Annex IV for *Article II Definitions* and for *Annex A II. List of Equipment*.

BWC Article X Measures Particular progress was made on Article VII of the Protocol at the March/April meeting. A Netherlands/New Zealand working paper WP.362 addressed measures related to Article X of the Convention and offered several options for consideration in the AHG negotiations:

- A. Assistance in the establishment of national implementation legislation measures
- B. Training for BWC Organization National Authorities

- C. Technical cooperation and assistance in the context of visits
- D. Electronic communications network
- E. Biotechnology database
- F. Regional industry seminars
- G. Training and development in biotechnology
- H. Disease surveillance networks
- I. Article X cooperation committee
- J. Reporting

It then identified criteria for evaluating the various options and provided a tabular evaluation. The criteria used were:

- Contribution to other objectives of the Protocol
- Promotion of Protocol universality
- Synergies with other international organizations implementing assistance and cooperation in the field of biotechnology
- Acceptability
- Cost-effectiveness

WP.362 was well received and appears to have helped the negotiations on Article VII of the Protocol to move forward. Another working paper, by Australia and the UK, WP.363 made proposals for amendments and additions to the draft Protocol text for Article VII.

The revised Article VII text emerging from the March/April session is considerably developed in *(C) Measures to Avoid Hampering the Economic and Technological Development of States Parties*, and in *(D) Institutional Mechanisms for International Cooperation and Protocol Implementation Assistance [and its Review]*. Section *(D) Institutional Mechanisms for International Cooperation and Protocol Implementation Assistance [and its Review]* was effectively doubled in size from just over two pages to just over four pages; its title emerged from being within square brackets and it is now structured with subsections on *The Cooperation Committee, Role of the Technical [Secretariat][Body], Protocol implementation assistance and Other assistance*. Language proposed in WP.363 was incorporated into Sections (E) and (F) for discussion at a later meeting.

There was a real sense that the negotiators had become engaged in Article VII and made real progress.

In addition, the Friend of the Chair in a paper (FOC/18) in Annex IV in Part II provided, for the first time, strikethrough text suggesting how Article VII text might be developed.

Organization/Implementational Aspects There was no discussion of Article IX although the strikethrough text in Annex IV produced by the Chairman for further consideration of Article IX was amended in section E on privileges and immunities.

Seat of Organization The Friend of the Chair had one-third of a meeting on the Seat of the Organization. As already noted above, the Netherlands made a formal proposal that The Hague should be the seat of the BWC Organization. The Friend of the Chair prepared a working paper, WP.365, which provided a draft questionnaire for the seat of the Organization. This was also reproduced as FOC/16 in Annex IV in Part II. It contains a number of questions which include the *Price of a Big Mac* and *How many*

INTERNET providers are available? And at what cost? Delegations have been requested to comment on the draft questionnaire with the intention of producing a revised version for the June/July session.

Preamble The Friend of the Chair had five/sixths of a meeting on the Preamble. A working paper (WP.364) by Australia proposed replacement language for the Preamble. The text in the draft protocol from the March/April session comprised a merged and streamlined version of the previous language together with the language from WP.364 following a preliminary discussion thereon.

Prospects

The March/April meeting also saw the agreement of the programme of work for the four week fifteenth session to be held from 28 June to 23 July. The 40 meetings were allocated as follows:

Compliance measures	13.17
Investigations annex	4
Article X	8
Definitions	9.67
Confidentiality	1
Ad Hoc Group	0.83
Preamble	0.67
Legal issues	0.67
National Implementation	0.67
Organization	0.67
<u>Seat</u>	<u>0.3</u>
Total	40

Overall, the March/April meeting saw further progress in the areas of the draft Protocol addressed in the meeting with particular progress being made in Article VII. It is useful to take stock of the overall situation in respect of the draft Protocol.

In most areas of the Protocol, the FOCs have had three or four complete readings of the part of the rolling text for which they have responsibility. The last six months has seen the engagement of all delegations in serious negotiation which is making steady although slow progress. An overall appreciation of the current state of progress of the Protocol is summarised in Table 1.

The overall assessment that emerges is that in a number of areas such as legal issues, confidentiality, organization, national implementation, assistance and Annex D Investigations the text for the Protocol is well developed. There are three principal areas — Article III Compliance Measures (and its associated Annexes and Appendices), Article VII Technical Cooperation and Article II [Definitions] — where more work remains to be done. Article III Compliance Measures (and its Annexes and Appendices) comprises well over 100 pages of the draft Protocol and thus much the largest task faced by any of the FOCs. Article VII has started to make progress in January and again in April with the recognition that measures to implement Article X of the Convention also contribute to strengthening confidence in compliance. Article II on [Definitions] is the only Article with its title in square brackets and much time and energy is devoted to arguments about the potential implications of definitions on the Convention. There is much to be said for the AHG in the area of definitions focusing first and foremost on the definitions **needed** to ensure that

Table 1. Progress of the ‘Rolling Text’, as of April 1999

Article	Pages		Last amended
Preamble	5		Revised April 1999
I General Provisions	0	No text	
II [Definitions]	11		Revised January 1999
III Compliance Measures	71		III D II Declaration Clarification Procedures revised April 1999
IV Confidentiality Provisions	3	40 pairs []	Revised January 1999
V Measures to redress a situation	1	6 pairs []	Revised January 1999
VI Assistance	3	31 pairs []	Revised January 1999
VII Technical Cooperation	13		Revised April 1999
VII CBMs	0	No text	
IX The Organization	16		Revised January 1999
X National Implementation	1	10 pairs []	Revised January 1999
XI - XXIII (Legal Issues)	14	48 pairs []	Largely agreed. Some revised January 1999
Annex A Declarations	22		
Annex B Visits	31		
Annex C Article III measures	0	No text	
Annex D Investigations	38		Largely agreed. Some revised April 1999 No text for Art III investigations
Annex E Confidentiality	10		Largely agreed. Revised January 1999
Annex F Technical cooperation	0	No text	
Annex G CBMs	17		Unchanged since January 1998
Appendices A to F	49		A to D concerned with declaration formats

the measures such as declarations in the Protocol are unambiguous and hence that the information provided to the future BWC Organization is comparable.

The impetus to complete the Protocol within the coming year received further momentum on 17 May when the EU adopted a further common position

to promote the conclusion of the negotiations...on a legally binding protocol establishing a verification and compliance regime that will effectively strengthen the BTWC Convention. In order to achieve this, it is imperative to complete all the stages necessary for the adoption of the Protocol by a special conference of States Parties in 2000.

It then sets out the following measures as being:

both central to, and essential for, an effective Protocol ...

- declarations of a range of facilities and activities relevant to the Convention, inter alia, so as to enhance transparency,
- effective follow-up to these declarations in the form of visits, on the basis of appropriate mechanisms of random selection, so as to ensure transparency of declared facilities and activities, promote accuracy of declarations, and ensure fulfilment of declaration obligations in order to ensure further compliance with the Protocol,
- appropriate clarification procedures supplemented, if need be, by on-site activities whenever there is an anomaly, ambiguity or omission in a declaration submitted by a State Party. ... Appropriate clarification procedures shall also be followed whenever a facility meeting the criteria for declaration ought to have been declared but was not,
- provision for rapid and effective investigations into concerns over non-compliance, including both facility and field investigations,

- establishment of a cost-effective and independent organisation, including a small permanent staff, capable of implementing the Protocol effectively,
- provision for specific measures in the context of Article 7 of the Protocol in order to further international cooperation and exchanges in the field of biotechnology. Such measures shall include assistance to promote the Protocol's implementation.

The clear commitment to all of these measures including specific measures to promote international cooperation and exchanges in the field of biotechnology is welcomed.

The achievement of an agreed Protocol requires progress both at the technical level on the text of the Protocol and at the political level between the States Parties engaged in the AHG negotiations. As shown above, technical progress is well advanced on most Articles of the Protocol. It is encouraging that at the political level there are ongoing discussions on a bilateral, regional and global basis on a variety of political initiatives which over the coming year would reinforce the political will to complete the Protocol. There are a number of regional and global meetings at which the importance of the early completion of the Protocol could be reaffirmed. Furthermore, the coming year will see the 75th anniversary of the Geneva Protocol of 1925 which would provide another suitable forum for enhancing the political impetus.

There is little doubt that at both the technical and political levels an effective Protocol can be achieved. Additional efforts to this end need to be made throughout the coming year.

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

News Chronology

February through May 1999

What follows is taken from the Harvard Sussex Program CBW Events Database which provides a fuller chronology and identification of sources, all of which are held in hard copy in the Sussex Harvard Information Bank. The intervals covered in successive Bulletins have a one-month overlap to accommodate late-received information. For access to the Database, apply to its compiler, Julian Perry Robinson.

1 February Iraq is preparing to carry out air strikes on "military or economic targets in Saudi Arabia in particular", according to an unidentified "source within the Iraqi opposition" quoted in the Jordanian newspaper *Al-Arab al-Yawm*, which also states that the preparations involve more than 15 Mirage and MiG-15 aircraft. That reference to a long-obsolete type of aircraft gives rise to speculation that Iraq may have developed MiG-15s into unmanned aerial delivery vehicles for biological-warfare agents, similar to the UAVs developed by Iraq from L-29 aircraft that were destroyed by US and British air strikes in December [see 18 Jan]. The unidentified source is quoted as specifying US forces at Prince Sultan airbase in al-Kharj as a likely target for the attack, which is said to be conceived as retaliation for the

recent US attack on five Iraqi missile batteries in the Basra region. {*Defence Systems Daily* 4 Feb}

1 February In the South African Parliament, the Public Accounts Committee announces that it will be investigating possible discrepancies in the evidence on the apartheid government's CBW programmes which the SA National Defence Force had presented to it [see 21 Aug 96] and to the Truth and Reconciliation Commission [see 29 Oct 98] {*Johannesburg Business Day* 2 Feb}.

1 February In Washington, lawyers acting for Saleh Idris, the Saudi Arabian businessman whose pharmaceutical plant in